

Mission Statement

*I*t is the mission of the Maryland Commission on Human Relations to ensure equal opportunity for all through the enforcement of Maryland's laws against discrimination in employment, public accommodations, housing and commercial non-discrimination; to provide educational and outreach services related to the provisions of these laws; and to promote and improve human relations in Maryland.

Letter of Transmittal

State of Maryland Commission on Human Relations



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January 1, 2008

The Honorable Martin O'Malley, Governor
The Honorable Members of the General Assembly of Maryland

Dear Governor O'Malley and Members of the General Assembly:

On behalf of the members and staff of the Commission on Human Relations, we respectfully submit to you this Annual Report for Fiscal Year 2007 in accordance with Article 49B, Sec. 3 (b), Annotated Code of Maryland.

The Commission continues to function in a very effective manner. Some of the evidence of that performance is indicated below. However, given the loss of staff (a reduction of 14 positions in the past four years), caused by successive years of budget reductions, the agency is coming perilously close to being unable to fulfill its mission.

Budget reductions have forced the Commission to eliminate two major units: the Community Outreach and Education Unit and the Systemic Investigations Unit, which had just completed a major investigation of employment discrimination, and was embarking on another major investigation. The COEU was a vital component of the agency's program, serving to educate the public to the law, which served to reduce the number of violations by enlightening businesses, landlords and other organizations. Simply by making the public aware of the law, there is much less tendency to discriminate against individuals. Obviously, this is a vital part of our mission. Without these units, MCHR simply cannot do the job it was created to do and has been doing successfully for close to eighty years.

In addition to these cuts, MCHR was charged by the General Assembly to take on another area of responsibility with HB 1486, Commercial Nondiscrimination Policy. Enforcement of this new law will require additional investigative and legal staff and to date this initiative is not being adequately funded. We believe that the work required to set up and implement this project (which is completely new to Maryland) requires much more budget support. We were provided funding for only one attorney position in the last legislative session.

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Our financial predicament is further complicated by the fact that Federal funds from the Equal Employment Opportunity Commission (EEOC) and the Department of Housing and Urban Development (HUD) have been severely reduced. Although we have, as noted below, performed exceptionally well with our EEOC and HUD contracts, nevertheless we will again suffer continued reduction in federal funding for future contracts.

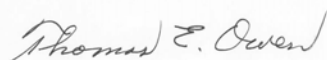
Despite these obstacles, in many respects the Commission completed a very successful year in Fiscal Year 2007. Although confronted with continued budget cuts, the agency performed in a superlative manner. The General Counsel's Office successfully litigated four major cases in the areas of employment, public accommodations, and housing. This office also provided technical assistance and training throughout the state, which is a vital part of our mission. The General Counsel was often called on to participate in key initiatives in Maryland, e.g., appointment by the Governor to the Equal Pay Commission, created by Senate Bill 250.

The Case Processing Division continued its fine performance, completing investigations in a total of 927 individual complaints of discrimination. We also received 783 new complaints culled from over 8000 inquiries regarding our services. The Division obtained more than \$351,000 in monetary benefits for its customers. In fulfilling its contractual obligations with EEOC, MCHR met its goals with a 100% acceptance rate for the fourth year in a row. A strong component of the Case Processing Division is the Mediation Unit. This unit, now six years old, facilitates agreements in an efficient, time-saving manner which avoids prolonged litigation and most often leaves complainants feeling much more satisfied with the outcomes as opposed to court hearings.

The Commission is in the process of seeking external funds to undertake a study of the Hispanic Community in Maryland, prompted by our realization that despite the large number of Hispanic residents in our state, a disproportionately few take advantage of our services. In order to ascertain exactly why, and to determine the means by which we can reach this large segment of our community, we hope to partner with the University of Baltimore and the Governor's Commission on Hispanic Affairs in this endeavor.

We believe it is evident that the Commission makes every effort to carry out its mission in a superlative manner. Thus, we are asking that you give special consideration to the needs of this agency, so that we may be able to continue the kind of service to the people of Maryland that they and the State government have asked of us over the years.

Very truly yours,



Thomas E. Owen
Chairperson



Henry B. Ford
Executive Director

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The Commission

The Maryland Commission on Human Relations (MCHR) represents the interest of the State to ensure equal opportunity for all through the enforcement of Article 49B of the Annotated Code of Maryland and the State's Commercial Non-Discrimination Policy. The MCHR investigates complaints of discrimination in employment, housing, public accommodations and commercial discrimination from members of protected classes that are covered under those laws.

The Maryland Commission 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.

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, sex, age, national origin, marital status, physical or mental disability, sexual orientation and 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; and promotes knowledge and understanding of anti-discrimination laws and help to improve human relations within the State.

2007 Commissioners

- Thomas E. Owen, Chairperson
John W. Hermina, Esquire, Vice Chairperson
Norman I. Gelman
JoAnn Fisher
- Barbara Dezmon, Ph.D.
Sambhu N. Banik, Ph.D.
Rabbi Elan Adler
Roberto N. Allen, Esquire

Office of the General Counsel

The Office of the General Counsel is an independent legal unit within the Maryland Commission on Human Relations (MCHR) created by Article 49B, §2 MD Code Ann. The Office is autonomous from the Office of the Attorney General, the legal representative of most State agencies. It is the responsibility of the General Counsel's office to represent the Commission in its enforcement of Article 49B at all judicial proceedings and administrative hearings in which the Commission is a party. The Office is charged with defending the agency in all claims and issues that are raised before various tribunals such as the Office of Administrative Hearings, State and federal trial and appellate courts.

In addition to litigation, the Office provides oral and written opinions to MCHR staff, advice and guidance to investigators, train agency staff and provide technical assistance training to businesses, corporations, organizations, non-profits and other State agencies. The General Counsel is assisted by three Assistant General Counsels in carrying out these responsibilities.

Legislation and regulation drafting are additional duties carried out by the Office. After 15 years of hard work and persistence by MCHR staff Article 49B was amended during the 2007 Legislative Session of the General Assembly to provide victims of unlawful employment discrimination with meaningful remedies such as compensatory damages and a private right of action. Senate Bill 678's passage brought Maryland in line with federal law under Title VII and with the laws of over 40 States.

In the 2006 Legislative Session, the General Assembly passed the State's Commercial Non-Discrimination Policy Act. At the last minute MCHR was included as the enforcement agency for the act. The original legislation was written with the enforcement agency being the Attorney General, thus many procedural sections in the legislation either conflicted or were inconsistent with MCHR procedures. Legislation was submitted in the 2007 Legislative Session to amend and correct the Act's procedural sections making them consistent with MCHR process. Upon the successful passage of the amendments, the General Counsel's Office began creating a unit to enforce the Commercial Non-Discrimination Policy.

INITIATIVES

The General Counsel's Office, in the interest of furthering the agency's mission, entered into cooperative partnerships to better enforce Article 49B, the State's Commercial Non-Discrimination Policy, better human relations and eliminate unlawful discrimination. In FY2007, the office participated in several initiatives to achieve that goal.

- In collaboration with the Maryland Association of Realtors, the General Counsel's Office conducted workshops on "Special Topics in Best Business and Marketing Practices" to the board of realtors in Howard County, Carroll County, and Garrett County. In addition, participated with the Montgomery County Office of Human Rights in presenting its Fair Housing Education Forum.
- Participated with the representatives from the Department of Justice, HUD, Sheriffs Department of Charles County, on a panel discussing "hate crimes" and the prevention of such crimes. The event was held in Charles County.
- Chaired the Maryland State Bar Association's Labor and Employment Law Section which provided several continuing legal education workshops and programs on labor and employment law for section members which number over 900 lawyers.
- Presented to classes at the University Of Maryland School Of Law, Disability Law Seminar and Prince George's County Community College, Employment Law class.
- In the interest of establishing partnerships and disseminating information regarding the State's new Commercial Non-Discrimination Policy, the General Counsel's Office began preliminary work by participating as a panelist at the 8th Annual African-American Business Forum, attending the Maryland Small Business Awards breakfast and the Maryland Washington Minority Contractors' Association, Inc. Annual Spring Membership Breakfast.

SIGNIFICANT CASES

EMPLOYMENT

Gail Sterling v. Atlantic Automotive Corporation

Work place sexual harassment continues to be an ever present portion of all discrimination cases filed in Maryland courts. An important aspect of such cases, neither fully litigated nor adopted by the Maryland Court of Appeals, is what is known as the *Faragher-Ellerth* affirmative defense. In such a defense, based on companion Supreme Court Title VII decisions in 1998, an employer may absolve itself of liability for sexual harassment, if the employer had an avenue for employees to address sexual harassment and if the victim did not avail her or himself to said avenue. The federal and many state courts accept this defense as an affirmative bar to liability. The Maryland Court of Appeals heard arguments, in the spring of 2007, dealing directly with the applicability of the *Faragher-Ellerth* defense to cases based on violation of the State's anti-discrimination law in the above cited case.

In light of the identity between Article 49B and Title VII, and the MCHR's expertise on interpreting Article 49B, the MCHR filed an *amicus curie* (friend of the court) brief supporting the State courts' adoption of the standard. The Court of Appeals ruled only on a procedural aspect of the case before it. The Commission however, continues to apply the Faragher-Ellerth standard to its education, investigation and litigation programs.

Fred Crouch v. Prince George's County Public School System

Prince George's County Public School System (PGCPSS), which is the second largest school system in Maryland, transferred one of its teachers to another school in retaliation against him for filing a racial discrimination complaint. PGCPSS reached an agreement with the MCHR on the unlawful race discrimination case.

The most significant part of the agreement was that PGCPSS consented to reestablish and maintain with adequate staffing levels, its Equity Assurance Office. The Equity Assurance Office is charged with investigating school system employee complaints of unlawful discrimination and harassment. In addition, PGCPSS will require its principals, administrators and other supervisory personnel to undergo sensitivity training surrounding anti-discrimination, anti-harassment and cultural competence.

HOUSING

Peter Raimondi v. Board of Directors of Brentwood Park Condominium Assn.

Pete Raimondi is a 79 year old man who had childhood polio. He wears a brace on his leg and walks with crutches. He asked his condo association for permission to install a ramp over the steps in front of the building where he lives and a curb cut to his parking space. The Board of Directors refused to allow these modifications to common areas, even if he paid for them. Raimondi filed a complaint. The investigation found probable cause to believe the Board discriminated against him on the basis of his disability.

The Board refused to conciliate and MCHR filed a Statement of Charges. A trial was held and the Administrative Law Judge (ALJ) held that the Board discriminated against Raimondi. The ALJ also found that requiring Raimondi to sign an agreement indemnifying the Board as a condition of permission for the ramp and curb cut was unlawful. The Board was ordered to give Raimondi permission to install a curb cut. The Board was also ordered to pay a civil penalty of \$5,000 to the State and damages of \$1,000 to Raimondi. MCHR appealed, seeking an order that the Board give Raimondi permission for a ramp to help him overcome the steps in addition to the curb cut which was ordered. The agency also sought an increase in the damages to \$50,000 for Raimondi, as he has been waiting for almost 5 years and continues to have difficulty getting access to his building from the parking lot because of steps and lack of a curb cut. A decision of the Appeal Board is pending.

Austin Scarlett v. Wallace H. Campbell, Co., Inc.

Austin Scarlett's leg was amputated in 2000. He is morbidly obese and uses a wheelchair for mobility. He moved into Greenhill, managed by the Respondent. Scarlett claimed that he was discriminated against as a person with a disability. He spoke with the Respondent's V.P. at Greenhill, but nothing was done. Scarlett wanted to talk with the President, Bruce Campbell. Campbell agreed to meet Scarlett, but only at Campbell's office. When Scarlett arrived, he found the entrance blocked by steps. He hopped up the steps; his wheelchair was carried up. He needed to use the restroom and was escorted to a restroom. His wheelchair would not fit through the door. He hopped inside, grabbing onto walls and the sink for support. There were no grab bars and he almost fell. Scarlett filed a complaint, alleging that he was denied accommodations and that he injured his back and his knee from hopping about. The investigation supported his allegations. The Campbell Co. refused to conciliate. MCHR filed a Statement of Charges. The Respondent moved for summary judgment on the damages part of the case and the motion was granted. MCHR tried the balance of the case, seeking a civil penalty and injunctive relief. The ALJ found that Campbell Co. did not discriminate against Scarlett and dismissed the case. MCHR appealed. The Appeal Board reversed the ALJ, finding that Campbell Co. did discriminate against Scarlett. The Board vacated the ALJ's order of summary judgment to the Respondent on damages and remanded the case to the ALJ to determine Scarlett's damages. A hearing on damages was held. A decision is pending.

TECHNICAL ASSISTANCE AND OUTREACH

MCHR, as part of its continuing effort to inform the businesses, government agencies and citizens of the State of Maryland about Article 49B, Commercial Non-Discrimination Policy and their rights, provides a number of services. Training, information and other support resources are available to all Marylanders through our work with businesses, government agencies, organizations, faith communities, and academic institutions. The major technical assistance thrust is to provide the information and the resources that will ensure that persons who live, work, own businesses and visit the State of Maryland will have equal opportunity in housing, employment, commercial transactions and public accommodations.

Through technical assistance, education, outreach, and training events, more than 6800 individuals were provided information about equal protection from unlawful discrimination under Maryland law and made aware of issues that affect their quality of life. Training workshops in cultural competence, sexual harassment prevention, conflict resolution, sexual orientation, genetic information, disability sensitivity, hate crimes awareness, MCHR services, fair housing issues, and discrimination and the law were presented by the General Counsel's Office, Mediation Unit, and investigative staff.

MCHR planned, facilitated, and participated in special events throughout Maryland, in conjunction with other organizations and agencies. Through such events as regional Fair Housing Training for Realtors, Media Day for the Washington Region for Justice and Inclusion, and Human Rights Day in Annapolis, MCHR helped to broaden awareness of its services and information on equal access for all Marylanders.

This year **161** training sessions were provided to approximately **6874 +** individuals. These trainings were provided to almost **100** different groups representing a wide diversity of institutions, organizations, and businesses including:

- Catonsville Community College
- St. Marys College
- Towson University
- U. of M. at College Park
- Walters Art Museum
- Maryland Works
- Caroline Center
- Greater Baltimore Board of Realtors
- Burger King
- Anchorage Marina

- Tri-County Youth Services
- People Encouraging People, Inc.
- Americorps
- State's Attorney's Office
- Mt. Washington Pediatric Hospital
- Mark Thomas Architects
- Dept. of Juvenile Services
- Anne Arundel County Human Relations Commission

CASE PROCESSING DIVISION

The Case Processing Division provides intake, investigation, mediation and processing services for the complaints filed with MCHR in housing, public accommodations and employment. The Division provides those services through an Intake Unit and four Investigative Units. One of the Investigative Units, Field Operations, has full service offices in Hagerstown, Leonardtown, and Salisbury.

The Division 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 and Closures

Intake:

During FY 2007, the Division received a total of 783 individual complaints of discrimination as follows:

Employment	645 (82%)
Housing	90 (12%)
Public Accommodations	<u>48</u> (<u>6%</u>)
Total	783 (100%)

Charts I and II provide the county of origin and bases distribution of the complaints. Chart III provides the basis distribution of the cases closed.

Closures:

During FY 2007, the Division obtained **over \$351,000.00 in monetary benefits** for the people of Maryland.

During FY 2007, the Division completed all work on a total of 927 individual complaints of discrimination as follows:

Employment	748	(81%)
Housing	106	(11%)
Public Accommodations	<u>73</u>	<u>(8%)</u>
Total	927	(100%)

The Case Processing Division was successful in achieving its objectives in spite of a reduction in staff. The Division is pleased to report that once again, our contractual obligations were met with a 100% acceptance rate from our Federal partners, *for the fourth consecutive year.*

An indicator of success is that again, according to federal audits, MCHR demonstrated the superior quality of the investigations with one of the *highest acceptance rates of completed cases in the nation.* In addition, federal audits of other FEPA (Fair Employment Practice Agencies--state and local commissions that have the same or similar contractual relationship with EEOC), *revealed that the MCHR inventory of open cases is less than one-quarter the age of the national average of open cases.* The age of the pending inventory is an indicator of the time an agency takes to complete a case. The charts to the right demonstrate that the age of MCHR's pending inventory is *dramatically lower than the national average.*

The next chart demonstrates that the age of MCHR's pending inventory is *dramatically lower than the national average.*

Average Age of Open Case National Averages	
FEPAS (Fair Employment Practice Agencies)	855 days
FHAPS (Fair Housing Assistance Programs)	175 days

MCHR Average Age of Open Case 2007	
Employment	202 days
Housing	93 days
Public Accommodations (no national average)	498 days

Case Histories: The Impact on the Lives of People in Maryland

While the statistical analysis of the work of MCHR can provide valuable overall information on the state of human relations in Maryland, it does not present the effect that the MCHR has in terms of *promoting* and *improving* better human relations in the State. A few of the case histories that are presented here and in the Section on our Mediation Program are just two of the hundreds of cases where the MCHR has facilitated resolution of the conflicts that give rise to the complaints MCHR receives each year.

Manuel Mexicano vs. Ager Road Apartments

In this case of alleged housing discrimination, the MCHR was successful in obtaining for the Complainant Manuel Mexicano, \$5,000.00 for pain and suffering and the removal of a \$3,393.90 judgment filed against him in the District Court of Maryland for Baltimore County. In this case, the Complainant alleged that Ager Road Apartments and its agents routinely deny non-English speaking applicants an opportunity to view the units they would occupy until they provide a signed lease, full security deposit and the first month's rent. The Complainant proffered and evidence gleaned from the investigation revealed, that this practice prevented the Complainant and other non-English speaking applicants from identifying defects in the unit and having them corrected prior to moving in. The Commission staff, through the use of subpoena and interrogatories, obtained evidence that challenged the Respondent's credibility and issued a Probable Cause finding supporting the Complainant's assertions. After proposing a Conciliation Agreement, the Commission staff convinced the Respondents to resolve this matter through settlement. In addition, the Respondents agreed to comply with Article 49B of the Annotated Code of Maryland which requires that tenants will not be discriminated against because of their race or national origin.

Griffin v. Prometrics

In this case of alleged employment discrimination, Ronea Griffin (Complainant) v. Prometrics (Respondent) demonstrates how Intake, Investigations, Legal and Mediation produced the positive outcomes which resulted in the Complainant receiving \$44,000 in monetary damages as well as a clear understanding of the provisional requirements of 49B by the Respondent as it relates to religious accommodation.

Complainant alleged that she was discriminated against, based on her religion, when her employer failed to grant her a reasonable accommodation by scheduling her work hours so that she could attend religious meetings as required by her faith. She informed the Respondent, during the initial employment interview, that she would only be able to work a schedule that would not conflict with her religious obligations and was told, at that time, that such an accommodation would not be a problem.

Approximately nine months later, Complainant's work hours were altered to reflect Respondent's changing staffing needs. For several months Complainant worked the schedule which clearly conflicted with religious obligations but reiterating a desire to remain employed with an accommodation.

A schedule bid was released by Respondent and Complainant's bid for shifts which allowed for her religious practice was unsuccessful. Certain staffing schedule accommodations were made for similarly situated, less senior employees, citing college class requirements. Complainant was terminated because she refused to continue to work a schedule without religious accommodation.

Investigation revealed that Respondent's recounting of the events differed from Complainant's in some instances, but specifically indicated that she was terminated because she refused to work the schedule required. Respondent maintained that to have changed her schedule would have been an undue hardship, which involved limiting coverage hours where needed, denying other employee preferred schedules or hiring other employees.

Investigation revealed that Complainant is a practicing member of her faith with certain obligations which she made clear to Respondent, who made no attempt to accommodate Complainant's needs. Investigation found that an accommodation would have caused minimal routine disruption especially since Complainant attempted to make scheduling adjustments that would work for both parties. Investigation further found that Respondent made schedule accommodations, not related to religion, for other less senior employees.

Probable Cause findings were issued in this case and when efforts to resolve the matter resulted in the parties' Failure to Conciliate, the case was certified for public hearing. A request was made by Respondent at that time to have the case returned to Case Processing for a Mediation session. The session was successful with the aforementioned results.

Chart I: Total Intake 2007

Basis Distribution

Employment, Public Accommodations and Housing

Charges filed in Fiscal Year 2007 according to alleged Basis of Discrimination

Basis	E	PA	H
Race:			
Black	215	23	36
White	23	0	2
Asian/Pacific Islander	1	0	1
American Indian/Alaskan	0	0	0
Other	14	2	0
Sex:			
Female	79	4	3
Male	33	1	2
Sexual Orientation	28	1	0
Age	99	2	1
Retaliation	107	1	0
Disability	167	14	38
Religion:			
7 th Day Adventist	2	0	0
Muslim	2	0	1
Jewish	2	0	0
Protestant	0	0	0
Catholic	1	0	0
Other	12	2	0
National Origin:			
Hispanic	3	0	0
East Indian	1	0	0
Other	23	6	14
Familial Status	NA	NA	6
Marital Status	1	0	0
Color	1	0	3

**Chart II: Intake of Cases FY 2007:
Frequency by County
Employment, Public Accommodation and Housing**

County	E	PA	H	TOTAL
West				
Allegany	4	0	0	4
Frederick	12	0	2	14
Garret	2	0	0	2
Washington	19	3	3	25
Central				
Anne Arundel	59	4	9	72
Baltimore City	139	12	12	163
Baltimore County	111	7	10	128
Carroll	9	2	2	13
Harford	20	0	4	24
Howard	45	3	2	50
Montgomery	31	2	22	55
Prince George's	53	9	15	71
Southern Maryland				
Calvert	11	2	1	14
Charles	20	1	1	23
St. Mary's	14	1	1	16
Eastern Shore				
Caroline	7	0	0	7
Cecil	7	1	2	10
Dorchester	17	0	0	17
Kent	2	0	0	2
Queen Anne's	4	0	0	4
Somerset	4	0	0	4
Talbot	12	0	0	12
Wicomico	39	0	1	40
Worcester	4	1	2	7
Totals	645	48	90	783

Chart III: Closed Cases 2007

Employment, Public Accommodations and Housing

Cases closed in Fiscal Year 2007 according to alleged Basis of Discrimination

Basis	E	PA	H
Race:			
Black	256	19	44
White	28	2	2
Asian/Pacific Islander	2	0	2
American Indian/Alaskan	0	0	0
Other	19	0	2
Sex:			
Female	145	15	3
Male	44	1	1
Sexual Orientation	27	4	0
Age	122	4	0
Retaliation	124	2	0
Disability	213	27	36
Religion:			
7 th Day Adventist	0	0	0
Muslim	5	1	1
Jewish	1	0	0
Protestant	2	0	0
Catholic	0	0	0
Other	7	0	1
National Origin:			
Hispanic	5	0	3
East Indian	2	0	0
Other	45	6	11
Familial Status	NA	NA	5
Marital Status	1	0	0
Color	1	0	1

Note: Cases may be filed on more than one basis; therefore totals exceed number of charges received.

MEDIATION UNIT

In November 2001, the Commission hired a new Program Director to spearhead an innovative mediation initiative. The new MCHR Mediation Program formally began in January 2002 as an alternative to litigation for disputing parties. Since then, the Unit has grown to three full-time staff members and maintains a roster of over 130 trained volunteer mediators who continue to pioneer an agency-wide dispute resolution program that has been an overwhelming success.

The Mediation Unit receives many case referrals directly at the intake level when a charge is first filed. Cases are also referred to mediation from investigations staff and from the General Counsel's Office when mediation may become appropriate at a later phase in case processing.

Mediation allows cases to be processed effectively while saving the parties involved and the State money and time often spent on investigations and possible future litigation. Mediation focuses not only on resolving individual charges but also on repairing the relationships between disputing parties in all cases. The goal is to close cases quickly and efficiently and to also continue to promote a State free of discrimination by teaching the public to have a direct hand in resolving their own disputes. The program has become known state wide for its creative recruitment efforts, cutting edge training classes, and continuous quality assurance.

In fiscal year 2004, the Mediation Unit Director, Tara Taylor was asked to join the Maryland Mediator Excellence Council sponsored by the Maryland Mediation and Conflict Resolution Office (MACRO). MACRO is a court related agency chaired by Hon. Robert M. Bell, Chief Judge of the Maryland Court of Appeals, that serves the State by supporting and expanding conflict resolution services in Maryland. The Mediator Excellence Council developed the statewide Maryland Program for Mediator Excellence (MPME) and opened membership to mediators in late 2006. The MPME is unique in the country since it is providing mediators and other related professionals across the entire State with a network to access standards for quality mediation training, mentoring, ethical standards for practice, a formal grievance process and other programs to promote high quality mediation services in all programs.

The Mediation Unit Director has been serving on the Mediator Excellence Council as the representative for all mediation program roster managers in Maryland since 2004 and was elected as the Chair of the Council for the 2007 calendar year. She also serves on several state task groups to ensure that MCHR mediators will meet the State's standards for quality practice. In particular, the Director's participation on the State's Mediation Training Standards Task Group and the Mediation Mentoring Task Group has given MCHR mediators access to the most up-to-date training and mentoring opportunities. Participation in these efforts has raised the public's awareness of MCHR mediation services, garnered greater attention from other government agencies and has set the MCHR Mediation Program in line early for any mediator standards that may become mandatory in the future in Maryland. The Unit Director also presented workshops at this year's Association for Conflict Resolution International Conference in Phoenix, AZ and at several state ADR conferences sponsored by the Maryland Judiciary.

This year, in an effort to improve the overall quality of mediation services in Maryland and to create the most effective network of mediators statewide, the Mediation Unit Director garnered support from the MACRO to create a new coalition – The Maryland ADR Roster Managers Committee. This newly formed committee consists of many influential mediation program managers who are now working together to evaluate program mediators, share more accessible mediation locations statewide, create and offer more advanced trainings for program mediators, and to troubleshoot common program management concerns. The Committee, chaired by the Mediation Unit Director, is hosting its first statewide Mediation Program Roster Managers Conference in December 2007.

In addition to the quality assistance efforts with the MPME, in fiscal year 2007, the Mediation Unit trained an additional 45 new volunteer mediators and offered continuing education courses for all current volunteers to enhance their mediation skills. The Mediation Unit offered a 40 hour Basic Mediation Course in Summer 2006 and once again developed and presented several training courses this fiscal year including: *How Do I Mediate Thee ~Let Me Count the Ways (debate and discussion of various mediator styles)*, *Making the Most of Out Co-Mediation*, *Working with Attorneys in Mediation*, *Ethics & Confidentiality in Mediation* and *Advanced Reframing Skills*. The Mediation Unit continues to partner with several experienced private mediators, county community mediation centers and the Center for Dispute Resolution at the University of Maryland School of Law to offer more new training topics every year to its volunteer mediators.

In an effort to expand mediation services throughout the State and make these services accessible even in rural areas, the Mediation Unit has continued to develop its partnership with Community Mediation Maryland to recruit local mediators in several counties outside of the Commission's office locations. Through this collaborative effort, MCHR now offers mediations in accessible locations through local Community Mediation Centers that serve counties in Western and Southern Maryland and on the Eastern Shore, as well as the north-eastern part of the State. The Mediation Unit will continue to expand its services to more rural locations throughout the State.

Through its strong mediator recruitment efforts, innovative training programs, and outreach to the public, the Mediation Program continues to set an example in state government of an effective and efficient model for helping Maryland citizens resolve their own disputes. The program maintains a high level of participants that elect to voluntarily participate in mediation and continues to hold more mediations each year. The high quality of services is clear from the feedback received from mediation participant surveys collected at the end of all mediation sessions. *Again this year, most mediation participants stated that they would use the mediation process again in future disputes and that they would recommend the mediation process to others even if they weren't able to reach an agreement in their particular case.*

When asked what was most helpful about the mediation process, survey comments from participants included: *"Meeting each other (face to face) and resolving our differences"; "The mediation helped myself and my supervisor to get the understanding of how we feel and our views"; "Quick settlement between both parties"; "Being able to hear additional facts and circumstances from the Complainant"; "An opportunity to hear all the issues"; "Care and patience of the mediators"; and "Being able to come to a conclusion".*

The program promises to be a continued success for the Commission and to set a standard of excellence for alternative dispute resolution throughout Maryland.

SUCCESSFUL MEDIATIONS

Every mediation is unique and allows for the participants to brainstorm creative options for resolving their dispute that respond to their individual needs. The following are examples of mediation agreements from cases in FY07:

Kelby Brick vs. St. Agnes Hospital

This public accommodations case involved a Complainant who is deaf who alleged he was not being accommodated with a sign language interpreter to assist him with his visit to the emergency room at St. Agnes Hospital. During the mediation, the Complainant who is an attorney, along with the hospital's attorney, worked together to draft a comprehensive agreement that included changes to the hospital website that address accommodations for the hearing impaired, signage around the hospital with instructions on accessing services and advertisements in two local newspapers concerning the hospital's commitment to the hearing impaired community.

Ronea Griffin vs. Prometric

The Complainant alleged that she was discriminated against, based on her religion, when her employer failed to grant her a reasonable accommodation by scheduling her work hours so that she could attend religious meetings as required by her faith. As mentioned in the case processing section of this annual report, this case was processed through investigations, a probable cause finding was issued, efforts to conciliate failed and the case was about to be certified for public hearing when the parties finally agreed to attempt mediation. Mediation was successful and the Complainant received a \$44,000 settlement.

Brian France vs. Bob Jackson Landscape

In this case, the Complainant alleged that his employer discriminated against him based on his race, African American. The Complainant was a supervisor for the Respondent and stated in his charge that his employees refused to take direction from him because of his race and that this was causing his supervisors to unjustly reprimand him. He stated that he had complained to management to no avail. After hours of joint and private mediation sessions with the mediators, both parties ultimately worked together to draft language for a reference letter for the Complainant and agreed on a monetary settlement amount.

Percentage of Eligible Cases Processed by the Mediation Unit:

Fiscal Year 2002: 13%

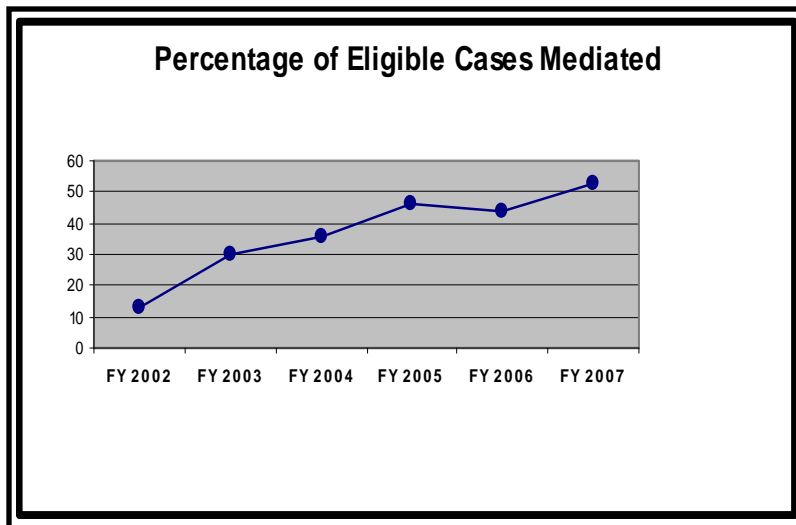
Fiscal Year 2003: 30%

Fiscal Year 2004: 36%

Fiscal Year 2005: 46%

Fiscal Year 2006: 44%

Fiscal Year 2007: 53%



Number of Mediations Held:

Fiscal Year 2002: 98 mediations

Fiscal Year 2003: 174 mediations

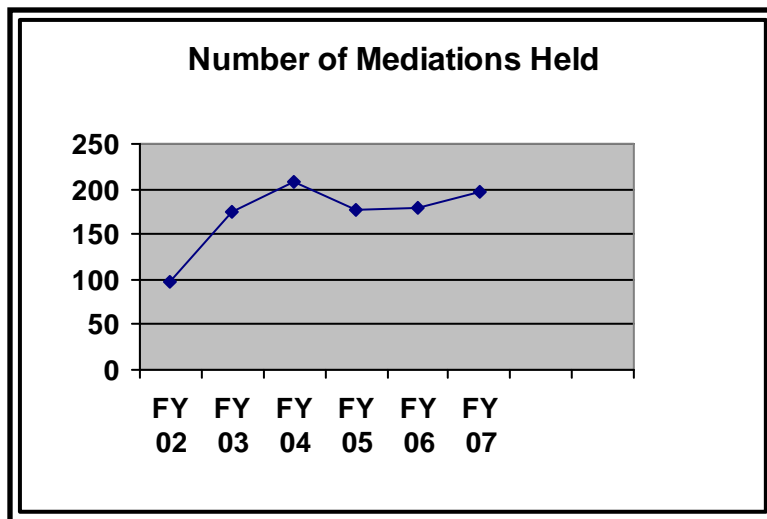
Fiscal Year 2004: 208 mediations

Fiscal Year 2005: 177 mediations*

(* more cases were resolved by Mediation Staff in addition to this number than in previous years)

Fiscal Year 2006: 179 mediations (3 cases were mediated but are pending closure in FY07)

Fiscal Year 2007: 197 mediations (17 cases were mediated but are pending final closure in FY08)



Percentage of Mediated Cases that Reach Agreement:

Fiscal Year 2002: 42%

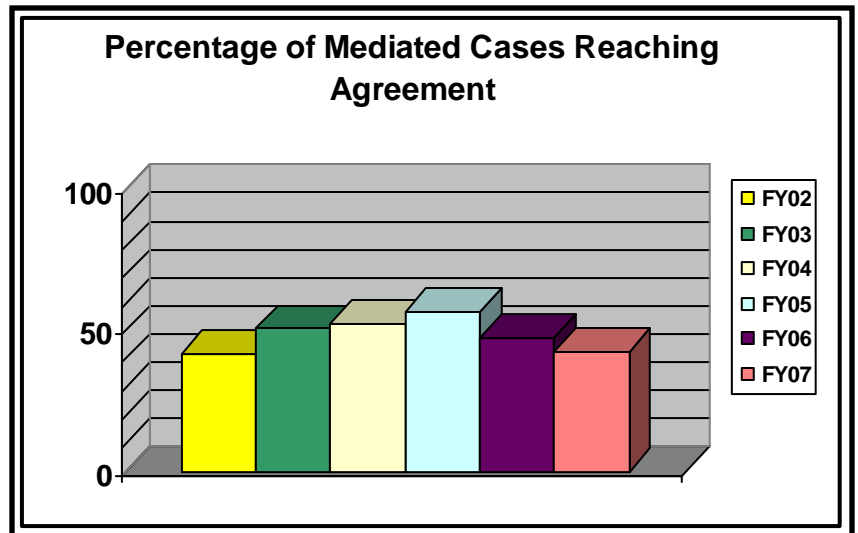
Fiscal Year 2003: 51%

Fiscal Year 2004: 53%

Fiscal Year 2005: 57%

Fiscal Year 2006: 48%

Fiscal Year 2007: 43%

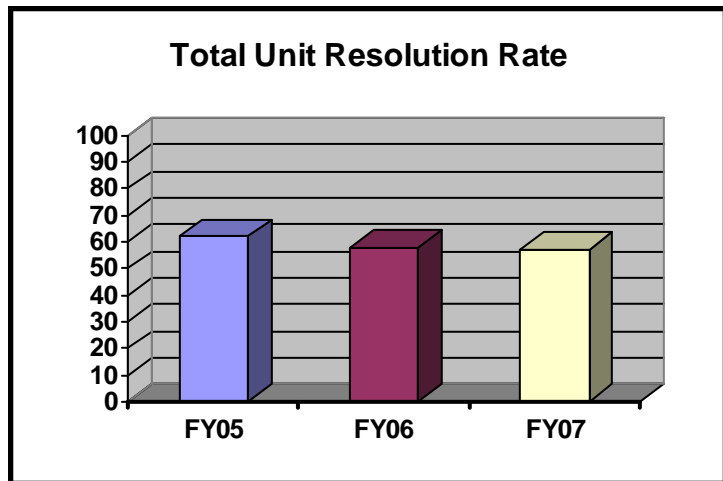


Total Unit Resolution Rate:

Fiscal Year 2005: 62%

Fiscal Year 2006: 58%

Fiscal Year 2007: 57%



*Prior to fiscal year 2005 the Mediation Unit only tracked cases that were resolved through formal mediation sessions. Starting in 2005, the Commission continued to track the number of mediated cases that reached agreement as well as the number of cases that were successfully resolved by Mediation Unit staff efforts before or after mediation (ie. administrative closures and settlement agreements negotiated by Mediation staff outside a formal mediation session). These numbers combined now yield a total unit resolution rate that has been tracked only since fiscal year 2005.

Hate Crimes Monitoring

Under Article 49B, of the Annotated Code of Maryland, hate crimes are prohibited under housing provisions. Additional hate crimes protections are found under Criminal Law volume—Annotated Code of Maryland. The MCHR, as part of its mission and mandate to eliminate discrimination in Maryland, believes that it is important to raise awareness and assist Marylanders to recognize and address hate crimes as a priority. Therefore, the MCHR provides reporting and classification of hate incidents in cooperation with the Maryland State Police. The MCHR offers leadership by investigating hate crimes and providing victim assistance.

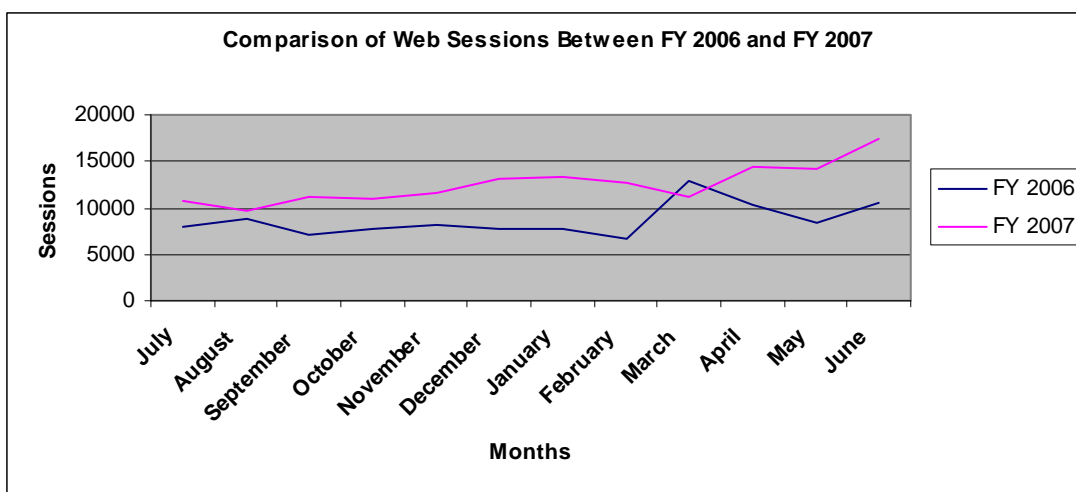
Each law enforcement agency in the State of Maryland reports hate related incidents on a monthly basis to the Maryland State Police. In turn, the Maryland State Police forwards a copy of the reports of all hate related incidents to the Maryland Commission on Human Relations.

In FY 2007, a total of 519 hate related incidents were reported to the MCHR. The highest number of incidents (354) were race-based, reported by members of the general public. There were 43 reported incidents based on sexual orientation.

An example of the type of outreach the MCHR provides would be the intervention and education of relevant parties to the hate related incidents that occurred in Cecil County at Perryville Senior High School. The incidents involved a picture of a black person being hung and graffiti sprayed painted on the sidewalk leading into the school. The acts were being labeled only as acts of vandalism by law enforcement. Commission staff had several conversations with law enforcement in the area and the various media outlets to define these incidents as acts of hate directed against African Americans that lived in Cecil County. Acts such as the ones that occurred at Perryville High School are sometimes “down played” in a community. As a result of the Commission’s involvement the Department of Justice investigated the hate incident. The matters were subsequently labeled hate crimes by law enforcement with charges eventually brought against a juvenile in the area.

Information Technology Unit

In keeping the agency abreast of technological advances, which the agency was unable to do during the previous three fiscal years, the agency replaced all of its computer systems during the Fiscal 2007. It also upgraded the productivity software of all computer systems to give its employees advanced tools to manage, store, and distribute information. However, the most significant technology tool used to bring our services to the public has been the Internet. The Maryland Commission on Human Relations has most of its contact with its customers through its *least* costly tool, its web site.



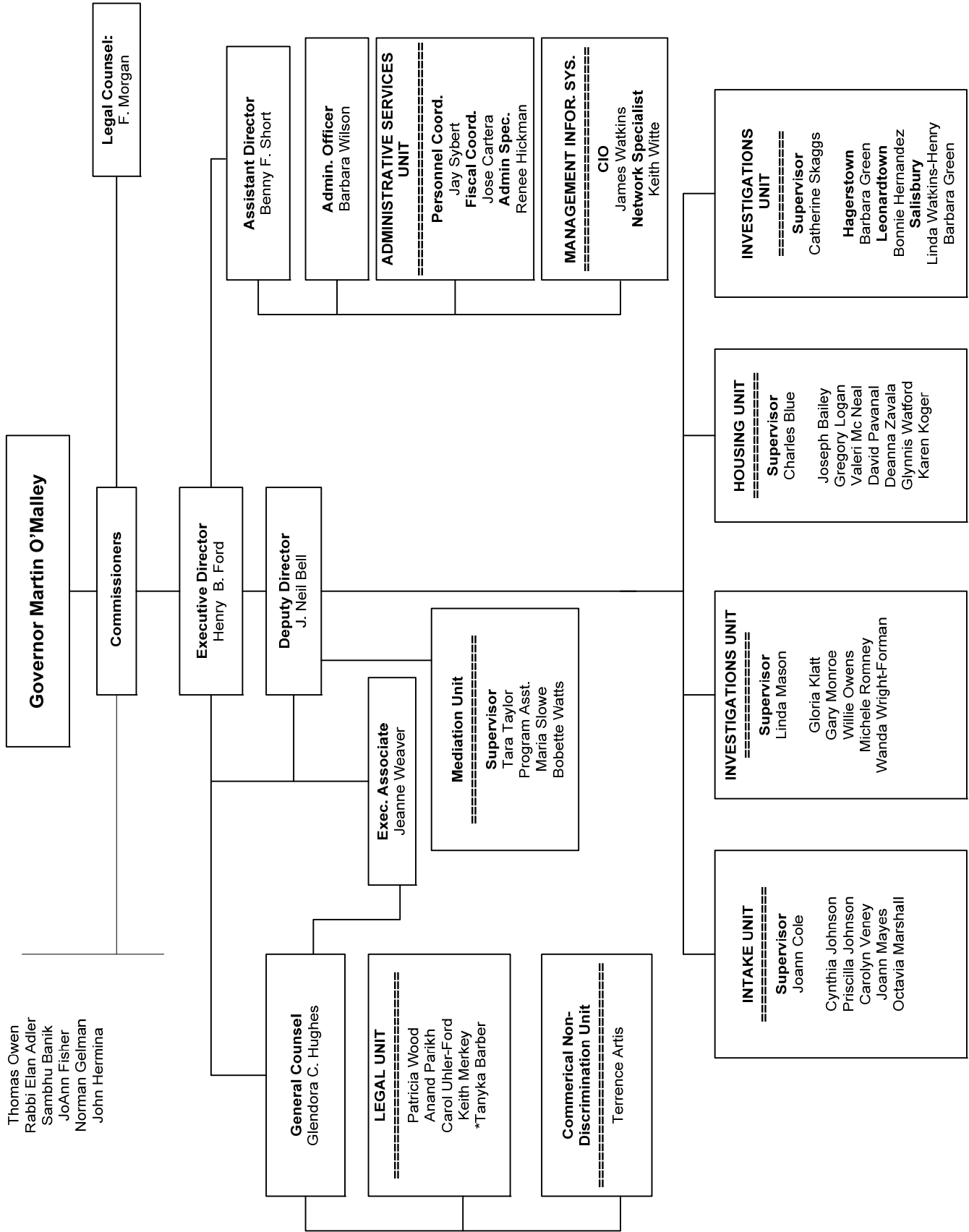
During Fiscal 2007, over 150,623 different persons made visits to the MCHR web site, averaging 12551 people per month. The greatest number of visitors came during the month of June. The least number visited during the month of July. What follows are some of the comments left in the survey completed by some of these visitors to our web site:

Date	Comment	IP Address
8/7/2006	looks good to me	141.157.28.114
8/25/2006	I found it to be very helpful and easy to navigate through. Everything was spelled out with examples, making it very easy to fill in needed info	205.188.117.68
3/24/2007	...I must say I am surprised by how well organized, informative, this site is. It has a very welcoming, non-jargon feel to it...	68.55.129.60

Annual Operating Budget

MCHR Budget Report for the Last Three Fiscal Years			
Fiscal Years	2005	2006	2007
Federal Funds			
HUD	\$380,398	\$486,571	\$402,469
EEOC	\$424,247	\$346,575	\$406,950
Total Federal Funds	\$804,645	\$833,146	\$809,419
General Funds	\$2,542,050	\$2,413,950	\$2,586,756
Grand Total	\$3,346,695	\$3,247,096	\$3,396,175
Staff Positions			
Authorized Permanent	45.5	41.6	41.6
Contractual	4	.5	1
Total Positions	49.5	42.1	42.6

MCHR STAFF FY 2007



Thomas Owen
Rabbi Eilan Adler
Sambhu Banik
JoAnn Fisher
Norman Gelman
John Hermina

* Contractual