

State of Maryland Commission on Civil Rights
Commission Meeting
September 12, 2023 – 10am
Meeting held virtually via Google Meet
MINUTES

Commissioners Present: Stephanie Suerth, MPA, CCEP, Chair; Janssen E. Evelyn, Esq., Vice Chair; Eileen M. Levitt, SPHR, SHRM-SCP; Diane E. Bernier; Isabella Firth Shycoff; Angela Scott, Esq.; Jeff Rosen

Management Present: Alvin O. Gillard, Executive Director; Cleveland L. Horton II, Deputy Director; Glendora Hughes, General Counsel; Martine Chery, Assistant Director for Administration; Dia Drake Sprague, Director of Education and Outreach

Staff Present: Gerald T. Ford, Executive Associate; Candice Gray, Education and Outreach Associate

Members of the Public: None

Meeting called to order at 10:05 am

Chairperson's Report

Maryland's Supreme Court ruled against an LGBTQ+ church worker who filed a discrimination lawsuit against Catholic Relief Services after the organization denied healthcare benefits to his same-gender spouse, (*John Doe v. Catholic Relief Services*). The Maryland Supreme Court ruled that 'sex' as a protected category does not include 'sexual orientation,' in part because MFEPA (Maryland Fair Employment Practices Act) separately protects from discrimination on the basis sexual orientation. In the majority opinion, the justices state this showed the Maryland General Assembly intended sexual orientation to be a separate, protected class from sex. The case also addressed religious exemptions and how narrowly or broadly it can be defined. In the majority opinion, it stated:

"The Supreme Court of Maryland held that the MFEPA's religious entity exemption bars claims for religious, sexual orientation, and gender identity discrimination against religious organizations by employees who perform duties that directly further the core mission(s) of the religious entity."

Maryland's Attorney General Anthony Brown released the following statement:

"As Maryland's Attorney General, I promised to work every day to ensure that hate, discrimination, and bias will have no sanctuary in this State. To that end, my Office filed an amicus brief in this case in support of safeguarding employees' freedom from job discrimination because of sexual orientation or identity."

The Maryland Supreme Court's decision declining to follow the U.S. Supreme Court's protection of people on the basis of sexual orientation and identity in employment is a disheartening setback. But it won't stop us..."

Commissioner Schycoff reached out to the other Commissioners and MCCR staff to have a conversation about the protections that exist under Title 20 and other statutes covering sexual orientation and gender identity. The Chair and Commissioner Schycoff prepared a comment regarding the case to express MCCR's ongoing commitment to protecting everyone's civil rights. The Chair suggested that MCCR should work cooperatively with the Attorney General's Office to develop a legislative strategy to address this issue.

Executive Director's Report

- MCCR held its new Commissioner orientation training with Commissioner Scott.
- The International Association of Official Human Rights Agencies held its annual conference in Bethesda, MD in August. Deputy Director Cleveland Horton served on the planning committee, and it was by all accounts a very successful conference.
- MCCR and University of Baltimore will meet to discuss the future of the Maryland Equity and Leadership Program. Registration for the last two cohorts have slowed considerably and there is now a need to assess whether the program is being offered too often.
- On September 19th, MCCR, in partnership with the Maryland Office of the Attorney General, the Howard County Office of Human Rights and Equity, the Montgomery County Office of Human Rights and the Prince Georges County Office of Human Rights, will host its second Hate /Bias Reporting Forum at Montgomery College in Germantown, MD.

Deputy Director's Report

- The Deputy Director highlighted a few points from the Case Processing Unit's written report.
- The Case Processing Unit has filled four of the five vacancies throughout the Unit.
- The Deputy Director represented MCCR at the inaugural meeting of the Commission on Hate Crime Response and Prevention. The meeting focused on creating structure for the Commission as well as next steps. The next meeting is scheduled for December 2023.

General Counsel's Report

- The General Counsel highlighted a few points from the Unit's written report.

- Discussions are still ongoing with the Attorney General's Office regarding crafting a memorandum of understanding between the two agencies as a result of the amending of Title 20, expanding the jurisdiction of the AG's Office in certain civil rights areas.

Administrative Report

- MCCR has spent 22% of its FY24 budget.
- Currently, MCCR is recruiting for an Office Secretary position for the Intake Unit. Our former Office Secretary, Gabriela Cortez, has been promoted to a Civil Rights Officer I position.

Education and Outreach Report

- E&O will celebrate Hispanic Heritage Month by attending events with the Department of Natural Resources in different parks on September 16th and September 30th and October 1st .
- Last month, E&O hosted its first 30-minute protected classes training. The training focused on pregnancy and lactation in recognition of Breastfeeding Awareness Month.
- E&O will change its approach to social media so that we are focused a bit more on highlighting all that MCCR offers.
- MCCR held a town hall meeting in partnership with EEOC at Morgan State University to discuss employment discrimination.

New Business

The meeting adjourned at 11:21 am.