

# Building a Civil Rights Case

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# Today's presentation will cover:

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Michigan Department of Civil Rights

MDCR/ORR Partnership Project

Civil rights laws

MDCR resources

Recognizing civil rights violations

Future collaboration between MDCR/ORR

# The MDCR/ORR Partnership Project

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A win-win-win situation

- Shared knowledge base
- Enhanced service for consumers
- *All* the consumers' rights are protected

# Michigan Department of Civil Rights

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- Enforce state civil rights laws
- Enforcement partnerships with federal agencies
- Outreach
- Education
- Administrative agency to Michigan Civil Rights Commission

# Areas of Protection

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We investigate complaints in:

- Employment
- Housing
- Public Accommodation
- Public Service
- Education

# Who is Protected?

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Decisions can't be based on status

- Race/color/national origin
- Gender
- Disability
- Religion

# What About . . . ?

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These characteristics MIGHT be protected

- Marital status
- Familial status
- Sexual orientation/preference
- Height & weight

# MDCR/ORR Partnership

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- Develop collaborative training
- Develop collaborative relationships
- Develop collaborative resources

# Who Benefits?

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Customers in the mental health system now have access to legal protections with teeth in them.

- ORR can take and investigate complaints.
- MDCR can enforce civil rights violations.

# Civil Rights Laws

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A Brief Introduction

# Two Sources of Civil Rights

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- State Law
- Federal Law

# State Laws Protect Civil Rights

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- Michigan Mental Health Code
- Elliott-Larsen Civil Rights Act
- Persons with Disabilities Civil Rights Act

# Federal Laws Protect Civil Rights

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- Americans with Disabilities
- Fair Housing Act
- Rehabilitation Act
- Individuals with Disabilities Education Act
- Civil Rights of Institutionalized Persons Act
- Titles VI, VII, VIII, IX

# **Resources Available From Michigan Department Of Civil Rights**

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# MDCR Service Options

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- Information
- Outreach & Education
- Referral
- Problem Resolution Process

# How to Take Advantage of MDCR

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We're just a phone call away

- Early resolution of complaints
- Consultation
- Training
- Outreach into the mental health community
- Formal complaints

# **Recognizing Civil Rights Violations**

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# Listen for the Cues

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- “I am being treated differently.”
- “I am being harassed.”
- “I am being denied an accommodation.”
- “I am being denied access.”
- “I am being denied a service.”

# Discrimination

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## Two Types

- Failure to accommodate
- Discrimination because of protected status

# Failure to Accommodate

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Look for the cues:

- A covered disability
- A request for accommodation
- Inadequate response
- Failure to communicate

# Discrimination

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Look for the cues:

- Membership in a protected class
- Adverse action
- Comparables (others treated better)
- Other evidence?

# Harassment

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Look for the cues:

- Bad conduct
- Refers to protected status
- Unwelcome and frequent
- Conduct continues after request that it stop
- Management fails to act

# Retaliation

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Look for the cues:

- A right was exercised
- Management knew about it
- Adverse action
- Evidence connects the two

# Denial of Access

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Listen for the cues:

- “I can’t get in.”
- “I can’t hear what’s being said.”
- “I can’t participate.”

# Denial of Service

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Look for the cues:

- Eligibility for a service
- Failure to get the service
- Incomplete service received
- Limitation imposed on receipt of service

# Civil Rights Case Studies

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Test Your Knowledge!

# Case Study: Failure to Accommodate

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- Consumer with manic depression
- Apartment with “NO PETS” rule
- Psychologist recommends a companion cat
- Maintenance man finds cat in consumer’s apt.
- Consumer gets eviction notice & comes to you

# Case Study: Discrimination

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- Residential facility
- White staff
- Residents: white & minority
- Minority resident complains to you about violation of a floor rule
- Accuses staff of discriminating against minorities

# Case Study: Harassment

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- CMH consumer
- Employed by sheltered workshop
- Supervisor is “touchy feely”
- Comments on appearance, weekend activities
- Questions are getting more & more personal

# Case Study: Retaliation

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- Residential facility
- Minority resident; ORR discrimination complaint
- Thanksgiving
- Resident's request for a V/L pass denied

# Case Study: Denial of Access

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- Residential facility
- Multi-story facility; no elevator
- Swimming pool in the basement level
- Resident in wheelchair lives on ground level

# Case Study: Denial of Service

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- CMH consumer
- Developmental disabilities
- Family member calls to say consumer has requested a person-centered planning meeting
- CMH schedules the meeting, but insists that its representatives will attend

**What's the Future Hold?**

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# MDCR/ORR Partnership

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- Develop collaborative training
- Develop collaborative relationships
- Develop collaborative resources



*Any Questions?*