

# 2015 Annual Report

*to the Governor &  
General Assembly  
of Maryland*



Larry J. Hogan, *Governor*  
Boyd K. Rutherford, *Lt. Governor*  
Alvin O. Gillard, *Executive Director*  
Shawn M. Wright, Esq., *Commission Chair*

*Photo courtesy of Dorchester County Tourism*



# State of Maryland Commission on Civil Rights



## *Officers*

Alvin O. Gillard, Executive Director  
Nicolette Young, Assistant Director  
Glendora C. Hughes, General Counsel

Governor  
Larry Hogan  
Chairperson

Shawn M. Wright, Esq.  
Vice-Chairperson

Robert L. Baum, Esq.  
Commissioners

Laura M. Esquivel

Norman I. Gelman

Rabbi Binyamin Marwick

Gary Norman, Esq.

Naima Said, Esq.

Gina McKnight-Smith, Pharm.D., M.B.A.

DeWayne Wickham

January 1, 2016

The Honorable Larry Hogan  
Governor, State of Maryland  
State House, 100 State Circle  
Annapolis, Maryland 21401

The Honorable Thomas V. Mike Miller, Jr.  
President, Maryland State Senate  
State House H-107, 100 State Circle  
Annapolis, Maryland 21401

The Honorable Michael E. Busch  
Speaker, Maryland House of Delegates  
State House H-101, 100 State Circle  
Annapolis, Maryland 21401

Governor Hogan, President Miller, and Speaker Busch:

In accordance with §20-207(c) of the State Government Article, Annotated Code of Maryland, we hereby submit to you the Annual Report of the State of Maryland Commission on Civil Rights (the “Commission”) for Fiscal Year 2015. We are pleased to report that the Commission continues to perform its duties in spite of the fiscal realities we all face. The Commission is grateful to Governor Hogan, the Department of Budget & Management, the Maryland State Senate, and the Maryland House of Delegates for their assistance and continued support of our mission.

Over the past year, the Commission continues to build upon its successes while improving services offered to everyone who lives, works, and visits Maryland. We are proud to have again met our contract goals with our federal partners – the Equal Employment Opportunity Commission and the U.S. Department of Housing & Urban Development – with respect to investigating allegations of unlawful employment and housing discrimination within Maryland. Furthermore, our Civil Rights Officers, including several who joined the Commission within the past year, have completed a number of training and development opportunities including, but not limited to, mental health awareness and responsiveness, investigative techniques and theories, and accessibility guidelines to assist individuals with disabilities.

[ ] MAIN OFFICE  
William Donald Schaefer Tower  
6 Saint Paul Street, Suite 900  
Baltimore, Maryland 21202-1631  
410-767-8600 • 1-800-637-6247  
Fax 410-333-1841 • TTY 410-333-1737

[ ] SALISBURY OFFICE  
Salisbury District Court  
Multi-Purpose Center  
201 Baptist Street, Suite 33  
Salisbury, Maryland 21801  
410-713-3611 • 410-713-3614 Fax

[ ] HAGERSTOWN OFFICE  
Potomac Plaza  
44 N. Potomac St., Suite 202  
Hagerstown, Maryland 21740  
301-797-8521  
301-791-3060 Fax

While investigating allegations of unlawful discrimination in employment, housing, public accommodations, and state contracts remains our primary purpose as an administrative law enforcement agency, we remain committed to our mission to advance and promote civil rights in Maryland by reaching out closely to our communities. In response to the civil uprising in the City of Baltimore in April, the Commission worked closely with its federal, state, and local partners to forge strategies to assist the City in moving forward. From April through November, the Commission hosted over 25 dialogue sessions which were attended by community leaders, direct service providers, academicians, law enforcement leaders and officers, and city officials.

Last year, the Commission retooled our Education & Outreach Unit in order to further our mission and achieve our vision of a State that is free from any trace of discrimination. Now in its second full year of operation, our Education & Outreach Unit facilitated community conversations on police/community relations throughout the state from the Eastern Shore to Southern, Western, and Northern Maryland counties. These discussions supported communities in their quest to find ways to foster trust and respect between the community and members of law enforcement. Additionally, the Unit, and community partners teamed up to reach individuals from all ages and walks of life to better understand fair housing rights and equality in the workplace.

Finally, to promote transparency and access, the Commission held its first regularly scheduled monthly meeting in the community. In September, 2015, the Commissioners took our meeting to Prince George's County and shared directly with all in attendance the work of the Commission, while learning how the Commission can partner with the Prince George's County Human Relations Commission on issues of mutual interest.

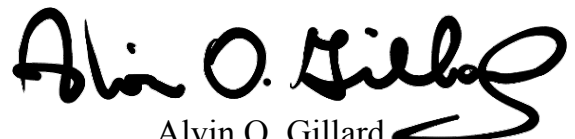
This prior year was a year of successes, which demonstrate our true potential as an agency committed to our mission - to ensure opportunity for all through the enforcement of Maryland's laws against discrimination in employment, housing, public accommodations, and state contracts; to provide educational outreach services related to provisions of this law; and to promote and improve civil rights in Maryland. We look forward to building upon the groundwork laid in an effort to better serve our constituents.

Thank you again for your continued support, as well as your leadership and service to Maryland. The State of Maryland Commission on Civil Rights appreciates the priority and commitment placed on the advancement of civil rights in our great State.

Respectfully submitted,



Shawn M. Wright  
Commission Chair



Alvin O. Gillard  
Executive Director

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# The Commission

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The Maryland Commission on Civil Rights (MCCR) represents the interest of the State to ensure equal opportunity for all through enforcement of Title 20 of the State Government Article (formerly Article 49B) and Title 19 of the State Finance & Procurement Article (the State's Commercial Non-Discrimination Policy), Annotated Code of Maryland. MCCR investigates complaints of discrimination in employment, housing, public accommodations and state contracts from members of protected classes that are covered under those laws.

MCCR is governed by a nine-member Commission appointed by the Governor and confirmed by the Maryland State Senate. Commission members are appointed to serve six-year terms. The Commission meets once a month to set policy and review programmatic initiatives. There are currently nine serving members. Those members are:

1. Shawn M. Wright, Esq., Chairperson (*Prince George's County*)
2. Robert L. Baum, Esq., Vice Chairperson (*Montgomery County*)
3. Laura M. Esquivel (*Montgomery County*)
4. Norman I. Gelman (*Montgomery County*)
5. Rabbi Binyamin Marwick (*Baltimore County*)
6. Gina McKnight-Smith, Pharma.D., MBA (*Baltimore County*)
7. Gary Norman, Esq. (*Baltimore City*)
8. Naima Said, Esq. (*Howard County*)
9. DeWayne Wickham (*Baltimore County*)

The Commission is an independent agency that serves individuals, businesses, and communities throughout the State. Its mandate is to protect against discrimination based on race, color, religion or creed, sex, age, national origin or ancestry, marital status, physical or mental disability, sexual orientation, and gender identity. For employment cases, it is unlawful for an employer to discriminate against an applicant or employee based on that individual's genetic information. In housing cases, discrimination based on familial status is also unlawful.

In addition, the Commission assists employers in developing bias-free selection, hiring, retention, promotion and contracting procedures; increases equal housing opportunities to all groups in Maryland; ensures equal access to public accommodations and services; promotes knowledge and understanding of anti-discrimination laws; and helps to improve civil rights within the State.



*Photographed from Left to Right*

*Top: DeWayne Wickham, Gina McKnight-Smith, Laura Esquivel, Rabbi Binyamin Marwick*

*Bottom: Robert L. Baum, Esq., Shawn M. Wright, Esq.*

# History

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It was for the purpose of considering matters concerning the “welfare of colored people residing in the State..., recommend legislation and sponsor movements looking to the welfare of said people, and to the improvement of interracial relations, and to cooperate with other State agencies to these ends” that the General Assembly created the **Interracial Commission** of Maryland in 1927 (Chapter 559 of 1927). The Commission was originally comprised of eighteen (18) members, nine (9) of which were Black and nine (9) were white. The Commission had no investigative or enforcement powers. However, in the realm of public service, the Commission came out against the Act of 1904. More commonly known as the Kerbin “Jim Crow” Law after its sponsor, Delegate William G. Kerbin of Worcester County, this law required separate seating, dining, and sleeping arrangements for Blacks and Whites on railroads and steamship lines operating strictly within the State’s borders.

In the arena of education, the Interracial Commission brought to light the vast disparities in education between the white and black communities. Specifically, the Commission found that:

1. Black teachers received a salary of \$640 per year, while white teachers received \$1150.
2. Per pupil spending was \$95 per year per white student, while only \$45 per year per black students.
3. White schools were open 187 days per year, while black schools were open 168 days per year.

In 1943, the Commission was renamed the **Commission to Study Problems Affecting the Colored Population** (Chapter 432 of 1943). Their first recommendations were:

1. The school code be amended to provide that the minimum salaries of colored teachers and supervisors be the same as those provided to whites,
2. An institution of higher learning be established for “Colored people around Morgan College,”
3. That Blacks be represented on all Boards and Commissions appointed by the State.

However, despite their work and recommendations, the Commission lacked staff and funding, and thus any power to positively and pro-actively affect the public policy at the time.

Then in 1951, the Commission to Study Problems Affecting the Colored Population was rebranded the **Commission on Interracial Problems and Relations** (Chapter 548 of 1951). This change was prompted by nearly a decade of racial tensions in Maryland, including riots in Baltimore in 1942 and the meeting of the Maryland Congress against Discrimination in 1946. While still lacking human and financial resources, the Commission found an ally in Governor Theodore R. McKeldin, a strong civil rights advocate.

Due to the national Civil Rights Movement and the breaking down of numerous barriers, the Maryland General Assembly and Governor established the **Commission on Human Relations** in 1969 (Chapter 83 of 1968). This was the first time that the Commission was allotted a budget for paid staff. By Chapter 153 of 1969, the State waived its sovereign immunity and the Commission was empowered to initiate and investigate complaints of discrimination in State agencies.

The 1974 General Assembly made further amendments to the law. Discrimination in housing on the bases of marital status and sex were prohibited, and exceptions were provided with respect to the application of certain provisions in the Discrimination in Housing subtitle (Chapter 848 of 1974). A second bill provided that it was unlawful for persons and organizations to discriminate in certain employment practices against persons who were mentally or physically handicapped, to prohibit certain discriminatory activities against the physically or mentally handicapped in housing or obtaining loans on dwellings, and to make technical corrections to the language (Chapter 601 of 1974). A parallel bill prohibited discriminatory activities in public accommodations, employment, and housing because of marital status or physical or mental handicaps, and clarifying the language of the law (Chapter 875 of 1974).

By Chapter 419 of 1975, the Commission was permitted to seek certain types of court relief; namely, a temporary injunction if the Commission believed the appropriate civil action is necessary to preserve the status of the parties or to prevent irreparable harm. Chapter 333 of 1975 provided that it was lawful for employers to establish standards concerning an employee's dress and grooming if the standards were directly related to the nature of the employment.

Chapters 937, 907, and 706 of 1977 were important changes that set the Commission on the track to its modern composition. Chapter 937 of 1977 reduced the size of the Commission from twelve (12) members to nine (9), empowered the Commission to designate its own chair person, and abolished the previous \$16,000 salary for the Chairperson. The new legislation continued the appointment of the Executive Director by the Governor, but provided that he must choose from a list of five names submitted by the Commission, and also provided for the Executive Director's removal by the Governor upon recommendation of two-thirds of the members of the Commission. The authority to appoint and remove the Deputy Director and the General Counsel was transferred from the Governor to the Executive Director with approval by the majority of the Commission members. The law also authorized the appointment of hearing examiners to hear cases under the Human Relations law, and provided for an appeal from the decisions of the hearing examiner to the Commission. Finally, the new legislation expanded the Commission's power to order appropriate relief for victims of discrimination by empowering the Commission to award monetary relief, limited to two years back pay, to the victims of employment discrimination.

Furthermore, Chapter 907 of 1977 required employers to treat disabilities caused or contributed to by pregnancy or childbirth in the same manner as they treat other disabilities; and by Chapter 706 of 1977, the procedures that the Commission must follow in processing employment discrimination complaints against State agencies were altered.

Overall, the Maryland Commission on Human Relations got its true authority beginning with Chapter 83 of 1968. For the next few decades, amendments were adopted on occasion, but the Commission still served a single purpose – to administer and enforce the Maryland Public Accommodations Law, Discrimination in Housing Law, and the Fair Employment Practices Law. In order to effectively achieve this, the Commission has a deferral relationship and funding provided by the Equal Employment Opportunity Commission and the federal Department of Housing & Urban Development.

In 1999, Governor Parris N. Glendening made Maryland history as the first sitting Governor to advocate for banning discrimination on the basis of sexual orientation. It wasn't until 2001 that these protections were codified, after the Governor's pushing the bill in the Maryland General Assembly for two years (Chapter 340 of 2001). With that, sexual orientation was added to the already identified protected classes in Maryland law. That same year, genetic information was also included as a protected class.

The Commission has continued to build upon this framework as it carries on its superior investigatory procedures in the areas of employment, housing, public accommodations, and state contracts. In 2011, the Commission changed its name to the **Maryland Commission on Civil Rights** to more accurately reflect the anti-discrimination work through enforcement of the State's anti-discrimination laws, and through public outreach and education (Chapter 580 of 2011).

This past year, the Commission was vested with the authority to enforce Maryland's anti-discrimination laws in employment, housing, and public accommodations on the basis of one's gender identity. These protections came with the passage of the Fairness for All Marylanders Act of 2014 (Chapter 474 of 2014), and were the results of over a decade's worth of work in the legislature. Passage of this legislation was monumental for many reasons, and was the result of over a decade's worth of work in Maryland. Previously, steps had been taken within the State to include gender identity and expression as a protected class. In 2002, Baltimore City passed a law prohibiting discrimination based upon gender identity and expression in employment, public accommodations, education, and housing. In 2005, the State hate crimes provision was amended to include gender identity as a protected class. Also, in August, 2007, Governor Martin O'Malley issued an Executive Order in which gender identity and expression were included as a proscribed basis for employment discrimination. In November, 2007, the County Council for Montgomery County amended its laws to include gender identity as a covered basis under employment, housing, public accommodations, cable television services, and taxicab services anti-discrimination laws. In December, 2011, Howard County joined Baltimore City and Montgomery County in adding gender identity and expression as a protected class. Most recently, on February 21, 2012, Baltimore County included in its anti-discrimination law protections based on gender identity. However, the Maryland Commission on Civil Rights believed that geography should not be the determinative factor for whether a citizen of Maryland is protected from unlawful discrimination. Therefore, the Commission had supported similar versions of the bill introduced in 2007, 2008, 2009, 2010, 2011, 2012, and 2013, while advocating for these protections dating back to as early as the 1990's.



# Case Processing

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The Case Processing Department provides intake and investigative services for the complaints filed with MCCR in employment, housing, public accommodations and state contracts (the State's commercial non-discrimination policy). The Department utilizes a number of different tools to attempt to resolve complaints, such as **mediation** and **fact finding conferences**. These services have been found to be very valuable to the Commission and have had a direct impact on the data contained herein. The Case Processing Department is comprised of an **Intake Unit** and three **Investigative Units**. Our **Intake Unit** and two of our **Investigative units** are housed in Baltimore at the William Donald Schaefer Tower. Our third **Investigative Unit, Field Operations**, has offices in Hagerstown and Salisbury.

MCCR receives complaints directly from individuals who believe they have been victims of unlawful discrimination, and also processes cases for the U. S. Department of Housing and Urban Development (HUD) and the Equal Employment Opportunity Commission (EEOC).

## Intake

If you believe that you have been the victim of discrimination and suspect that you have been treated unfairly because of your **race, color, religion, sex, age, familial status, national origin, marital status, disability, genetic information, sexual orientation, or gender identity**, you may file a complaint of discrimination with MCCR. The Commission investigates complaints from anyone who reasonably believes they have been discriminated against in the areas of **employment, housing, public accommodations, and state contracts**. The Commission may also initiate a complaint based on reliable information that any person or business is or has been engaged in a discriminatory practice. Any person may visit any MCCR office to file a complaint.

As of October 1, 2013, pregnant employees were granted a legal right to request a reasonable accommodation at work if the pregnancy causes or contributes to a disability and if the accommodation does not impose an undue hardship on the employer (*State Government Article, §20-609(b)*). Effective October 1, 2015, interns are protected from discrimination and harassment at their place of internship. Interns may now access MCCR's complaint process and seek non-monetary relief if their internship provider does not have an internal grievance process to investigate and address allegations of discrimination and harassment (*State Government Article, §20-610*).

To file a Complaint of Discrimination, it is required that the complainant provide to MCCR a written and signed complaint. Anyone wishing to file a complaint alleging unlawful discrimination in violation of Title 20 of the State Government Article or Title 19 of the State Finance & Procurement Article must file the complaint within: six (6) months of the alleged unlawful incident in cases of discrimination by a place of public accommodation and/or employment, or one (1) year of the alleged unlawful incident in the case of discriminatory housing practices. The Commission encourages anyone wishing to file a complaint to immediately contact MCCR by telephone and speak directly with a trained intake officer at one of our offices.

## Case Intake Trends - By Region & Type

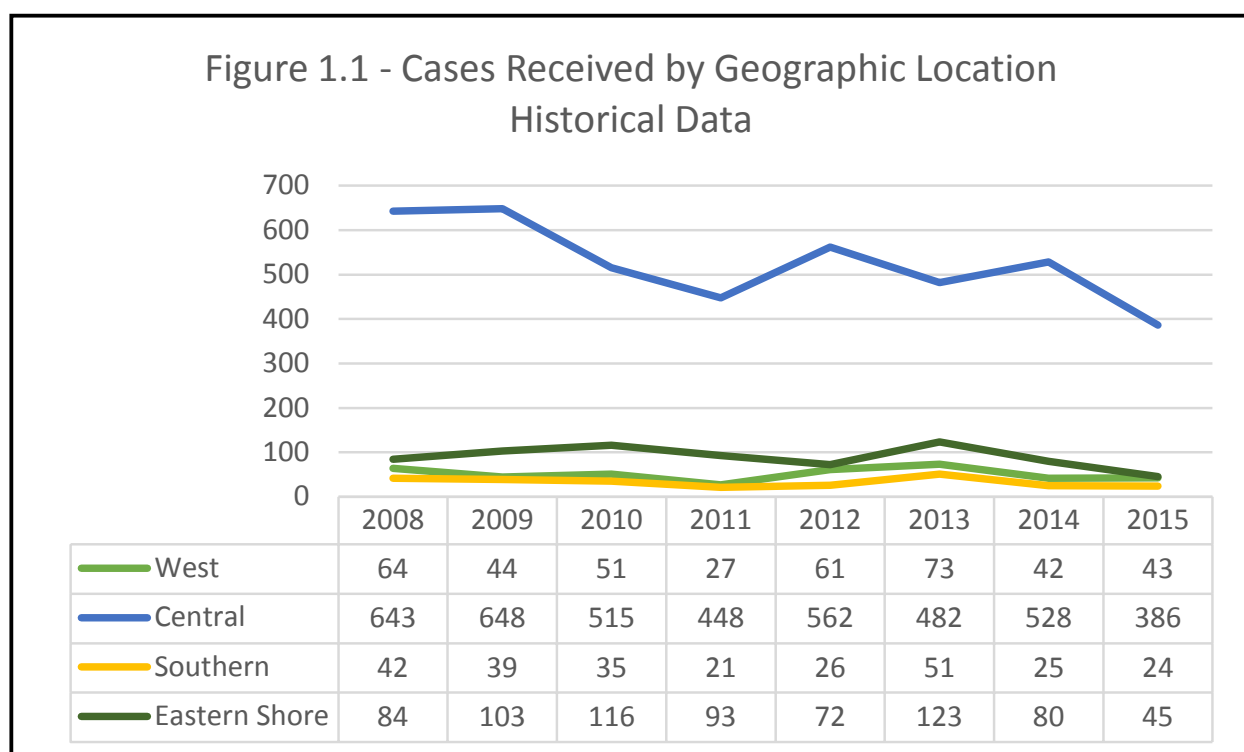
During FY2015, MCCR received a total of 498 individual complaints of discrimination, which is a

reduction from the 675 complaints received during FY2014. These numbers do not reflect the hundreds of contacts with the Intake Unit that are “aborted” (not processed by the Commission) for a number of reasons, such as MCCR is not the agency of jurisdiction. MCCR attributes this reduction in intake to the loss of two Civil Rights Officers during the fiscal year. In response, MCCR reallocated some intake duties to our investigative units while we recruit applicants to fill the two vacancies. It is expected that after hiring and training, average intake numbers for FY2016 should be restored to reflect levels in recent years.

As stated previously, MCCR receives complaints from all over the state of Maryland. A breakdown of the areas in which MCCR received complaints from in FY2015 is as follows:

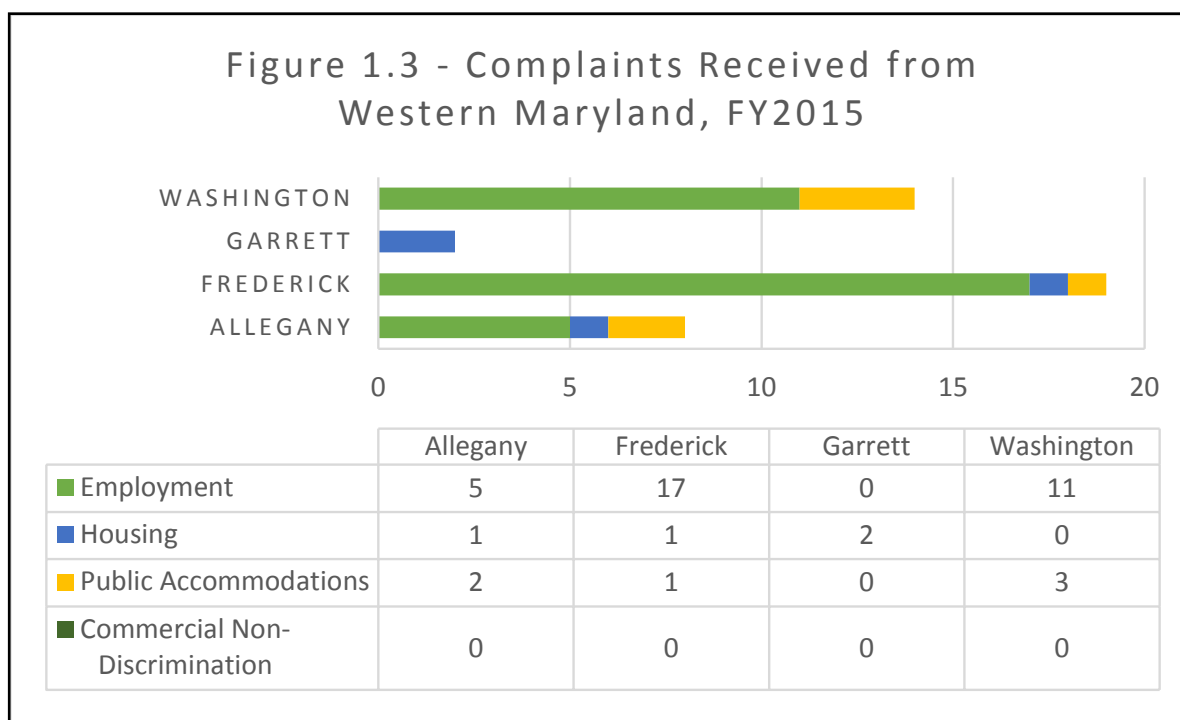
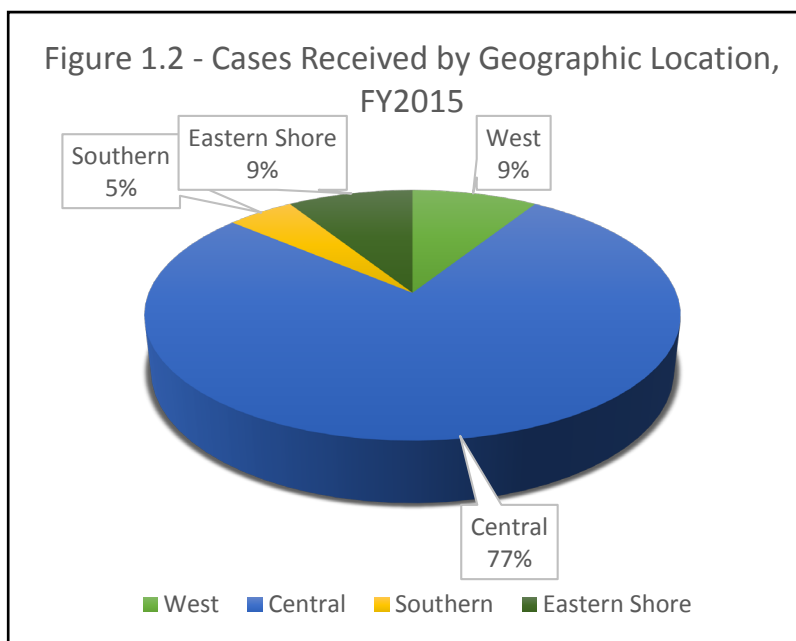
West	Central	Eastern Shore	Southern
Allegany	Anne Arundel	Caroline	Calvert
Frederick	Baltimore City	Cecil	Charles
Garrett	Baltimore County	Dorchester	St. Mary's
Washington	Carroll	Kent	
	Harford	Queen Anne's	
	Howard	Somerset	
	Montgomery	Talbot	
	Prince George's	Wicomico	
		Worcester	

A review of the historical data provided in Figure 1.1 illustrates that MCCR has consistently received the majority of its complaints from Central Maryland. MCCR is actively engaged in addressing the issues surrounding underserved populations and ensuring that all areas of Maryland have access to and are aware of the services that the Commission provides.

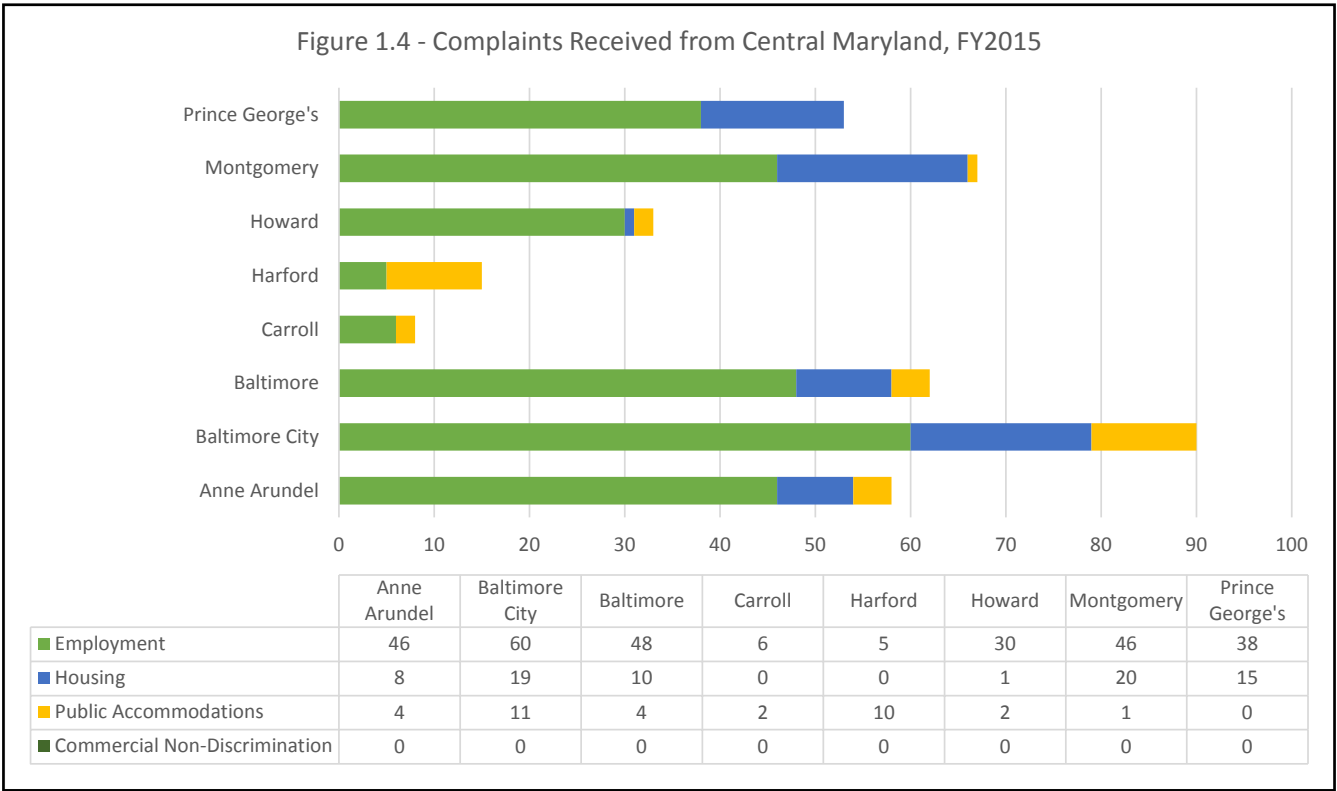


A breakdown of the complaints that were received in each of the locations for FY2015 is noted in Figure 1.2. In line with historic trends, the highest number of complaints (386) received were from the Central-area of Maryland - 77%. The lowest number (24) of complaints received were in the area of Southern Maryland - 5%.

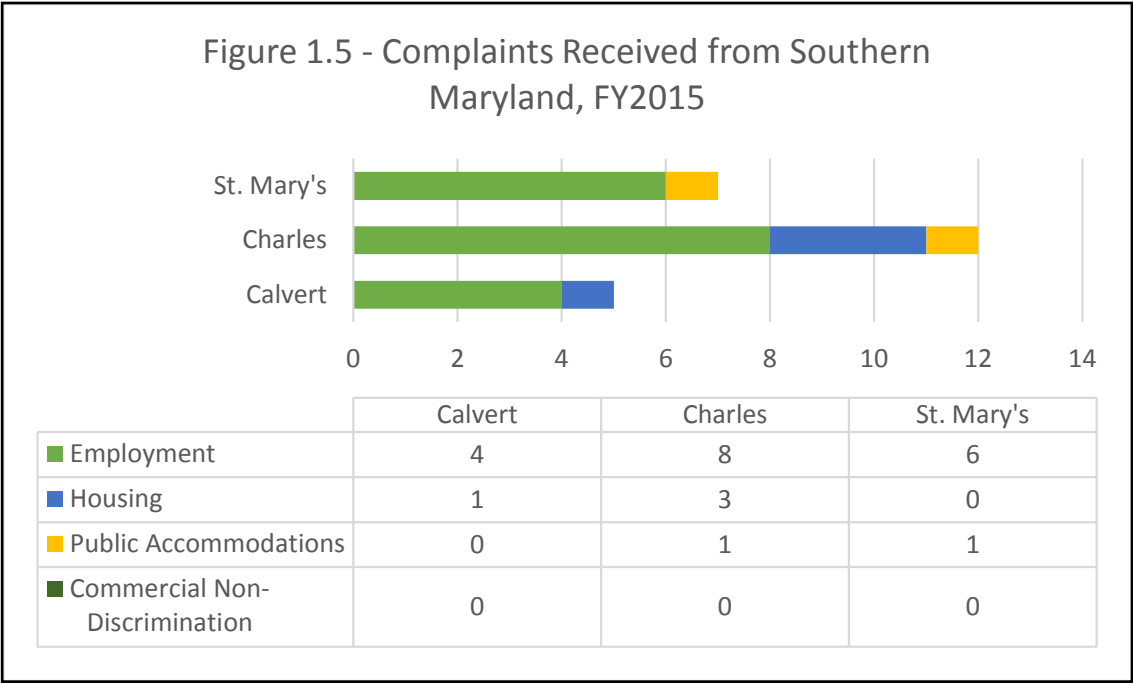
The information in Figures 1.1 and 1.2 is further broken down based on the type of discrimination (employment, housing, public accommodations, or state contracts) in the following sections. This information varies widely by region and county. The following charts represent the individual basis of discrimination received by the Commission, separated by area and county.



To begin, Figure 1.3 illustrates what MCCR has seen for years - the second fewest amounts of complaints received come from Western Maryland, and the majority of complaints are filed on the basis of employment discrimination. However, for Western Maryland, all complaints from this region increased over FY2014, especially in Allegany and Frederick counties. MCCR attributes this to two factors: a growing and diversifying population in Frederick County as public and private resources pour into the I-270 corridor for economic development priorities, and MCCR's increased education and outreach efforts with communities in each of the counties.



Central Maryland, represented in Figure 1.4, is the area from which the overwhelming majority of complaints are received by MCCR. MCCR believes this is because the agency’s headquarters is located in Baltimore, and the designated area encompasses the State’s most populous jurisdictions. As expected, employment discrimination was the number one allegation received by each county and the City of Baltimore, the only exception being Harford County which filed more complaints in the area of public accommodations for the second year in a row.

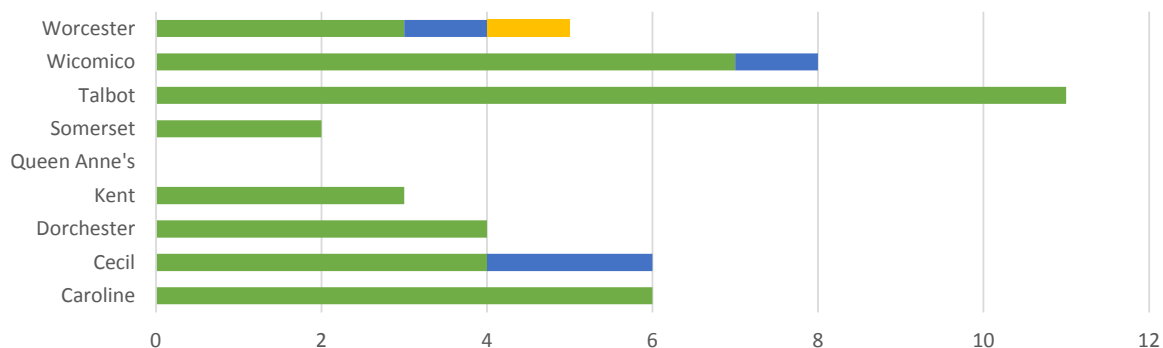


When analyzing data received from Southern Maryland, the area where the fewest complaints are filed, the trend of employment discrimination remains constant. The few number of complaints may correlate with the population density of the area.



However, MCCR has given increased attention to education and outreach efforts in Southern Maryland. Especially after the civil unrest in Baltimore in April, 2015, MCCR continues to find that the community is actively engaging with us and other community organizations to ensure that everyone is apprised of their rights under the law as well as what services are available to resolve community conflicts before they rise to the level of legal or quasi-legal involvement.

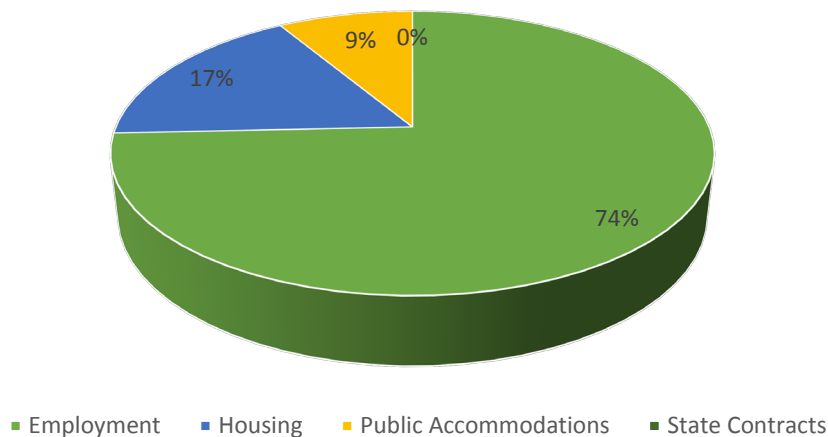
Figure 1.6 - Complaints Received from Eastern Shore, FY2015



The Eastern Shore of Maryland, encompassing many counties identified in Figure 1.6, still leads a rural lifestyle. The major developed areas include Kent Island, Easton, Salisbury, and Ocean City, with every county having smaller yet more concentrated living and working areas. Employment discrimination remains the number one type of complaint received by MCCR. Wicomico and Talbot counties (home to Salisbury and Easton, respectively) report the largest number of complaints. As with other areas, MCCR has reason to believe this is because of an influx of new residents.

Ultimately, equal access to employment remains the top issue across Maryland, with housing following just behind. MCCR sees the need to expand its outreach and community partnership efforts with all areas outside of Central Maryland. This will continue to be one of MCCR's top priority in the coming years, and is highlighted in MCCR's Strategic Plan.

Figure 1.7 - Complaints Received by Area of Discrimination, FY2015



Breakdown of Complaints Received by County and Area of Discrimination, FY2014					
County	E	H	PA	C-ND	Total
<b>West</b>					
<i>Allegany</i>	5	1	2	0	8
<i>Frederick</i>	17	1	1	0	19
<i>Garrett</i>	0	2	0	0	2
<i>Washington</i>	11	0	3	0	14
<b>Total</b>	<b>33</b>	<b>4</b>	<b>6</b>	<b>0</b>	<b>43</b>
<b>Central</b>					
<i>Anne Arundel</i>	46	8	4	0	58
<i>Baltimore City</i>	60	19	11	0	90
<i>Baltimore</i>	48	10	4	0	62
<i>Carroll</i>	6	0	2	0	8
<i>Harford</i>	5	0	10	0	15
<i>Howard</i>	30	1	2	0	33
<i>Montgomery</i>	46	20	1	0	67
<i>Prince George's</i>	38	15	0	0	53
<b>Total</b>	<b>279</b>	<b>73</b>	<b>34</b>	<b>0</b>	<b>386</b>
<b>Southern</b>					
<i>Calvert</i>	4	1	0	0	5
<i>Charles</i>	8	3	1	0	12
<i>St. Mary's</i>	6	0	1	0	7
<b>Total</b>	<b>18</b>	<b>4</b>	<b>2</b>	<b>0</b>	<b>24</b>
<b>Eastern Shore</b>					
<i>Caroline</i>	6	0	0	0	6
<i>Cecil</i>	4	2	0	0	6
<i>Dorchester</i>	4	0	0	0	4
<i>Kent</i>	3	0	0	0	3
<i>Queen Anne's</i>	0	0	0	0	0
<i>Somerset</i>	2	0	0	0	2
<i>Talbot</i>	11	0	0	0	11
<i>Wicomico</i>	7	1	0	0	8
<i>Worcester</i>	3	1	1	0	5
<b>Total</b>	<b>40</b>	<b>4</b>	<b>1</b>	<b>0</b>	<b>45</b>
<b>Grand Total</b>	<b>370</b>	<b>85</b>	<b>43</b>	<b>0</b>	<b>498</b>

For the following sections, MCCR will further analyze the information to the left. The sections to follow will delve into the nuances of the numbers by:

- Employment
- Housing, and
- Public Accommodations

Note that there will be no section to cover enforcement of the State's Commercial Non-Discrimination Policy (State Contracts). As illustrated from each of the earlier figures, there were no cases filed in FY2015 under this area of discrimination. MCCR Commissioners and Staff are working together to identify and address any deficiencies with the State's Commercial Non-Discrimination Policy that may prevent companies or individuals from utilizing the statute. A long-term review is necessary to determine if there is a deficiency in the law itself, or if there are larger societal implications that need to be addressed through tactical education and outreach over the coming years. MCCR looks forward to the opportunity to collaborate with our leadership in Annapolis to fix this broken law.

## Employment Cases

The highest number of complaints - approximately 74% for FY2014-15 - received by MCCR are within the area of employment. Beginning in December, 2013, and as adopted in the Commission's 2014-2019 Strategic Plan, MCCR has implemented an aggressive and tactical outreach effort to increase the public's knowledge in all of the areas within our jurisdiction, with a particular emphasis on the areas of housing and public accommodations, but also to provide more education and outreach to our business community.

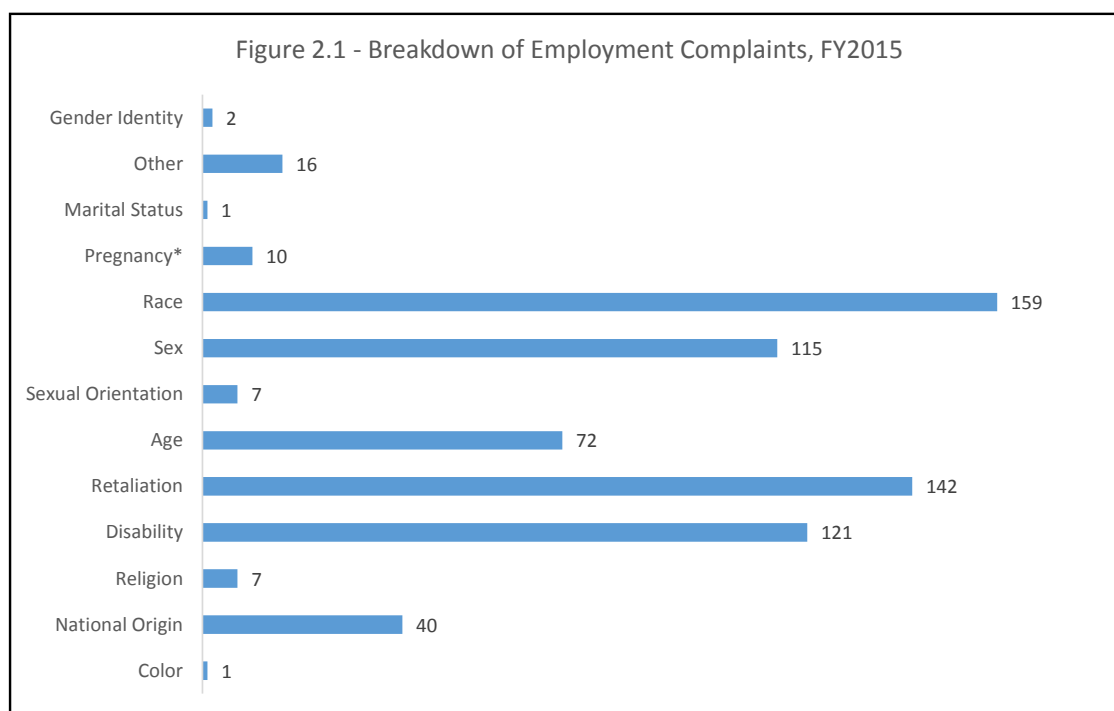


Figure 2.1 shows that the highest category of employment bases identified for FY2015 was race, which accounted for 23% (159) of the 693 bases. Historically, disability and race have been MCCR's top two bases identified. This year, in keeping with the growing trend, sex discrimination complaints (17%) increased over last year, as did retaliation complaints (21%) despite a decrease in received employment discrimination complaints. Lastly, MCCR received 2 complaints of employment discrimination based on gender identity since the *Fairness for All Marylanders Act* took effect on October 1, 2014.

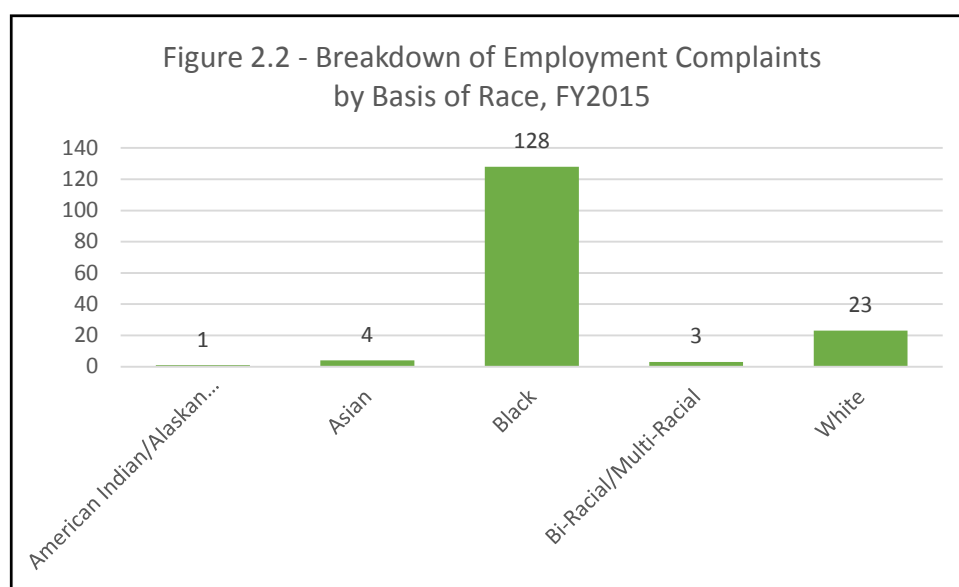
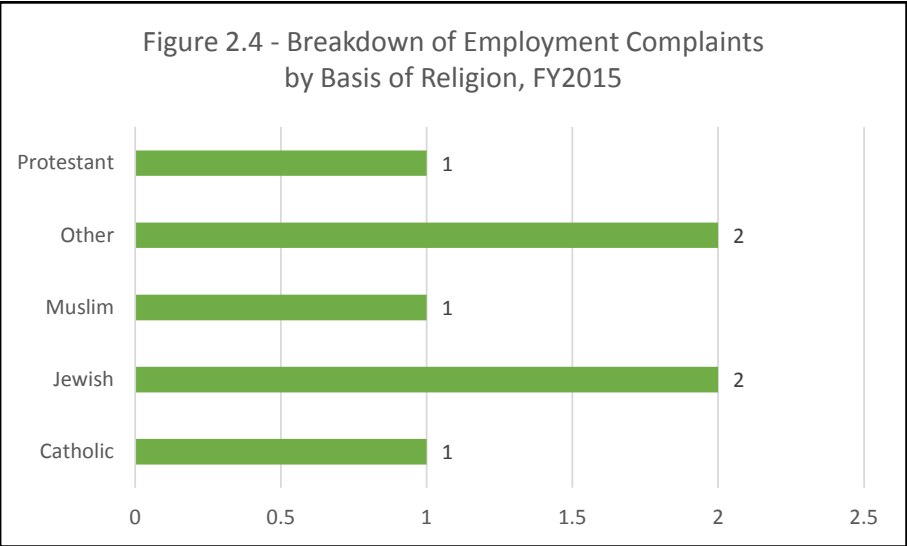
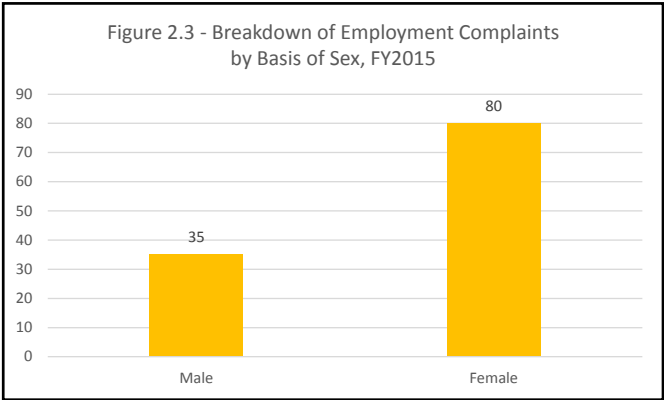


Figure 2.2 offers a look into those complaints for which race was the identified basis of employment discrimination. According to the data, the highest category of race that was designated by complainants during the FY2015 period was Black (80.5%).

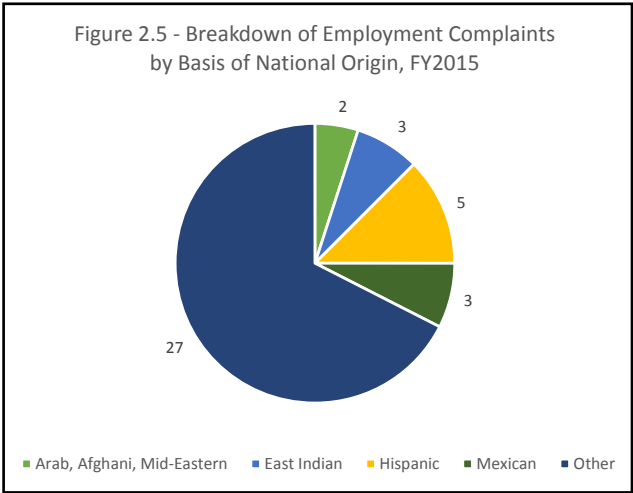
Figure 2.3 shows the breakdown of the allegations of sex discrimination in employment cases. As is the norm, there were many more allegations of gender discrimination due to being female, 70%, compared to those allegations of sex discrimination due to being male, 30%.

Maryland has made great strides in closing the gap on gender disparities over recent years. With legislation, such as the Lilly Ledbetter Civil Rights Restoration Act which was signed into law in 2009, and other aggressive actions to decrease and ultimately eliminate gender disparities in employment, our country has also taken the necessary steps in this effort. That being said, in reviewing the data of allegations based on sex discrimination contained in Figure 2.3, it is evident that more work remains to be done. MCCR is committed to ensuring gender equality in the State of Maryland. MCCR is currently working to partner with a number of different advocacy organizations and employers to assist in the effort of promoting and ensuring that all citizens of Maryland are treated equally.



Religion is incredibly important to the fabric of American society. Figure 2.4 identifies the breakdown of the allegations on the basis of religion. As can be extrapolated by the chart, the highest category of religious discrimination allegations is against those of Jewish and other faiths, which has been consistent over the years. Following closely behind are complaints from Protestants, Muslims, and Catholics.

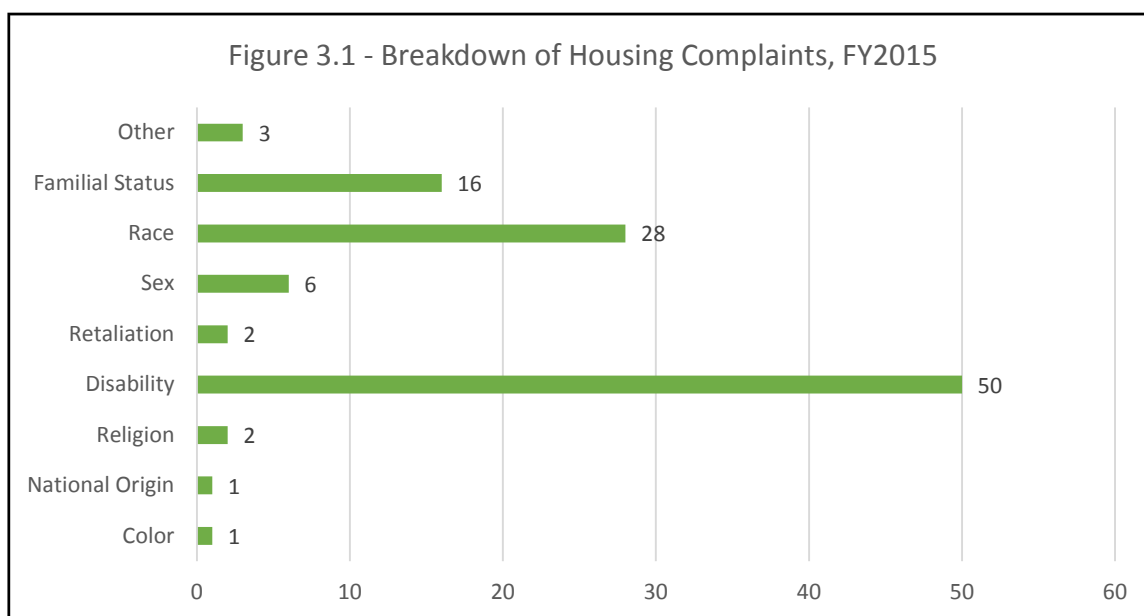
A review of the data for the breakdown of the allegations on the Basis of National Origin, identified that the highest category of national origin discrimination allegations in employment to be in the area of the “other” category. The information used to gather this information is extrapolated from a federal database. The information and categories identified in this database are created and decided by our federal partners. MCCR does not currently have a way of detailing the information contained within the “other” category as listed in the federal database. However, this year MCCR launched its internal Case Management System (CMS) Database which will be able to generate more detailed reports that break down “other” categories in this and other bases.





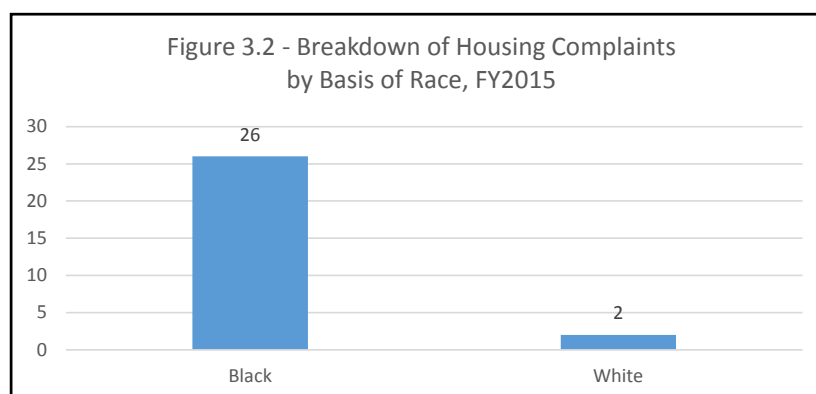
## Housing Cases

MCCR's Housing Complaints data is illustrated in the following series of charts. Figure 3.1 identifies the breakdown of the allegations identified by complainants of housing discrimination. As with previous years, complaints of discrimination in housing accounted for roughly 17% (85 of 498) of our total number of complaints received during FY2015. MCCR's Strategic Plan outlines the initiatives that we are putting in place to ensure that those who believe they are victims of housing discrimination know they have an avenue for redress. These initiatives address concerns in the areas of (1) trust, (2) accessibility/visibility in the community, (3) awareness of rights and (4) building and sustaining key partnerships with local advocacy/community organizations. MCCR believes that if advancements can be made in these four key areas, then the number of reported complaints of housing discrimination will increase.



The highest category of allegations in MCCR's housing complaints was disability. Allegations on the basis of disability accounted for 46% (50) of the 109 allegations selected in the area of housing discrimination. Researching MCCR's database of housing complaints, the area of disability complaints, which is the most prevalent, is in the area of reasonable accommodations. Figure 3.1 illustrates the breakdown of allegations in housing discriminations complaints filed with MCCR.

On another note, as Figure 3.2 illustrates, every basis identified with respect to allegations of racial discrimination in housing was for Blacks/African Americans. In FY2015, Black/African American identified accounted for 93% of the 28 allegations of racial discrimination in housing. MCCR is strategically partnering with a number of different organizations to develop and implement initiatives to address this problem.



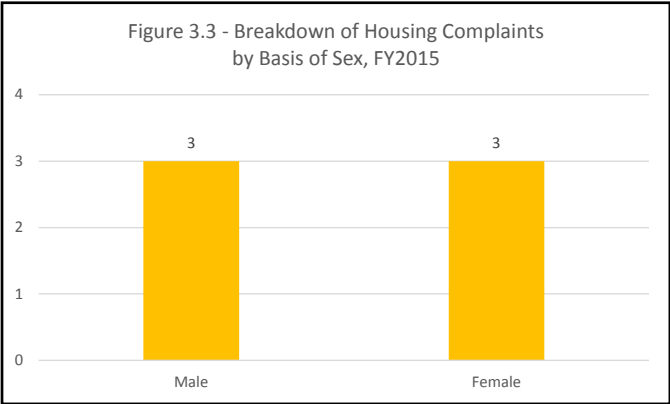


Figure 3.3 illustrates that complainants alleging sexual discrimination in the area of Housing is still occurring today. In prior years complaints have been lodged by women almost every time. However, this year MCCR received an equal number of complaints from both men and women. MCCR is committed to working to improve this statistic and help create an environment where all individuals are treated equally. MCCR is also committed to enforcing all of its anti-discrimination laws to ensure that individuals who violate these laws are held accountable and understand fully the ramifications of their actions.

Figure 3.4 illustrates the only category of the Housing discrimination allegations based on Religion as “other”, which was only identified twice this year. As previously mentioned, this information is extrapolated from a federal database. The information and categories identified in this database are created and decided by our federal partners. At the time of this report, MCCR does not have a way of detailing the information contained within the “other” category as listed in the federal database.

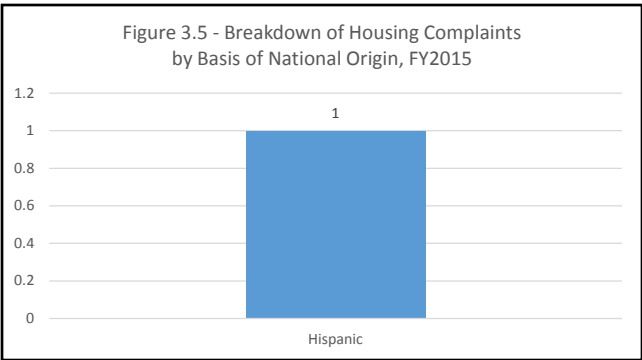
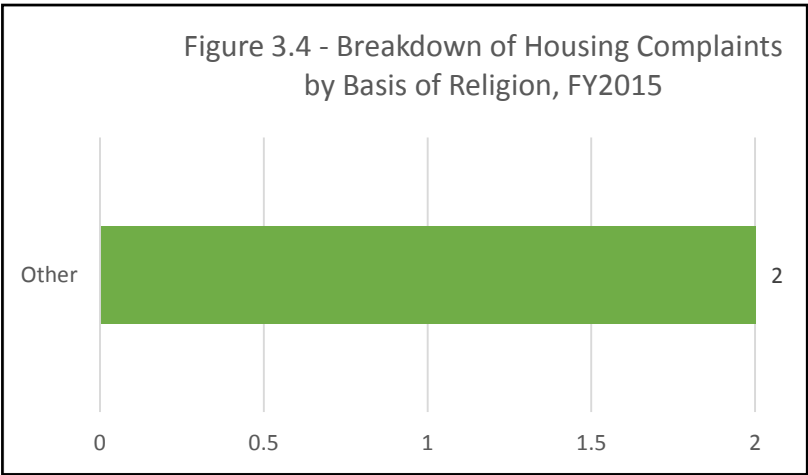


Figure 3.5 illustrates the only National Origin complaint in the area of Housing was on the basis of “Hispanic.” As previously mentioned, MCCR is engaged in accelerated efforts to reach out to the Hispanic/Latino population in Maryland to advise them of their rights. Recently, MCCR conducted, thanks to HUD grant funding, an advertising outreach campaign in both English and Spanish to notify residents of their housing rights, and where to go if they believe they are a victim of unlawful discrimination.

As evidenced by the data presented, MCCR received no complaints, similar to recent years, of discrimination based on our Commercial Non-Discrimination Policy, which is located in the State Finance & Procurement Article, §19-101, Annotated Code of Maryland. There are multiple factors for this statistic. One of the major factors is awareness. MCCR recognizes that many individuals are unaware of this article and have no idea of their rights and actions of recourse as stated in the article. For those who are aware of the article, another factor which may prevent utilization may be that the statute itself does not provide for a financial remedy for the Complainant. This presents a severe problem in getting individuals to file complaints in this area. MCCR is eager to work through the legislative process to modify this article to include some level of redress for Complainants.

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## Public Accommodations Cases

MCCR's Public Accommodations complaints have always accounted for between 5 and 10% of the total complaints received annually. One of the major factors that has contributed to this consistently low number of complaints is that the statute, as it pertains to Public Accommodations, does not mandate any type of financial relief for the Complainant. While MCCR does have the authority to fine an entity that violates public accommodations anti-discrimination protections, the fine goes directly into the State's General Fund. This resolution does not mirror the options available for a complainant who is a victim of employment or housing discrimination. Thus, MCCR includes an option for financial relief for the complainant a legislative priority. MCCR believes that such relief would provide incentives to victims of discrimination to report abuse of the law instead of ignoring known violations.

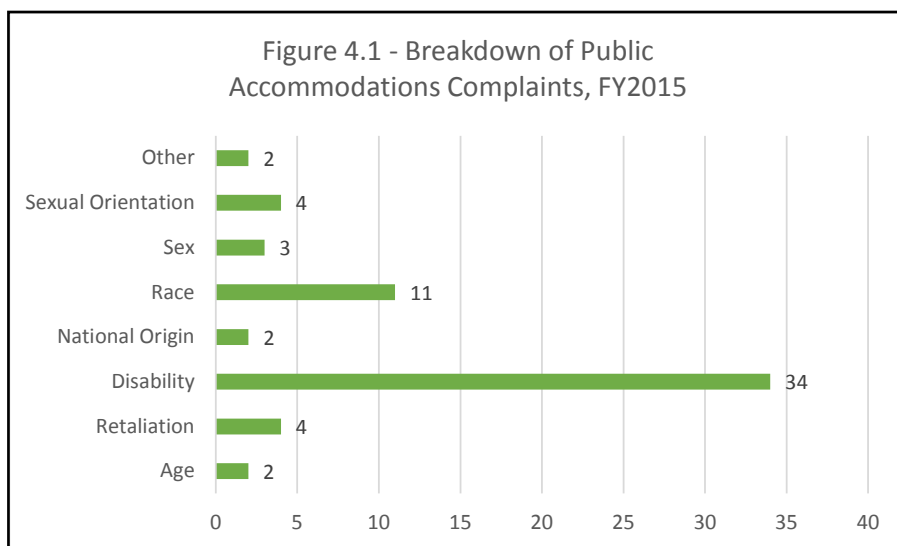


Figure 4.1 illustrates that the highest category of allegations in our Public Accommodations complaints was disability, as with housing discrimination. Allegations on the basis of disability accounted for 55% (34) of the 62 allegations selected in the area of Public Accommodations discrimination. Researching our database of Public Accommodations complaints, the area of disability complaints which appeared to be the most prevalent was in the area of accessibility. In our Strategic Plan, MCCR identifies initiatives to assist in addressing

this issues. Those initiatives include training for businesses and consumers, community events to increase awareness of the need for accessibility, and forming partnerships with disability organizations to further their efforts in the area of accessibility.

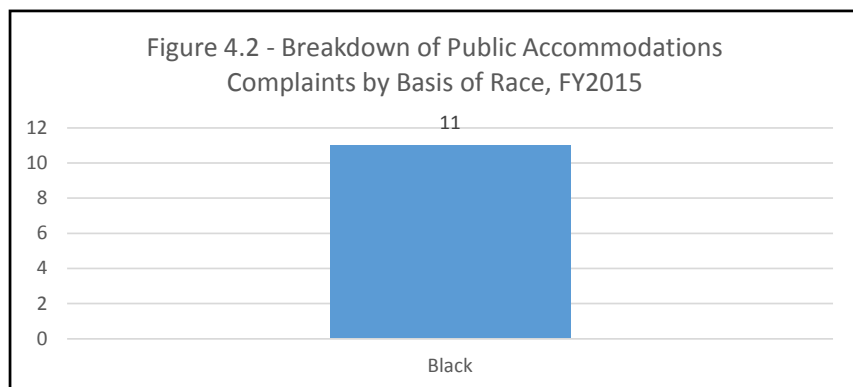
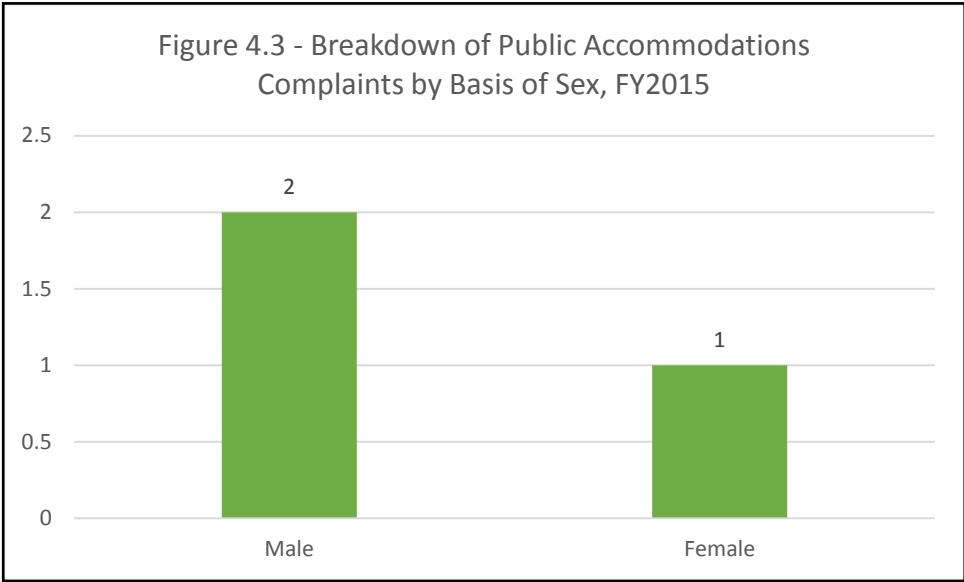
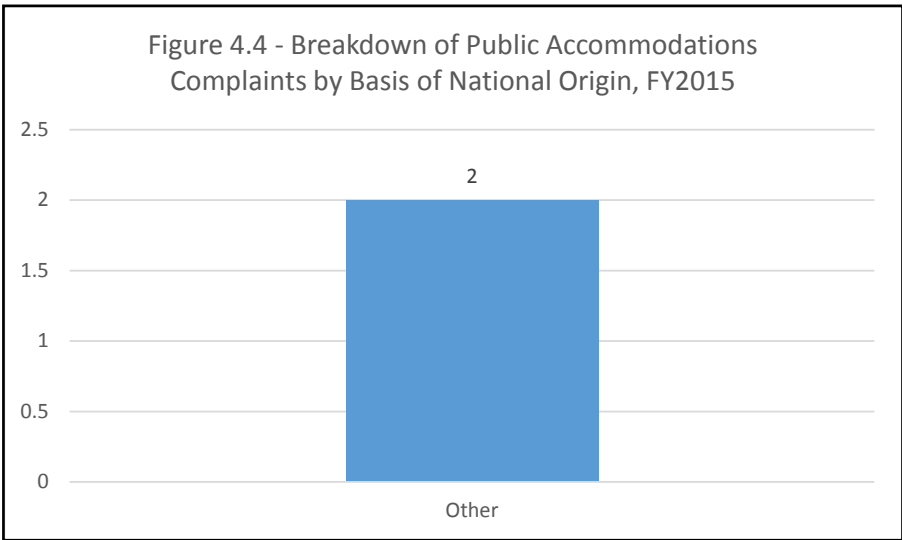


Figure 4.2 illustrates that every complainant that alleged racial discrimination, in the area of Public Accommodations, was Black/African American, the same as FY2014.

Historically, Black has always been the highest category of racial discrimination complaints in the area of Public Accommodations. MCCR is focusing its efforts on determining why this statistic continues to repeat itself and what can be done to address this continuous alleged discriminatory behavior. Figure 4.3 depicts the numbers for the sex discrimination allegations in Public Accommodations.



The analysis of Figure 4.3 illustrates that the allegations of sex discrimination in the area of Public Accommodations were dispersed evenly 2:1 male to female. MCCR is strategically designing an Education/ Outreach program that will provide educational/outreach support to the community in this area. MCCR plans to engage the community in a multitude of different events that will focus on increasing the communities’ awareness of individual rights and responsibilities as it pertains to sex discrimination in the area of public accommodations. The breakdown of Public Accommodations allegations on the basis of National Origin is illustrated in Figure 4.4.



As the case with housing discrimination, all of the National Origin complaints in the area of Public Accommodations were on the basis of “other.” As previously mentioned, the information used to gather this information is extrapolated from a federal database. The information and categories identified in this database are created and decided by our federal partners. MCCR does not have a way of detailing the information contained within the “other” category as listed in the federal database.

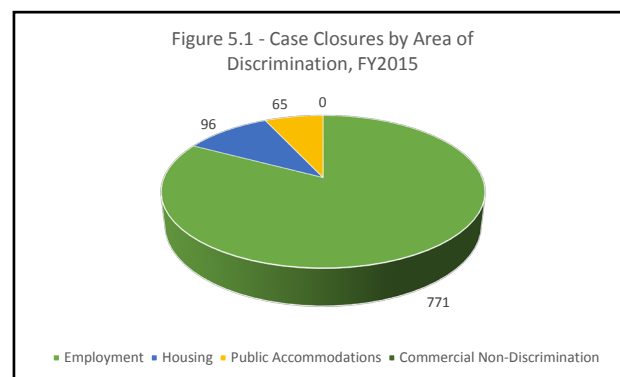


**Breakdown of Complaint Intakes by Type of Discrimination and Protected Class, FY2015**

Class	E	H	PA	Total
<b>Race</b>	159	28	11	198
<i>Black</i>	128	26	11	165
<i>White</i>	23	2	0	25
<i>Asian</i>	4	0	0	4
<i>Bi-Racial/Multi-Racial</i>	3	0	0	3
<i>American Indian/Alaskan</i>	1	0	0	1
<b>Sex</b>	115	6	3	124
<i>Female</i>	80	3	1	84
<i>Male</i>	35	3	2	40
<b>Sexual Orientation</b>	7	0	4	11
<b>Age</b>	72	N/A	2	74
<b>Retaliation</b>	142	2	4	148
<b>Disability</b>	121	50	34	205
<b>Religion</b>	7	2	0	9
<i>Catholic</i>	1	0	0	1
<i>Jewish</i>	2	0	0	2
<i>Muslim</i>	1	0	0	1
<i>Other</i>	2	2	0	4
<i>Protestant</i>	1	0	0	1
<b>National Origin</b>	40	1	2	43
<i>Hispanic</i>	5	1	0	6
<i>Mexican</i>	3	0	0	3
<i>Arab, Afghani, Mid-Eastern</i>	2	0	0	2
<i>Other</i>	27	0	2	29
<i>East Indian</i>	3	0	0	3
<b>Familial Status</b>	N/A	16	N/A	16
<b>Marital Status</b>	1	0	0	1
<b>Pregnancy</b>	10	N/A	N/A	10
<b>Color</b>	1	1	0	2
<b>Gender Identity</b>	2	0	0	2
<b>Total (Including "Other")</b>	<b>693</b>	<b>109</b>	<b>62</b>	<b>864</b>

In closing, all of the data reported in employment, housing, and public accommodations according to the various protected classes in the different areas is aggregated in the chart to the left. The data varies widely by type of complaint, protected class, and area the complaint was filed. However, it remains constant, as in prior years, that the largest number of complaints received are on the basis of race and/or disability.

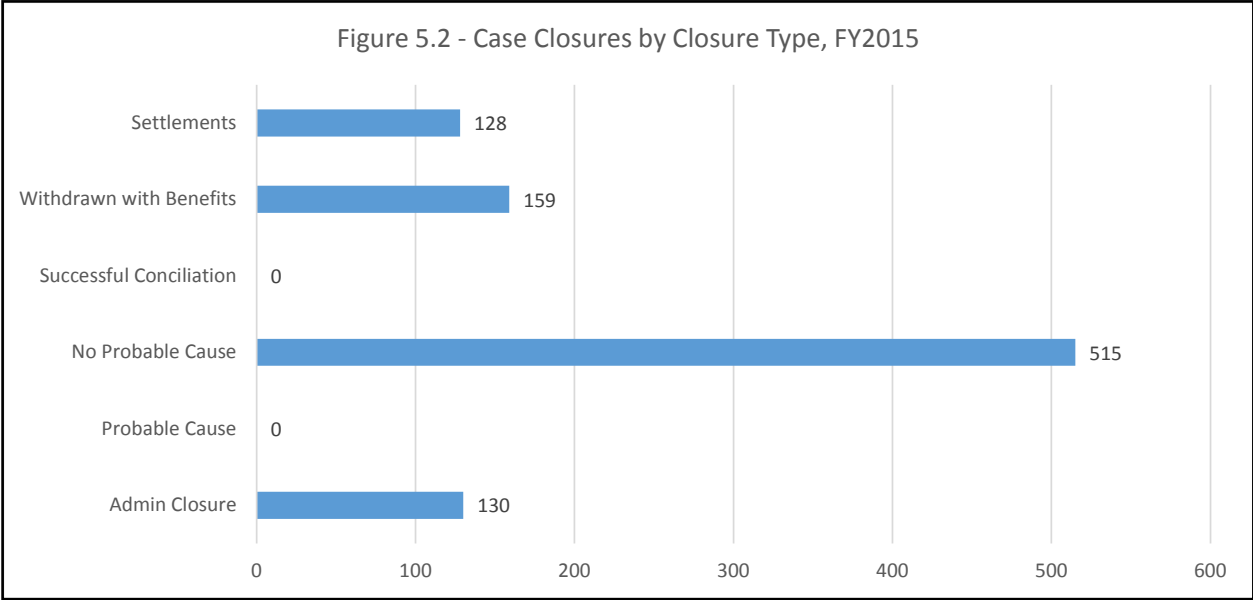
MCCR understands that a lower number of complaints being filed for other protected classes does not signify that there is an absence of discrimination against those communities. Rather, MCCR believes that greater outreach and community relations efforts need to be utilized in order to establish positive relations around the State so that MCCR is receiving and investigating every act of unlawful discrimination that falls within the Commission's jurisdiction.



## Case Closures

MCCR is not only one of the best civil rights enforcement agencies in the United States, but also one of the most efficient. On average, MCCR takes under one third of the time to process a case, from intake to resolution, than many federal and state counterparts. MCCR does this with extreme discipline, focusing on maximum operation given resource restraints without sacrificing quality. During FY2015, MCCR completed work on 932 individual complaints of discrimination, a sharp increase from 713 in FY2014. The breakdown of the closures is in Figure 5.1.

However, not every one of the 932 case closures was a favorable resolution for the complainant. To better understand the different types of closure, Figure 5.2 breaks the information down by closure type.



The closure types above mean:

1. Administrative Closure - this happens during the investigation phase. Some examples include the alleged discriminatory act does not fall within MCCR’s statutory jurisdiction, the complaint was not filed within the statute of limitations, failure to locate/cooperate by complainant, or respondent has less than 15 employees.
2. Probable Cause - MCCR deems there is enough evidence provided to suggest that an act of unlawful discrimination occurred against the complainant.
3. No Probable Cause - MCCR does not have sufficient evidence to suggest probable cause for the complaint of discrimination. As such, MCCR is unable to conciliate or litigate the matter further.
4. Successful Conciliation - After the Probable Cause Finding is issued, the parties enter into negotiations and a settlement is agreed to by both parties.
5. Withdrawn With Benefits - The complaint of discrimination was withdrawn by the complainant and respondent because they have settled privately outside of MCCR’s services.
6. Settlements - During the investigative phase, both parties reach a mutually agreeable settlement with the help of MCCR’s services. This occurs prior to any determination of guilt being identified.

It is important to note that the closures reported above do not necessarily reflect cases being litigated by the Office of the General Counsel. When a Probable Cause Finding is issued, the case is then transferred to the Office of the General Counsel if and only if efforts to conciliate (settle) are not successful. For the purposes of this Annual Report, there is a section designated for the Office of the General Counsel to address those cases being litigated by MCCR. Furthermore, while no Probable Cause findings were issued during FY015, MCCR’s litigated case carries over from previous years. MCCR remains dedicated to providing top quality investigations. While we always strive to resolve a case as quickly and appropriately as possible, MCCR does not believe it is wise to rush a case through without giving it the extensive investigation it deserves.

In conclusion, the total number of closures by area of discrimination below:

1. Employment - 771
2. Housing - 96
3. Public Accommodations - 65

Make note that the total number of closures may not equal the individual allegations of discrimination illustrated in Figures 2, 3, and 4. That is because an investigation may be looking at evidence to see if an act of discrimination occurred against multiple protected classes. For instance, someone may have experienced employment discrimination for both race and sexual orientation, or housing discrimination for disability and retaliation. While it would qualify as only one case received by MCCR, the Commission is obligated to tabulate and report all of the relevant areas of protected classes. It is important to note as well that the cases closed in FY2015 may not necessarily have been cases received in FY2015. Due to a number of variables, including when the case was filed and how long the investigation/resolution efforts take, a case may have closed in FY2015 when it was received in FY2014. However, MCCR's numbers show that the case was most likely received toward the close of FY2015 because the total time to receive, investigate, and resolve a complaint remains at a third of the total time of MCCR's state and federal counterparts.

## Monetary Relief

Approximately 6 years ago, MCCR's Case Processing Department implemented the Fact Finding Conference (FFC) method of collecting information and investigating cases. Since its implementation, MCCR has found the FFC tool to be invaluable as Investigators work to bring the parties together early in the investigation process to seek resolution or settlement. All the while, FFC's have enabled MCCR to reduce case processing times and increase the amount of favorable resolutions to Charges of Discrimination. This, in turn, relieves the burden on MCCR's General Counsel's Office. Because cases are either settled privately and/or administratively (facilitated through MCCR's involvement), cases of discrimination where MCCR's Civil Rights Officers have found Probable Cause and where conciliation efforts have failed are being prepared for public hearing either before the Office of Administrative Hearings or (upon appeal) the Circuit Court.

Prior to FY2013, the Commission averaged well under \$1 million in monetary relief, while a higher number of cases were transferred to the General Counsel to be litigated. Since FY2014, MCCR has annually secured monetary relief for complainants in excess of \$1 million, and MCCR is pleased to see the trend continue. For FY2015, MCCR secured **\$1,334,141.38** in monetary relief for Complainants, again largely attributed to the success and effectiveness of our FFCs.

Monetary relief is just one of the many ways Complainants and Respondents can resolve a case. In addition to this form of resolution, FFC's and thorough investigations have enabled MCCR to work with Complainants and Respondents to reinstate wrongfully terminated employees, secure equitable salaries for employees regardless of protected class, and train employers/housing providers on how to be successful in their careers while still adhering to Maryland's anti-discrimination law. As MCCR continues to reevaluate and grow, we will keep an eye on best practices both in Maryland and around the country to determine where MCCR can reform itself to provide the best service to every Marylander without increasing the burden on taxpayers.

# Case Histories

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In the Case Processing section, the numbers demonstrate the extraordinary work that MCCR carries out on a daily basis. However, these numbers do not illustrate the “human element”. At MCCR, every case received is important and is given thorough attention. To help better understand MCCR’s efforts in enforcing Maryland’s civil rights laws while improving the State’s civil rights climate, the following case histories have been compiled.

## Employment

### Anne Arundel County

The Complainant filed a charge alleging that the Respondent had discriminated against her because of religion (Baptist). According to the Complainant, the District Manager would not accommodate her request to transfer to another store since she had previously asked to be off on Sundays due to her religion. During the investigation of these allegations, Commission staff facilitated settlement negotiations between the parties. As a result of these negotiations, the Respondent agreed to provide the Complainant with a \$2,000.00 check. In addition, the Respondent agreed to provide additional EEOC training to the District Manager.

### Anne Arundel County

Complainant was a Pharmacy Tech and requested a reasonable accommodation to be allowed to sit down during her work hours based on her disability due to a recent car accident. Respondent denied the accommodation and sent her home for two weeks. She was then notified she could come back to work and perform a different job duty, however that exasperated her disability. Parties Settled for \$5,460.00.

### Baltimore City

The Complainant, a veteran educator, filed a charge alleging that her employer discriminated against her on the basis of race and age. According to the Complainant, she was subjected to unequal terms and conditions of employment and placed on administrative leave for alleged insubordination. A Fact Finding Conference was scheduled to investigate these allegations. However, prior to the conference, Commission staff assisted the parties in reaching a settlement agreement. As the result of this settlement agreement, the Complainant was reinstated and reimbursed by the Respondent in the amount of \$96,269.00.

### Frederick County

Complainant was hired as a Mid-Wife contingent upon completion of school. At the time of her hire she was not pregnant. A few months after she completed school, she became pregnant. She started working for Respondent and notified them that she was now pregnant and inquired if this would be a problem, she was told no. After she completed training, she was terminated because Respondent stated her performance was unsatisfactory. Complainant stated she was never informed she had performance issues. Parties settled complaint for \$15,000.00

## **Howard County**

The Complainant filed a charge alleging that she was discriminated and retaliated against on the basis of her sex, with respect to terms and conditions of employment, wages, and discharge. According to the Complainant, she was terminated because she complained about her male counterparts receiving higher salaries while having fewer responsibilities. During the investigation of these allegations, Commission staff assisted the parties in reaching a private settlement agreement. As a result of this agreement, the Complainant was reimbursed by the Respondent in the amount of \$67,500.00.

## **Prince George's County**

Complainant alleged an employee of a company Respondent contracted to sexually harassed her. When she advised her supervisors and the owner of the company, she received no response and was taken off the work schedule. She made several attempts to contact Respondent to no avail. Parties settled for \$58,000.00.

## **Prince George's County**

Complainant is an African-American who was employed as an Assistant Manager. When the Store Manager left she was asked to fulfill the duties until a Store Manager was hired. While in the temporary position, she was placed on two Performance Improvement Plans (PIP) then terminated for not performing up to standard while on the second PIP. She alleged that Caucasian co-workers that were not performing to standards were often transferred or demoted. She alleged she was not given that same opportunity. Parties settled for \$6,000.00.

## **Washington County**

The Complainant filed her charge alleging that her employer failed to accommodate her disability. She had been employed for two years with no problems. She was transferred to a different location which exacerbated her disability. She requested that her desk be moved to a specific area that would relieve her symptoms. At first her supervisor denied her request and challenged whether or not the Complainant actually had a disability. The Complainant presented medical documentation to HR and as a result her desk was moved but not to the area that the Complainant had identified. Her symptoms continued and required her to take time off of work for treatment. She was eventually terminated for absences.

The Investigator chose to immediately begin negotiations for a remedy. The Respondent agreed to provide the requested accommodation and return the Complainant to work but she did not want to return to an environment she viewed as hostile. The Complainant was offered and accepted back wages in the amount of \$30,000.00.

## **Housing**

### **Anne Arundel County**

The Complainants filed a charge alleging that because of their race, the Respondent appraised their home at a value that was substantially below the true market price. According to the Complainants, the Respondent allegedly presented erroneous data such as square footage, drawings, and amenities, within the appraisal report. During the investigation of the Complainants' allegations, Commission Staff assisted the

parties in reaching a private conciliation agreement in which the Respondent reimbursed the Complainants' appraisal fees in the amount of \$450.00.

### **Washington County**

The Complainant filed a charge alleging that the Respondents refused to grant permission for her to have an assistance animal (dog) in her home as a reasonable accommodation for her disability. According to the Complainant, the Respondent denied her reasonable accommodation request because of her dog's size and breed. During the investigation of the Complainant's allegations, Commission Staff assisted the parties in reaching a conciliation agreement with the following special conditions:

- The Respondent agreed to approve the Complainant's request for a reasonable accommodation to possess an assistance animal in her dwelling.
- The Respondent agreed to remove the Complainant's late fees and Court fees.
- The Respondent agreed to not apply any breed, size, and weight limitations in evaluating tenant requests to possess an assistance animal for a reasonable accommodation.
- The Respondent agreed to continue attending Fair Housing training on an annual basis.

## **Public Accommodations**

### **Baltimore County**

The Complainant filed a charge alleging that the Respondent had discriminated against him because of race (African American). According to the Complainant, the store manager had followed him throughout the store as he was shopping and was denied the ability to enjoy the facility that was offered by the Respondent. During the investigation of these allegations, Commission staff facilitated settlement negotiations between the parties. As a result of these negotiations, the Respondent agreed to issue a letter of regret to the Complainant. In addition, the Respondent provided the Complainant with a \$300.00 gift card. Lastly, the store manager was required to complete additional training.

### **St. Mary's County**

The Complainant alleged that she attempted to purchase a used vehicle from the Respondent's business, however, the owner refused to sell her the vehicle because she was a woman. During the investigation of these allegations, Commission staff facilitated settlement negotiations between the parties. As a result of these negotiations, the Respondent agreed to make a \$500 donation to a foundation in the Complainant's community that helps young mothers in need of pregnancy and child birth services.

### **Worcester County**

The Complainant filed a charge alleging that he was being discriminated against because his hotel bathroom was not accessible to individuals who use wheelchairs. According to the Complainant, he was unable to use the bathroom because the grab bars were misplaced and there were drawers placed underneath the sink. During the investigation of these allegations, Commission staff facilitated settlement negotiations between the parties. As a result of these negotiations, the Respondent agreed to make the necessary renovations to ensure that their guest bathrooms for individuals with disabilities as well as their lobby bathrooms are in compliance with the 2010 Americans with Disabilities Act (ADA) Standards for Accessible Design.



# Office of the General Counsel

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State of Maryland Commission on Civil Rights (“MCCR”) is an independent State agency established by the Maryland General Assembly. As an independent agency, MCCR is staffed by its own legal counsel, autonomous from the Attorney General’s Office. The Office of the General Counsel (“the Office”) was created to avoid a potential conflict of interest when a State agency is charged with violating the State’s anti-discrimination law, State Government Article, Title 20. State agencies receive legal representation from the Attorney General’s Office.

The Office is charged with enforcing the State’s anti-discrimination law through litigation, negotiation and education. Litigation may take place before the Maryland Office of Administrative Hearings, State or federal trial courts, the Court of Special Appeals, the Court of Appeals and federal appellate courts. In addition, the Office is responsible for subpoena enforcement, defending the agency when sued, petitioning the court for enforcement of MCCR orders, and defending the agency in personnel matters. Other duties of the Office include, but are not limited to, providing written and oral legal advice and opinions to MCCR commissioners, management, and staff; training MCCR staff; creating best practice modules; and providing technical assistance to small businesses, non-profits, advocacy groups, corporations, housing providers, citizens, State and local governments.

Legislation is another responsibility of the Office. MCCR’s legislative agenda and responses to proposed legislation by legislators are handled by the Office. This entails drafting legislation, amendments, testimony, preparing the legislative packet for proposed departmental bills, testifying before legislative committees, providing briefings to legislative committees, providing technical assistance and legal research for proposed bills, working with the Governor’s legislative liaison and monitoring bills relevant to MCCR. In addition, the Office serves as MCCR’s regulations coordinator, drafter and evaluator of all proposed regulations submitted by MCCR.

## Legal Technical Assistance

### Employment Discrimination

In partnership with U.S. Equal Employment Opportunity Commission (EEOC), the General Counsel was a guest speaker at EEOC’s Technical Assistance Conference. EEOC conducts this conference to provide assistance and EEO information to large employers and small businesses. In addition, the Office participated as a panelist for the Maryland Chamber of Commerce’s Labor & Employment Law Conference.

The General Counsel participated as a speaker along with former Court of Appeals Chief Judge Robert Bell and Retired Fourth Circuit Judge, Andre Davis at the University of Maryland Francis Carey School of Law and Maryland Employment Lawyers Association’s (MELA) Civil Rights Act of 1964 50th Anniversary Symposium Celebration. The Office also conducted a Webinar on MCCR and employment discrimination for the Immigration Law Section of the Maryland State Bar Association (MSBA).

In collaboration with MCCR’s Education and Outreach Unit (EOU), the Office created two best practices training modules; Reasonable Accommodation for Disability and Reasonable Accommodation

for Religion. Frostburg University, University of Maryland, College Park, and Department of Budget & Management were the first benefactors of these new modules. The Office and EOU also provided sexual harassment training for the Department of Legislative Audits.

### **Housing Discrimination**

The Office participated as an active stakeholder in the Baltimore Metropolitan Council's (BMC) drafting of a comprehensive regional housing plan to address the impediments to fair housing in the Baltimore metropolitan region. Further, in corroboration with the BMC and Baltimore Neighborhood Inc. (BNI), the Office provided fair housing training to real estate attorneys at the MSBA's Advanced Real Estate Institute as a part of the regional plan to affirmatively further fair housing.

The General Counsel participated as a speaker at the Fair Housing Assistance Program (FHAP) Commissioners' training at U.S. Department of Housing & Urban Development (HUD) Region III headquarters in Philadelphia. Also, the Office provided fair housing law training to State and local human & civil rights agencies' commissioners sponsored by the Maryland Association of Human Rights Agencies (MAHRA).

### **Civil Rights in General**

General Counsel organized and acted as moderator for the National Association of Administrative Law Judges (NAALJ) Conference's Lesbian, Bisexual, Gay, Trans, Queer, & Inquiring (LBGTQI) & Public Accommodations panel.

The Office provided briefings on upcoming legislation for Human Rights Day in Annapolis and for the House Committee on Health & Government Operations (HGO)

After the events surrounding the death of Freddie Gray, a Police and Community Roundtable was formed and the Office was a participant.

# Significant Litigation

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## *Violation of the Maryland Fair Housing Act*

A private landlord agreed to settle a fair housing lawsuit brought by a former disabled tenant and the Maryland Commission on Civil Rights (“Commission”). The Commission filed the lawsuit with the Office of Administrative Hearings (“OAH”) asserting that the landlord committed two violations under the Maryland Fair Housing Act by refusing to provide a reasonable modification and committing retaliation.

Valerie Cherry and her son Reginald Smith resided on the second floor of an apartment building in Baltimore City along with other family members. Mr. Smith was paralyzed and confined to a wheel-chair as a result of a severe spinal cord injury. Due to his paralysis, he used a wheel-chair for mobility. He had to be transported up and down the stairs. This task became a hardship. Ms. Cherry asked the landlord if he would permit the installation of a chair-lift to facilitate her son being able to have uncomplicated access to their dwelling. The landlord refused and never engaged the tenants in an interactive process to examine whether he could accommodate his tenant. In fact, shortly after the request was made, the landlord refused to renew their lease which meant the family had to suddenly relocate.

The Commission filed charges against the landlord to vindicate the fair housing rights of Mr. Smith and Ms. Cherry. The landlord agreed to resolve the case and provide the following relief; financial settlement of \$6,000.00 to Mr. Smith and Ms. Cherry; attend fair housing sensitivity training to ensure that the kind of violation that led to the lawsuit does not happen in the future and to prevent another tenant from having to contend with the same unlawful treatment; and to not engage in retaliation against Mr. Smith or Ms. Cherry.

After agreeing to settle, the landlord refused to remit the monetary part of the agreement and the Commission had to petition the Circuit Court for Baltimore City for enforcement of the agreement. After the filing by the Commission, the landlord complied with the financial part of the settlement.

# Education & Outreach

The Commission's Education & Outreach (E&O) Unit provides services and programming to further the Commission's mission "to ensure opportunity for all through the enforcement of Maryland's laws against discrimination in employment, housing, public accommodations, and state contracts; to provide educational outreach services related to provisions of this law; and to promote and improve civil rights in Maryland."

The E&O Unit has a variety of responsibilities including creating and providing educational programming, materials, resources and support for businesses, state and local government agencies, non-profit and community organizations, faith groups, academic institutions and the citizens of Maryland. The E&O Unit also coordinates a variety of outreach services to educate the public on their civil rights and responsibilities under the law. Outreach services include attending public events and fairs; publicizing educational information online, on local TV and radio stations and in print; and collaborating with partner organizations to ensure that all persons who live, work and visit the state of Maryland have equal access to housing, employment, public accommodations and services, and state contracts. Additionally, the Unit takes the lead in planning and hosting special events; fostering relationships with other civil/human rights and diversity organizations; identifying the needs of underserved populations; facilitating public dialogue and reducing conflict related to equity and human rights issues; and connecting people across their differences to improve and promote civil rights in Maryland.

## Education

Approximately 5,073 individuals attended educational programming (training, seminars and workshops) provided by the Commission's E&O Unit this fiscal year. Examples of programming topics include: Sexual Harassment Prevention, Dimensions of Diversity, Conflict Resolution, Sexual Orientation & Gender Identity, Preventing Discrimination (Employment, Housing & Public Accommodations), and Fair Housing. The Commission also revamped and created several new trainings workshops including Disabilities & Reasonable Accommodations, Understanding Sexual Orientation & Gender Identity and Creating Safe Spaces for LGBTQIA Individuals: Becoming an Ally. MCCR receives an incredible number of inquiries from government agencies, private businesses, and community groups regarding how they can schedule a training session on a topic of their choosing. These sessions often result in additional referrals for MCCR to connect with an ever-expanding audience, which indicates that there is value in the training and programs that we offer. With all of this great feedback, MCCR will continue to learn and grow our education and outreach efforts to support all of those trying to get ahead on matters of civil rights and human relations throughout Maryland.



*MCCR General Counsel Glendora Hughes and Director Education & Outreach Tara Taylor Conduct "Discrimination 101" Training for state agencies.*

Good training always starts at home, though. The E&O Unit conducted several in-house trainings for Commission staff and also made direct efforts this year to partner with local county human rights/human relations commissions to offer targeted training for county residents. Additionally, the E&O Unit coordinated to bring a specialized training entitled "Microaggressions: How to Handle the New Face of Discrimination" to

Commission staff and members of the Maryland Association for Human Rights Agencies (MAHRA) at their annual meeting in May 2015.



*Civil Rights Officers Atto Commey, Rashae Chambers, Toni Johns, and Awilda Pena (left to right) represent MCCR at the Prince George's County Annual Hispanic Festival.*

## Outreach

In partnership with several other organizations and agencies, the Commission attended, facilitated and assisted in planning several outreach events throughout Maryland. Events included state and regional conferences, county fair housing and disability fairs, regional cultural celebrations and commemorative events as well as local festivals and parades including Baltimore PRIDE 2015 festival, the Maryland Annual NAACP Conference, the Prince George's County Annual Hispanic Festival, the Baltimore County Annual African American Heritage Festival, the Reginald F. Lewis Museum of Maryland African American History & Culture – Verizon Black History Open House Celebration and many others. Participation in these events raises the visibility of the Commission and opens the door for more proactive opportunities to educate the public and build networks of trust in local communities. Through events like these the Commission was able to connect to approximately 4,865 individuals with information about the agency and its services.

## Collaboration

Education and outreach services go hand in hand at the Commission. Each training workshop is also an opportunity to reach out to new audiences who may not know about the agency or understand their own rights. Each outreach event is also an opportunity to educate the public about their legal protections and responsibilities related to civil rights in Maryland.

Through our Investigations and Legal units we are able to provide responsive assistance to individuals filing charges of discrimination. Through the E&O Unit, the Commission is able to assess needs and provide proactive services that not only aid in preventing discrimination but also promote and improve the climate of civil rights in our State. Our collaborative partnerships also allow the Commission to rapidly respond to critical situations when needed. In light of events in April 2015 surrounding the death of Freddie Gray in police custody, the Commission reached out to the local community to offer assistance and support, especially in Baltimore City. We also formed many new connections during that time with grass roots community organizations, advocacy groups, and social justice networks to continue to work together to promote equity, inclusion and justice for all Marylanders. For instance, MCCR has grown relationships with:

- Allegany/Garrett County Mountainside Community Mediation Center
- Clergy & lay people organizing around race and community relations on the Eastern Shore
- Community Mediation Center – Calvert County
- Community Mediation Center of St. Mary's County
- Mid-Shore Community Mediation Center
- The American Bar Association
- The Anne Arundel County Human Relations Commission
- The Baltimore County Human Relations Commission
- The Circle of Restorative Initiatives for Maryland
- The Civil Discourse Committee of Southern Maryland





- The Council on American-Islamic Relations
- The Frederick County Human Relations Commission
- The Harford County Community Mediation Commission, Human Relations Commission, and Women's Commission
- The Howard County Office of Human Rights
- The Lower Shore LGBTQ Coalition
- The Maryland Judiciary's Mediation & Conflict Resolution Office
- The Maryland State Conference of NAACP Branches & the NAACP of Baltimore City
- The Prince George's County Human Relations Commission
- The U.S. Department of Justice Community Relations Service

Filing charges, investigating cases or going to court may not always solve the underlying conflicts for many people. In fact, the same diversity that makes our communities unique and dynamic is also the source of much misunderstanding and strife among our citizens. With that in mind, the Commission has made a strident effort to continue building our network of partners and connect people across their differences by encouraging civil, meaningful discussions about issues related to civil rights, systemic inequities, identity and difference.

In FY15, the Commission's E&O Unit embarked on several new and exciting projects:

### Public Dialogs

*Police & Community Conversations* - After piloting a highly successful public dialogue project (*Defying Definitions*) last year to help communities discuss issues around identity, stereotypes and diversity, the E&O Unit had laid the foundation with many local organizations to become a trusted ally in the civil rights arena here in Maryland. In the latter part of FY2015, the Commission was invited by several localities to participate and help facilitate several public dialogs focused on police and community relations. These difficult and meaningful conversations between law enforcement and community members are at the heart of the Commission's purpose and vision for the future – to assist individuals and communities in addressing their differences and work together to build a stronger society that values equity and inclusion at all levels. Thanks in large part to our community mediation centers, such as the Mid-Shore Community Mediation Center, the Community Mediation Centers of St. Mary's County & Calvert counties, and Allegany/Garrett County Mountainside Community Mediation Center, in addition to our partners in higher education, like Frostburg State University, and very active community organizations, like the NAACP, MCCR was able to crisscross the state and bring people together to identify challenges and potential opportunities to repair relationships between law enforcement and the communities they serve. MCCR is very proud to this year be a part of the conversations in Talbot, St. Mary's, Calvert, Allegany, Garrett, Baltimore, and Anne Arundel counties.



*School SPIRIT Programs* - This year, the Commission also partnered with The U.S. Department of Justice (DOJ) Community Relations Service, the Associated Black Charities, and CASA de Maryland to facilitate the DOJ's SPIRIT program at Digital Harbor High School, Mary Ann Winterling Elementary School, and the Positive Youth Expressions, Inc. (Baltimore City); and Oakdale High School (Frederick County) where



there had been incidences of alleged racial tensions among students. SPIRIT (Student Problem Identification & Resolution of Issues Together) is a program designed to assist school administrators in gaining insight into student perceptions of racial problems and other concerns. Both programs were highly successful in identifying students concerns and connecting staff and students to work together to resolve issues in proactive, peaceful ways. From these programs, Digital Harbor High School and Oakdale High School both formed ad hoc student councils to develop action plans to address student-identified concerns.

Given this program's success, MCCR is exploring with key partners the possibility of developing a long-term program and vision that can be applied across schools, workplaces, and communities all over the state to address a number of different issue areas, such as race relations and social justice.



## Fair Housing

*Fair Housing Children's Book Project* - After sponsoring a highly successful Fair Housing Symposium last year, the Commission launched an exciting new project this year aimed at helping families start meaningful dialogs about fair housing rights and diversity. We recognize that children as well as adults are deeply impacted by housing discrimination and other barriers to housing choice so the new program is aimed at educating adults and children alike.

In FY15, the Commission began a pioneering education program using the acclaimed children's book, *The Fair Housing Five & the Haunted House*, written by the Greater New Orleans Fair Housing Action Center. The book provides young people and their families with important opportunities to engage in discussion and activities related to themes from the book including discrimination, fairness, and equity. In March 2015, in partnership with several local housing organizations, the Commission hosted a free train-the-trainer workshop to teach educators, librarians, youth organizers and others how to lead facilitated discussions and activities using the book with youth in K-5th grades. The Commission partnered with the YMCA of Maryland's Before & Aftercare Enrichment Programs to pilot the book discussion project in seven (7) Maryland elementary schools. We also provided training and copies of the book to Baltimore County Public Schools, Baltimore County Public Library, Baltimore City Public Schools, the Maryland out of School Time Network and their SummerReads Vista Corps Program as well as the Enoch Pratt Free Library. Our vision is to continue to expand the program and spread the word about fair housing rights to all corners of the state.

The Harford County Human Relations Commission, along with the YMCA of Maryland, partnered to bring the project to six Harford County Elementary Schools during the 2014-2015 school year. After participating with the project, Margaret Deem from the Harford County Commission shared,

*"I was amazed at how attentive the children were during the reading of the book – it's a real tribute to the book author and to the project to be able to keep the attention of 20-30 elementary school students. And they really listened and understood the concepts the book was explaining – the questions and discussion afterward was proof the book was able to do what was intended – explain Fair Housing concepts and discrimination to young children. It was a truly inspiring experience. The Human Relations Commission would like to make this an annual event."*

## LGBTQ Issues

*Safe Spaces Training* - In an effort to put recent legal protections for sexual orientation and gender identity into action, the Commission entered a new partnership this year with trainers from Salisbury University to offer the workshop *Creating Safe Spaces for LGBTQIA Individuals: Becoming an Ally* - an innovative, dynamic, hands-on approach to creating safe space for all; focusing specifically on the Lesbian, Gay, Bisexual, Transgender, Questioning, Intersex and Asexual (LGBTQIA) community. In this workshop participants develop an understanding of the lived experiences of LGBTQIA people, become more familiar with and comfortable in using LGBTQIA-inclusive terminology, discuss and learn how to respond to common scenarios, and learn to dispel negative stereotypes and develop strategies to create more welcoming and inclusive environments for LGBTQIA people. All MCCR staff received Safe Spaces training and we also provided our first free, open-to-the-public Safe Spaces workshop in partnership with Towson University in commemoration of PRIDE month in June 2015. This unique education partnership with two local universities is another example of how the Commission is offering innovative programming to educate the public and promote equity statewide.



Feedback comments from Safe Space workshop participants included:

*"I have more awareness than before this class. I realize I have a greater responsibility as a supervisor than not, to prevent discriminatory or unprofessional behavior".*

*"The information presented was very eye-opening. It made me realize how often LGBTQIA issues can be overlooked/not addressed".*

*"It should be required every year, there is so much to learn."*



*The New Black Film Discussions* – The Commission also partnered with Promised Land Films and film director Yoruba Richen to bring the local documentary film, "The New Black", to audiences throughout Maryland. The film "tells the story of how the African-American community is grappling with gay rights issues in light of the recent marriage equality movement and the fight for civil rights." The Commission plans to host more film screenings and audience discussions throughout the state to help facilitate conversations around issues of sexual orientation, gender identity and sexual minorities. Through past projects, the Commission has learned the value of utilizing the humanities (film, photography, art and media) to reach new and different audiences and to encourage communities to think more deeply about various aspects of our diverse community.

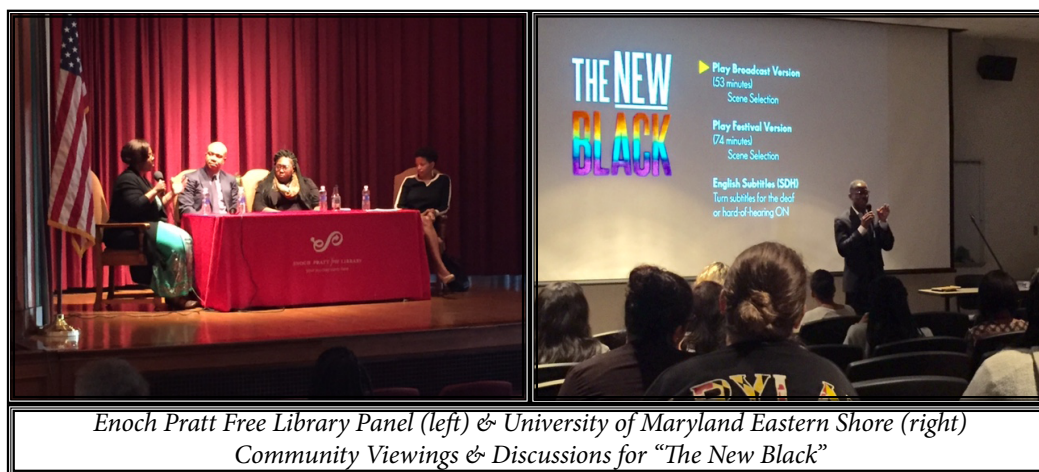
Feedback from film event participants included:

*“I really liked this as an introductory movie to the LGBTQ community and their struggles. As someone who really does not know that much about it, this movie has given me a lot of new information and I am now interested in knowing more...”*

*“I felt a great connection to this film because of personal experiences: it literally brought tears to my eyes at certain points.”*

*“It was powerful to see the number of students, youth, and adults participate and share personal stories with the group.”*

By better educating the public, raising awareness about the Commission and building strong collaborative partnerships we are providing the best chance of realizing our vision, to have a State that is free from any trace of unlawful discrimination.



*Enoch Pratt Free Library Panel (left) & University of Maryland Eastern Shore (right)  
Community Viewings & Discussions for “The New Black”*

# Hate Crimes Report

As per Public Safety Article § 2-307(b)(4), *Annotated Code of Maryland*, MCCR receives a copy of every Maryland Supplementary Hate Bias Incident Report Form filed by law enforcement officials around the State and compiled by the Maryland State Police (MSP). These forms are completed when there is evidence to initially suggest that a hate-motivated crime may have occurred against a victim. However, even if an investigation results in no evidence of a hate crime, the report is still retained by MSP and copied to MCCR. MCCR thanks MSP for their continued partnership in sharing hate crimes data. It is further important to note that these numbers reflect only those reports received during the fiscal year, not the actual incident date.

Maryland Hate Bias Incident Report Form - Reporting Jurisdiction, FY2015				
Jurisdiction	Reports		Jurisdiction	Reports
Anne Arundel	15		Local Police Dept.	8
Baltimore	7		City of Bowie	1
Baltimore City	31		City of Greenbelt	2
Charles	4		City of Laurel	2
Frederick	3		Colmar Manor	1
Harford	9		Westminster	1
Howard	28		Thurmont	1
M-NCPPC*	1		Higher Education	17
Montgomery	27		UMCP	14
Prince George's	1		Towson	2
Wicomico	1		UMBC	1
MSP Barracks	4			
Westminster	3			
Hagerstown	1			
Total		156		
*M-NCPPC maintains law enforcement jurisdiction in both Montgomery & Prince George's counties.				

The number of reports forwarded to MCCR this fiscal year was 156, a decrease from the 168 reports received in the previous fiscal year. This year, MCCR chose to break down the data to reflect the actual agency that filed the report - namely an MSP Barracks or a local police department - instead of rolling the number into the overall county's count. Of the 156 forwarded reports, the vast majority - 98 - were deemed inconclusive while 57 reports were verified to have been actual hate crimes. It is up to the discretion of the investigating law enforcement agency to make this determination.

Maryland Hate Bias Incident Report - Case Status, FY2015	
Verified	57
Inconclusive	98
Unfounded	1

As with previous fiscal years, MCCR notices that those contacting law enforcement to report a possible hate crime are highest with African Americans for race; Hispanics for ethnicity; those of Jewish faith under religion; and gay males under sexual orientation. With respect to many of these reports, areas with a higher concentration of one class of people generally reported proportionally higher hate crimes incidents against that protected class than those areas that did not have as concentrated communities. For example, Baltimore County has a more vibrant Jewish community and tended to report more hate crimes incidents against or targeted at those of the Jewish faith than other regions/counties in Maryland.

<b>Maryland Hate Bias Incident Report - Bias Motivation Code, FY2015</b>	
<b><u>Race</u></b>	
White	4
Black/African American	69
Asian/Pacific	5
<b>Total</b>	<b>78</b>
<b><u>Ethnicity</u></b>	
Hispanic	7
Other Ethnicity/National Origin	2
African	1
Middle Eastern	3
Greek	1
Indian	1
<b>Total</b>	<b>15</b>
<b><u>Religious</u></b>	
Jewish	35
Christian	3
Islam	4
<b>Total</b>	<b>42</b>
<b><u>Sexual Orientation</u></b>	
Male Homosexual (Gay)	11
Female Homosexual (Lesbian)	1
Bisexual	1
<b>Total</b>	<b>13</b>
<b><u>Disability</u></b>	
Not Specified	1
<b>Total</b>	<b>1</b>
<i>Note: Unlike previous years, MCCR did not alter or expand upon basis codes selected by law enforcement agency submitted reports.</i>	



# Information Technology

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In FY2015, MCCR's Information Technology (IT) Department successfully met the technology needs of the agency. The IT staff provided a well-organized and reliable information technology environment for the staff to implement all the endeavors of MCCR.

In FY 2015, the department continued to:

- Find cost-effective solutions
- Maintain a stable and secure network
- Provide quality hardware and software support
- Maintain and support applications and databases
- Improve and maintain an informational public web site
- Improve and maintain an informational internal web site

The MCCR web server continues to be one of the most beneficial and cost-effective tools managed by the IT Department. In prior years, MCCR streamlined its client/server based applications by moving them to a Web-based platform. The benefits on the user side are greater mobility for field and telecommuting workers. Teleworkers can log into MCCR web based applications from any browser, anytime or anywhere. On the support side, it is easier for the IT Department to distribute, maintain, and provide support for these centralized web based applications. With this groundwork laid out, MCCR is now working with supervisors across the agency to provide uniform teleworking options for all applicable staff that is in line with state teleworking guidelines.

During FY2013, MCCR upgraded the agency network infrastructure, workstations, software and firewall appliance. The protected site for employee use has been further expanded and continues to be an information portal resource that is secured from public access. The site enables all employees to access agency information regardless of physical location. During FY2015, MCCR expanded the capabilities of the Case Management System (CMS) to enable employees to generate custom reports, letters and documents in an efficient manner. Additionally, a "Report Depot" was added to enhance MCCR's ability to assist investigators with meeting their production standards, identify pending cases that are approaching or have exceeded timeliness goals, manage caseloads for each investigator, and enhance MCCR's ability to capture and report data more comprehensively and effectively. Overall, CMS improves communication between an investigator and his or her supervisor, with the ultimate goal of providing the best quality customer service of which the agency is capable.

In 2013, the IT Department launched a completely redesigned website. The redesigned website has a user-friendly layout, utilizes 'responsive design' strategies so that it is usable on most any device (smart phone, tablet or computer) and is also compliant for citizens that are sight impaired. The website also helps visitors quickly browse information and submit complaints. During FY2015, the main website recorded 112,989 visitors and logged 999,372 hits. The total number of visitors and hits is in line with trends for the past few years. Additionally, feedback from the public is positive because they can access the complaint form and other MCCR resources/services without necessarily relying on placing a phone call.

It is our pleasure to serve the Citizens of Maryland. Each year our goal is to meet and exceed the needs of all internal and external customers.



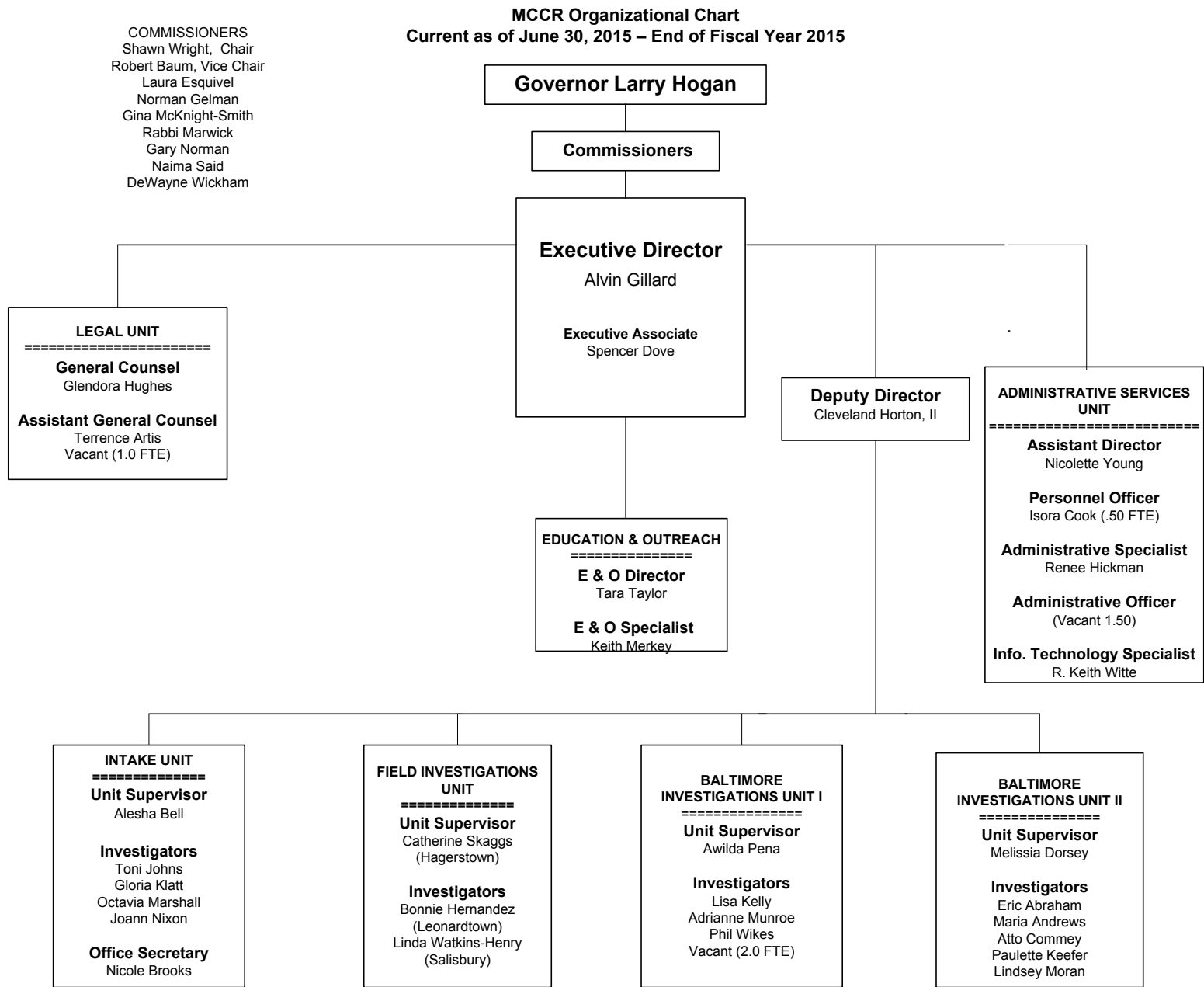
# Annual Operating Budget

MCCR Budget Report for Last Three Fiscal Years			
Fiscal Years	2013	2014	2015
<b>Federal Funds</b>	\$572,408	\$518,828	\$704,312
<i>HUD</i>	\$222,450	\$167,742	\$338,570
<i>EEOC</i>	\$332,622	\$351,086	\$365,742
<b>Special Funds*</b>	\$12,336	\$0	\$0
<b>Reimbursable Funds**</b>	\$5,000	\$0	\$0
<b>State General Funds</b>	\$2,424,819	\$2,368,299	\$2,464,373
<b>Grand Total</b>	\$2,997,227	\$2,887,127	\$3,168,685
<b>Staff Positions</b>			
<b>Authorized Permanent</b>	34.6	34.5	34.0
<b>Contractual</b>	.5	0	0
<b>Total Positions</b>	35.1	34.5	34.0

\*“Special Funds”: Associated with the statewide Cost-of-Living Adjustment. This one-time special fund source (Budget Restoration Fund) was created during the 2012 Special Session of the Maryland General Assembly in lieu of General Funds.

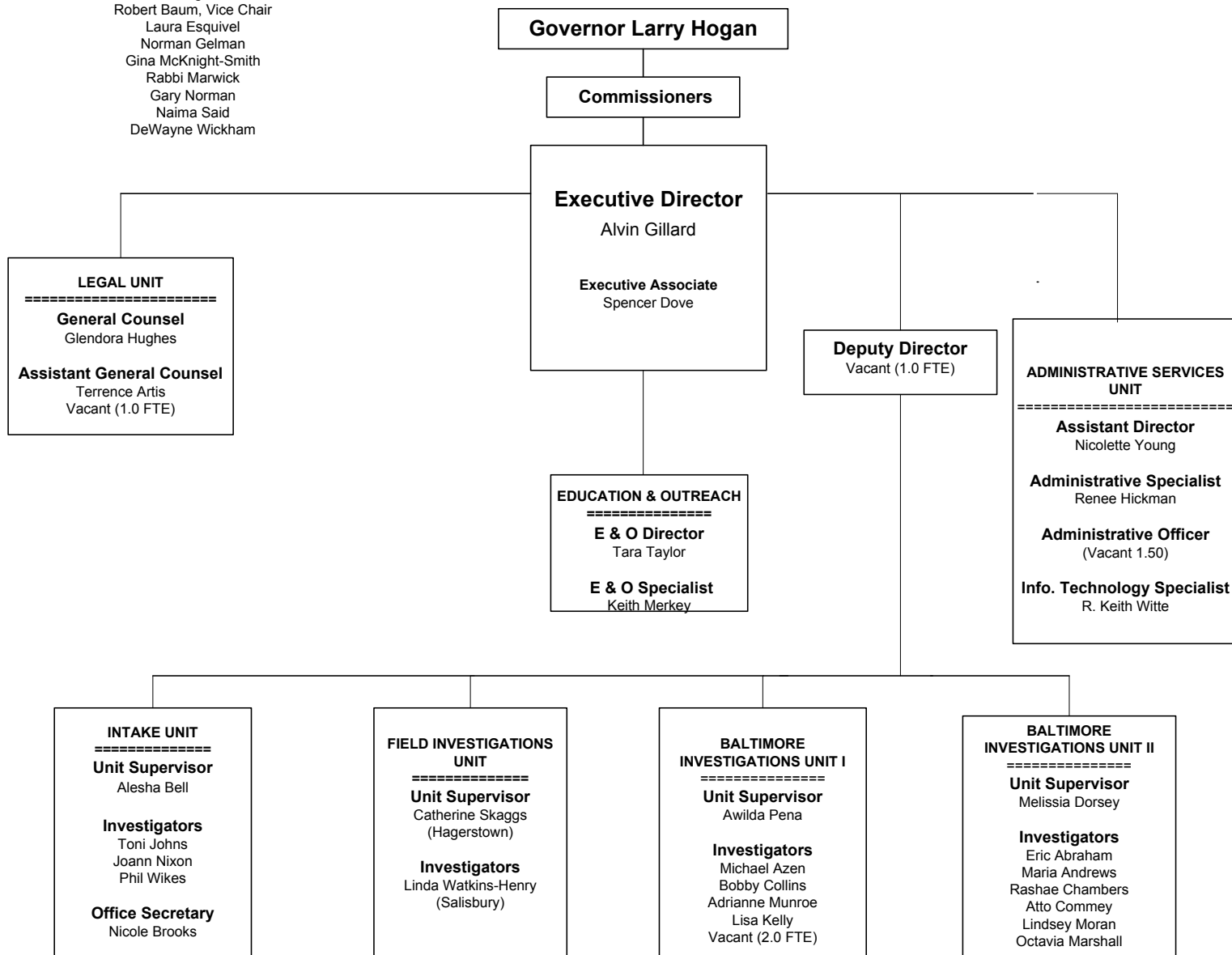
\*\*“Reimbursable Funds”: The Judiciary’s Maryland Mediation & Conflict Resolution Office (MACRO) awarded MCCR \$5,000 in grant funding for mediation activities related to the Community Conversations Initiative pilot project.

# Organizational Chart



**MCCR Organizational Chart**  
**Current as of December 31, 2015 – End of Calendar Year 2015**

COMMISSIONERS  
 Shawn Wright, Chair  
 Robert Baum, Vice Chair  
 Laura Esquivel  
 Norman Gelman  
 Gina McKnight-Smith  
 Rabbi Marwick  
 Gary Norman  
 Naima Said  
 DeWayne Wickham



In October 2015, the part-time Personnel Officer position was transferred to the Department of Budget and Management due to the Shared Services consolidation of human resources positions.

## NOTES

## NOTES

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## **LIMITED SUPPLY PRINT**

MCCR cares about the effects printing has on the environment and taxpayer resources. To access this and other publications, please visit MCCR's website at

[www.mccr.maryland.gov](http://www.mccr.maryland.gov)

and select the "Publications" tab.

**Thank you!**

**I**t is the **mission** of the Maryland Commission on Civil Rights to ensure opportunity for all through the enforcement of Maryland's laws against discrimination in employment, housing, public accommodations, and state contracts; to provide educational outreach services related to provisions of this law; and to promote and improve civil rights in Maryland.

### *Our vision*

is to have a state that is free from any trace of unlawful discrimination.

**SALISBURY OFFICE**  
Salisbury District Court  
Multi-Purpose Center  
201 Baptist Street, Suite 33  
Salisbury, Maryland 21801  
Phone: (410) 713-3611  
Fax: (410) 713-3614

**Online**  
[www.mccr.maryland.gov](http://www.mccr.maryland.gov)

**MAIN OFFICE**  
William Donald Schaefer Tower  
6 Saint Paul Street, Suite 900  
Baltimore, Maryland 21202-1631  
Phone: (410) 767-8600  
Fax: (410) 333-1841  
TTY: (410) 333-1737  
Toll Free: 1 (800) 637-6247

**E-Mail**  
[mccr@maryland.gov](mailto:mccr@maryland.gov)

**Facebook**  
[www.facebook.com/MDCivilRights](http://www.facebook.com/MDCivilRights)

**HAGERSTOWN OFFICE**  
Potomac Plaza  
44 North Potomac Street  
Suite 202  
Hagerstown, Maryland 21740  
Phone: (301) 797-8521  
Fax: (301) 791-3060

**Twitter**  
[www.twitter.com/MDCivilRights](http://www.twitter.com/MDCivilRights)