

Ann Arbor Human Rights Commission 2019 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 fulfills one of those requirements and, in addition, provides a broad summary of the HRC's activity in 2019. A separate report, written jointly with the City's Purchasing Department, focused on contractor compliance, will also be submitted to Council in the near future.

Commission Administration

The HRC's role has evolved since the adoption of the revised Chapter 112 Non-Discrimination Ordinance in 2014 which requires 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 administrative and internal steps in 2019 to manage this role most effectively:

- With the help of Lisa Wondrash and Denise Jeanes, the HRC enhanced its webpage and kept it up-to-date. They have also used the City's Facebook and Twitter capabilities to keep the public apprised of HRC announcements and events;
- The HRC expanded, updated, and utilized a large email list of people and groups who have expressed or demonstrated an interest in keeping informed about human rights issues in our City;
- HRC members attended a number of human-rights-related meetings and presentations organized by groups like the Fair Housing Center of Southeast and Mid-Michigan and Advocates and Leaders for Police and Community Trust (ALPACT).
- With the formation of the Independent Community Police Oversight Commission (ICPOC), a Management Assistant was recruited and hired to work with both that new commission and the Human Rights Commission. The HRC was involved in developing the job description for this position, interviewing candidates, selecting the person who would fill this important role, and training her in the procedures the HRC would require. The addition of Denise Jeanes has allowed the HRC to provide a higher level of service to residents and be more productive. It has meant that people with human rights concerns have someone to immediately talk with and, where relevant, direct them to other commissions or agencies that are better choices for addressing their needs. In some cases, their discussions with Denise have revealed options that obviated their need to file a complaint. On the other hand, the HRC has received and processed more inquiries in 2019 than in any other year. The HRC updated its procedures for effectively and efficiently handling discrimination complaints that it receives, incorporating the management assistant's role and further professionalizing the HRC response.

¹ This report was formally accepted by the members of the Human Rights Commission on a unanimous vote of all present at the June 10, 2020 meeting of the HRC.

Support for Human Rights

The Human Rights Commission tracks human rights issues and concerns in the community and identifies needs and ways in which it can effectively contribute to protecting human rights in Ann Arbor. In 2019, the HRC's work included the following:

- The HRC was made aware of housing facilities in Ann Arbor that were forcing people from their homes by refusing to continue to accept housing vouchers as payment for rent. Discrimination on the basis of "source of income" has been prohibited under the City's Non-Discrimination Ordinance for decades, and refusing to accept housing vouchers has therefore been prohibited by the ordinance. But, as we learned, the way "source of income" was defined in the ordinance was arguably too vague to make it clear that such refusals were prohibited. The HRC worked with Senior Assistant City Attorney Margaret Radabaugh and community leaders with expertise on these kinds of housing issues to draft a more clear and comprehensive definition of "source of income." City Council voted in early 2020 to amend the Non-Discrimination Ordinance to include the new definition.
- The HRC did the initial research for an ordinance that would protect minors from the harmful and professionally discredited practice of conversion therapy. The HRC received valuable input from the Jim Toy Center; a University of Michigan School of Public Health professor who was also working on State legislation in this area; and the OUTlaws, a group of University of Michigan Law School students. A proposed ordinance banning conversion therapy will go to Council in 2020.
- The HRC discussed with Acting AAPD Chief Pfannes and Sr. Assistant City Attorney Arianne Slay our concerns about how Trespass is enforced. While our discussion resulted in some changes in the policies and procedures the AAPD uses to enforce Trespass, several of the HRC's concerns have not been addressed. The HRC chose to postpone further work on this until ICPOC had been fully realized and was in a position to work with us on this issue. Members of the two commissions are now working jointly on this and further action, and hopefully change, is expected in 2020.
- The HRC heard the revelations about the City's Director of Human Resources, was concerned about possible human rights violations in hiring and managing City employees, and worked with Assistant City Administrator John Fournier to identify consultants who could assess the situation and consider how healing and effective change might best be made in that department.
- The HRC began an investigation into the history of housing in Ann Arbor and how it became as racially segregated as it now is. Several of us read *The Color of Law* by Richard Rothstein to gain an understanding of how federal, state, and local governments made decisions over the years in this country that contributed to housing segregation. We are exploring what kinds of decisions were – and perhaps still are-- being made in Ann Arbor that contribute to housing segregation. We hope to identify policies and practices that can be implemented in our city to increase diversity in housing.

Support for the Independent Community Police Oversight Commission

In 2019, the HRC was tasked with recruiting “applications community-wide for initial membership on the [Independent Community Police Oversight] Commission” and doing the “publicity and outreach to organizations that represent diverse populations.” To carry out this charge, the HRC developed a description of the work expected of ICPOC members and an application that sought information aimed at ensuring the selection of a diverse group who could contribute effectively to this new entity. The HRC then posted and broadly circulated this “call for candidates,” and received and processed the applications. Sixty-two applications were received, almost all from highly qualified candidates. The HRC designed a vetting process that would allow the HRC commissioners to individually “score” each candidate on what they would “bring to the table” and, by combining the scores of all HRC commissioners, arrive at a score for each candidate that represented our overall assessment. We delivered a rank-ordered, scored list of all the candidates to the four City Council members (two HRC liaisons and two ICPOC liaisons) who then made the final nominations to send to City Council.

Facilitation of Contractor Compliance Under Chapter 112: Non-Discrimination

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. Community members seem to be increasingly aware of the complaint-handling services now available to them. A table summarizing the complaints received in 2019 is attached. In addition to these complaints, the HRC receives calls and answers questions about human rights and discrimination in Ann Arbor. Simple requests for information were not tracked in 2019, although a number of requests were taken from Ann Arbor residents that required considerable attention, yet did not become formal complaints. The HRC will continue its efforts to increase awareness in the community that this complaint process is available.

Ann Arbor Human Rights Commission Complaints Received in 2019

Intake Number	Date Received	Complaint Basis	Date Completed	Description and Disposition
2019-1	4.23.19	Race	5.9.19	Public Accommodations. Claim of poor service due to race. HRC helped complainant find another service provider and reported the questionable customer service to Fair Housing Center (for possible testing).
2019-2	6.20.19	Sexual orientation and harassment	7.30.19	Employment. Claim that sexual harassment of an employee was inadequately handled by management. HRC worked with complainant until he was able to resolve the issue with his employer.
2019-3	7.30.19	Race, Gender	8.19.19	Housing. Thoroughly investigated a claim of discriminatory treatment by housing facility management and found that there was no evidence of discrimination.
2019-4	8.12.19	Gender Identity	1.4.20	Public Accommodations. Complainant felt that past gender re-assignment had become an impermissible barrier to obtaining healthcare for another matter. Complainant decided to drop the case.
2019-5	9.4.19	Disability	11.3.19	Public Accommodations. Property-owner-requested issuance of trespass notice may have been related to mental health and lack of physical stamina of the complainant. Referred case to ICPOC.

2019-6	10.10.19	Sexual Orientation, Race, Ethnicity	10.31.19	Housing. Claim of unreasonable harassment by housing management. Investigation by HRC suggested claims had merit. Referred to Fair Housing Center for testing (testing delayed due to COVID epidemic).
2019-7	10.23.19	Disability	12.18.19	Housing. Claim of unfair eviction and subsequent housing-management-requested trespass notice. Referred complainant to Legal Services of South Central Michigan and ICPOC.
2019-8	11.10.19	Arrest Record, Retaliation	7.7.20	Employment. Claims of denial of promised promotion and subsequent termination from employment in retaliation for filing a complaint with the HRC. The HRC assisted complainant in receiving back pay. An investigation of retaliation claim revealed credible non-retaliatory reasons for termination.
2019-9	12.13.19	Gender Identity	6.9.20	Housing. Housing facility's refusal to rent to complainant was allegedly because of gender identity. This was referred to Fair Housing Center which investigated and found credible non-discriminatory reasons for refusal existed, making any discrimination very hard to prove.
2019-10	12.16.19	Race	Open	Race. Claims of being mistreated and trespassed because of race.
2019-11	12.5.19	Marital Status	Open	Housing. Claims rental opportunity was denied because applicants were not married.