

Ann Arbor Human Rights Commission 2017 Annual Report ¹

The *Duties* of the Ann Arbor Human Rights Commission (HRC), as they appear in the City's Code of Ordinances, require that the Commission report to City Council annually on two of its functions: taking complaints of alleged violations of Chapter 112 Non-Discrimination and monitoring compliance by City contractors with the provisions of that ordinance. This report provides this required information along with a broader summary of the HRC's activity in 2017. A separate report focused on contractor compliance will be submitted to Council in the near future; contractor compliance is also described briefly below.

Commission Administration

The Human Rights Commission's role has evolved since the adoption of the Non-Discrimination Ordinance in 2014 which required it to increase its focus on reaching out to the community to provide education and information about human rights, to gather information about unfair and/or discriminatory practices, and to handle complaints of violations of the City's Non-Discrimination Ordinance. The Commission took the following steps in 2017 to manage this role most effectively:

- With the help of Lisa Wondrash and Heather Koch, the Commission made further changes to its webpage, updating and expanding the information it contains and making it easier to use by community members. The Commission also began to monitor webpage traffic to help it understand how to improve the visitor experience.
- With the help of Lisa Wondrash, the HRC used the City's Facebook and Twitter capabilities to keep the public apprised of HRC announcements and events;
- It amassed and maintained a large email mailing list of people and groups in the community who have expressed or demonstrated an interest in keeping informed about human rights issues in our city.
- It designed, printed, and distributed posters describing the Human Rights Commission, rights protected under the City's Non-Discrimination Ordinance, and how to file complaints if those rights are violated. One of our members was also able to have an Arabic translation made of the poster. Posters are being displayed in many common areas around the City.
- The Human Rights Commission's *Discrimination Complaint and/or Request for Information Form* was translated into Spanish, French, and Arabic and all versions are available on the HRC website.
- To develop stronger relationships with human rights/services organizations in our city, the HRC invited representatives of some of these organizations to speak to the Commission about their organizations, including the issues they believe are most pressing for them and their constituencies. A portion of each of the HRC's monthly meetings has now been reserved for a presentation by a representative of each of these organizations. Invitations were made in 2017 and the presentations began in 2018. The organizations that have been

¹ This report was unanimously accepted by the members of the Human Rights Commission on May 9, 2018

scheduled to date include the Fair Housing Center of Southeast and Mid- Michigan, Washtenaw Interfaith Coalition for Immigrant Rights (WICIR), ACLU, NAACP, and the Jim Toy Center.

Support for Human Rights

The Human Rights Commission tracks human rights issues and concerns in the community and identifies ways in which it can contribute most effectively. This year, the HRC

- participated in the MI Response to Hate Conference sponsored by the Michigan Department of Civil Rights (MDCR) and the Department of Justice, Eastern District;
- responded to a request by the MDCR in support of their policy of handling complaints of discrimination based on sexual orientation, gender identity, and gender expression as discrimination based on sex. The HRC response was in keeping with the wording of the City's Non-Discrimination Ordinance and appears as a resolution (*Resolution Supporting Issuance of an Interpretive Statement by the Michigan Civil Rights Commission Regarding Sex Discrimination Under Michigan's Elliot-Larsen Civil Rights Act*) on its webpage;
- considered ways to extend "Ban the Box" to city contractors and to private employers in the city. Unfortunately, the State Legislature has decided recently to prevent municipalities from passing ordinances that limit what an employer can ask on a job application or in a job interview. We are now considering other ways to address this issue;
- worked with Brad O'Furey, the first appointee to the position of LGBT Liaison for the City, to create a job description for this important role;
- responded to resident concerns about an incident at the Blake Transit Center in which a youth was *read trespass*. The HRC sought clarification from the Police Chief about the actions taken, shared the explanations it received with concerned citizens, and further examined the policies involved, exploring the possibility that such actions had the effect of being discriminatory. Examination of this issue continues; and
- considered the value of re-energizing the community response group the HRC started in 2010² and coordinated until 2015. After conferring with Mayor Taylor, the Commission agreed that reconvening the group should be a goal for 2018.

Community Policing Issues

The HRC receives information from members of the community throughout the year that helps it identify and understand the human rights issues that are concerning them. Their concerns led to the Commission's research and subsequent report on police-community relations in 2015 and then continued through 2017 with pleas for a community oversight process. Citizens frequently referred to issues related to police practices and the effect bias may have had in them. The HRC heard growing concern about the safety of young men of color and the negative effects to the city of immigrant deportation.

² The Community Response Group (CRG), whose members represent many sectors of the community, including area law enforcement, education, advocacy, faith, and so on, was formed in 2010 and has been coordinated by the HRC. The mission of the Community Response Group is to reach out to the community and respond to any tensions that arise involving bias, hate, and/or human rights issues.

The Commission had a strong focus on doing everything it could to help the Hillard Heintze effort be as effective as possible. There were high expectations in the community -- and in the HRC -- for this work. In support of the Hillard Heintze contract, the HRC

- met with the consultants and discussed their plans and initial steps, consistently encouraging them to make more contact with community members who are members of groups that traditionally have the most challenging interactions with the police and to take the time to have meaningful conversations with them;
- worked to facilitate contact between Hillard Heintze consultants and the individuals described above;
- offered to assist Hillard Heintze with the development and finalization of the community survey (“Opinions and Interactions with the Ann Arbor Police Department”), but the HRC offers were declined;
- sent multiple emails to those on the Commission’s extensive email list, announcing each new consultant contact-opportunity (e.g., participating in interviews and listening sessions, completing the survey; etc.) and providing progress reports and urging participation;
- communicated regularly with Hillard Heintze throughout their process in an effort to improve Hillard Heintze’s efforts;
- set up a special community discussion at Bryant Community Center, with the help of members of the community and the support and the participation of the City Administrator, to ensure that some of the people from traditionally under-represented parts of the community who had not been previously contacted had an opportunity to be heard;
- attended both “Listening Sessions” and the additional special community discussion and provided Hillard Heintze with extensive notes from these events to supplement their own, to ensure that Hillard Heintze had a complete record of the discussion at each event;
- served informally as a liaison between Hillard Heintze and the community throughout the Hillard Heintze review process: sharing community feedback with the consultants and helping inform community members about the nature and scope of the full review, including those parts of the review that were less public;
- participated in the November 16 Joint City Council-HRC meeting to hear Hillard Heintze report their findings and recommendations and ask important questions; and
- worked with City Administrator Lazarus to lay the groundwork for next steps.

Facilitation of Contractor Compliance Under Chapter 112: Non-Discrimination

An HRC subcommittee considered how the Commission could meet its obligations to monitor contractor compliance as required under the NDO in a way that would facilitate compliance and enforcement, without over-regulating the process of doing business with the City. Working closely with the City’s procurement and legal offices, the HRC sent new City contractors an updated poster to be hung at their workplaces to ensure that administrators and employees had information about their rights and protections under Ann Arbor’s Non-Discrimination Ordinance. A separate report, jointly prepared by the Human Rights Commission and Colin Spencer, Purchasing Manager, will be submitted to City Council for its approval in the near future (pursuant to section 9:158 of the Ann Arbor Non-Discrimination Ordinance).

Handling Complaints Under the Non-Discrimination Ordinance

Under the revised Non-Discrimination Ordinance, the Commission is tasked with receiving and responding to complaints of alleged violations of the Non-Discrimination Ordinance. At the beginning of the year, the HRC refined the policies and procedures it uses to address complaints, based on its experience in the past year. Community members seem to be more aware of the complaint-handling services now available to them, but there is more work to be done to further increase awareness. A spreadsheet summarizing the complaints received in 2017 is attached. In addition to these complaints, the HRC receives calls and answers questions about human rights and discrimination in Ann Arbor. Again, as in earlier years, requests for information were not tracked in 2017.

Ann Arbor Human Rights Commission Complaints Received in 2017

Intake Number	Date Received	Complaint Basis	Date Completed	Description and Disposition
2017-1	1.10.17	Race	5.6.17	Complainant alleged he was asked to leave a local eatery after stopping to talk to people he knew who were sitting in outdoor eating area. Alleged racial discrimination. Eatery representative claimed possible mistaken identity. HRC mediated the matter and an explanation and apology were given the complainant.
2017-2	1.24.17	Sexual Orientation	2.5.17	Complaint alleged broken promises and harassment in place of employment based on sexual orientation. Complainant got another job in frustration and didn't wish to pursue the matter with former employer. No additional actions taken by HRC.
2017-3	1.30.17	Gender Identity	2.15.17	Complainant, in the process of gender transition, alleged that a local hospital disallowed her rights to her own medical records because her name did not match the name on her official driver's license. Complainant did not return multiple attempts by the HRC to contact her.
2017-4	4.28.17	Gender Identity	6.25.17	Transgender complainant alleged being "thrown out" of a local business by staff who claimed that s/he had shoplifted there before. HRC mediated conversation between complainant and the staff. Staff realized they had mistaken the complainant for someone else and the business took steps to reduce the likelihood that this kind of misunderstanding and mistreatment of a customer would happen again.
2017-5	6.14.17	Educational Association	7.21.17	Complainant alleged that a local public accommodation waived a fee for UM, but not other, students and believed this violated the protected "educational association" class of the City's Non-Discrimination Ordinance. HRC sought City Attorney's advice on this matter. City Attorney advised that offering a discount to students of one school and not others is not in violation of the ordinance. Complainant was informed of that interpretation.
2017-6	10.11.17	Disability	In Progress	Complainant alleged that a nail salon could/would not allow staff to serve her in a wheelchair and would not consider reasonable ways to accommodate her disability. HRC is currently investigating this matter.