

MARYLAND COMMISSION ON CIVIL RIGHTS  
STATE GOV. ART., TITLE 20

WORKPLACE HARASSMENT COMMISSION

Presenter: Glendora C. Hughes  
General Counsel

3/23/2018

# Discrimination Protections

- Maryland Commission on Civil Rights (MCCR) enforces the State's anti-discrimination law:
- State Government Article, Title 20, Annotated Code of MD

# Title 20 protects against discrimination in:

- Employment
- Housing
- Public Accommodations

# Persons are protected against unlawful discrimination because of:

- Race
- Color
- Religion
- Sex
- National Origin
- Familial Status (Housing Only)
- Marital Status
- Physical and Mental Disabilities
- Age (Employment & Public Accommodations)
- Sexual Orientation
- Genetic Information (Employment Only)
- Gender Identity

# Complaint Process

*Rules of Procedure - COMAR 14.03.01*

# Filing Complaints

- A complaint may be initiated in-person, in writing, by phone, by fax, by email or by filling out an on-line form [www.mccr.maryland.gov](http://www.mccr.maryland.gov)
- Intake will contact the complaining party for in-depth interview.
- If MCCR has jurisdiction, the complaint has stated a claim and it is timely filed, the complaint is authorized for investigation.

# INVESTIGATIONS

# Investigation Process

- Investigate complaints of discrimination from individuals
- Perform Systemic Investigations of organizations where patterns and practices of discrimination are reported or discovered (**Commission Complaint**)
- Attempt to resolve complaints prior to litigation



# Investigation Process

- Fact Finding Conferences
- Information Request
- Document Request
- Interview Witnesses
- Site Visits
- Subpoena Power
- Injunctions
- Interrogatories and Default Proceedings
- Pre-Determination Settlements

# Investigation Process

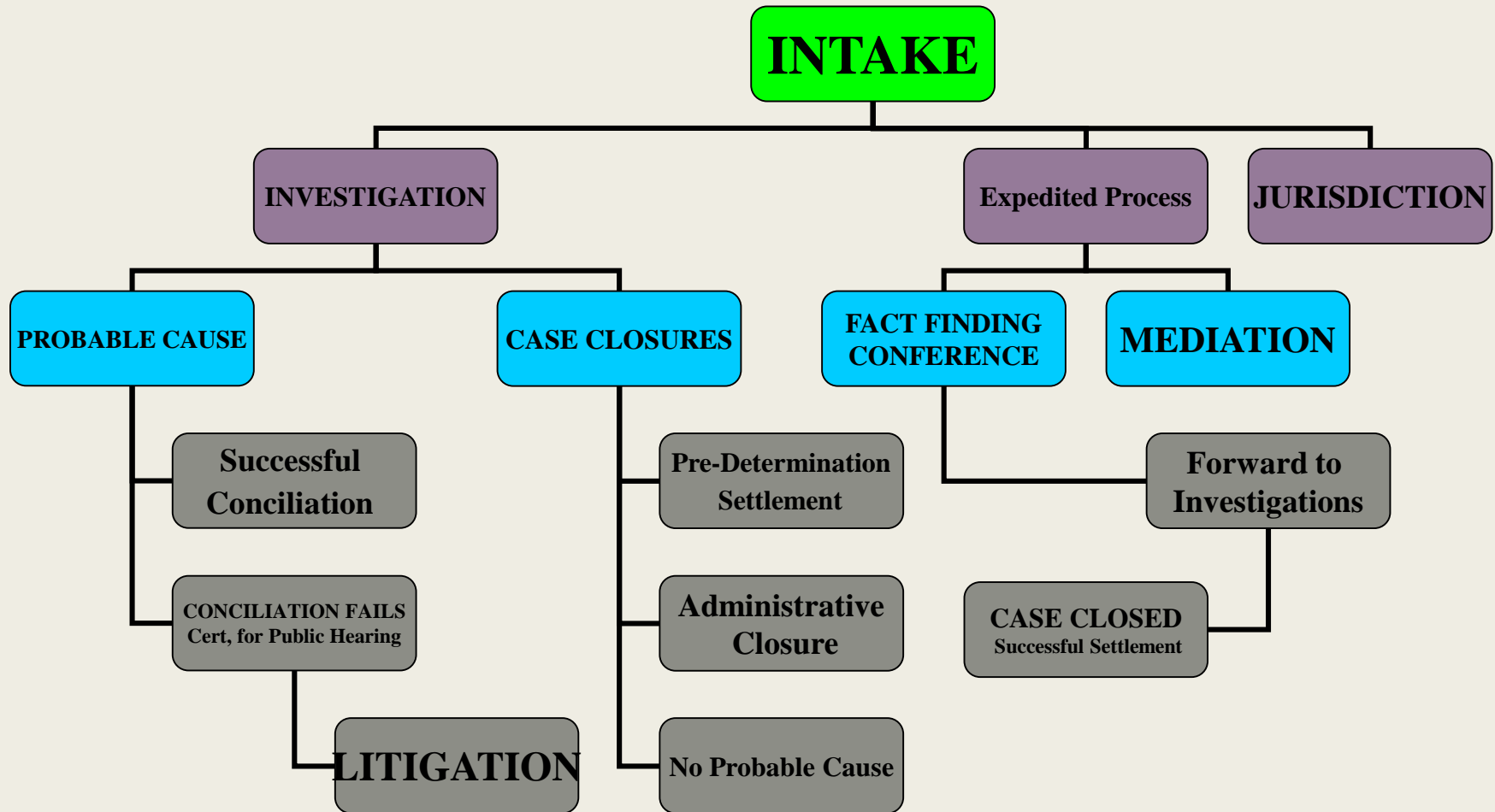
- Written Findings of “no probable cause” or “probable cause”
- Reconsideration
- Substantial Weight Review by the federal Equal Employment Opportunity Commission (EEOC)
- Conciliation
- Certification for Public Hearing (Litigation)

# How MCCR Resolves Complaints

- Attempt to settle complaints before they are litigated
- Offers free mediation services which, when successful, have a positive impact on the entire organization
- If conciliation attempts fail in “probable cause” cases, the MCCR proceeds to litigation
- MCCR litigates on behalf of the State and does not represent the Complainant.
- However, when MCCR is litigating the complaint, the Complainant is a necessary witness. (Complainant is a separate party and may be represented by counsel at OAH hearings)

# MCCR INVESTIGATIONS

## Case Processing

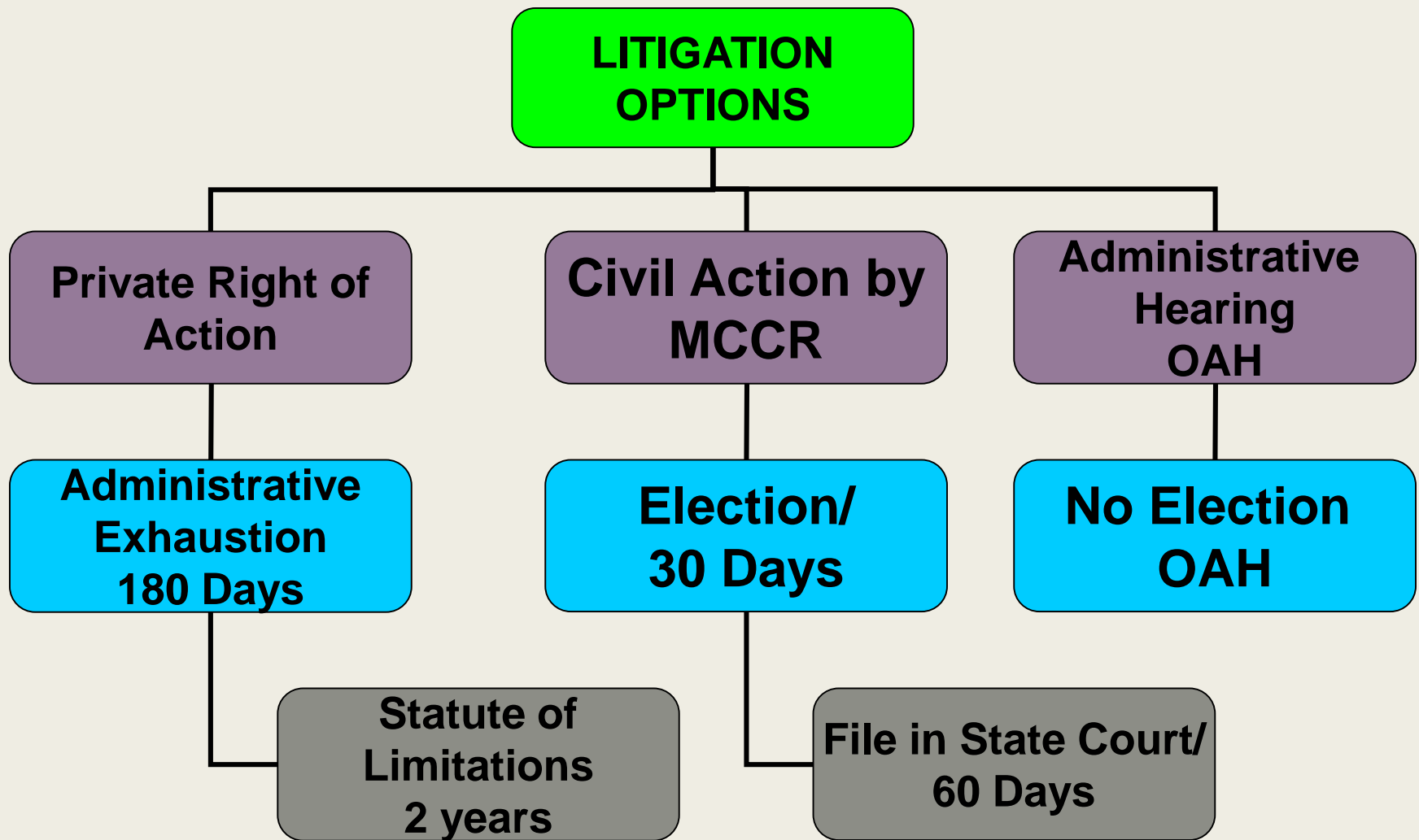


# LITIGATION

# Litigation (Options)

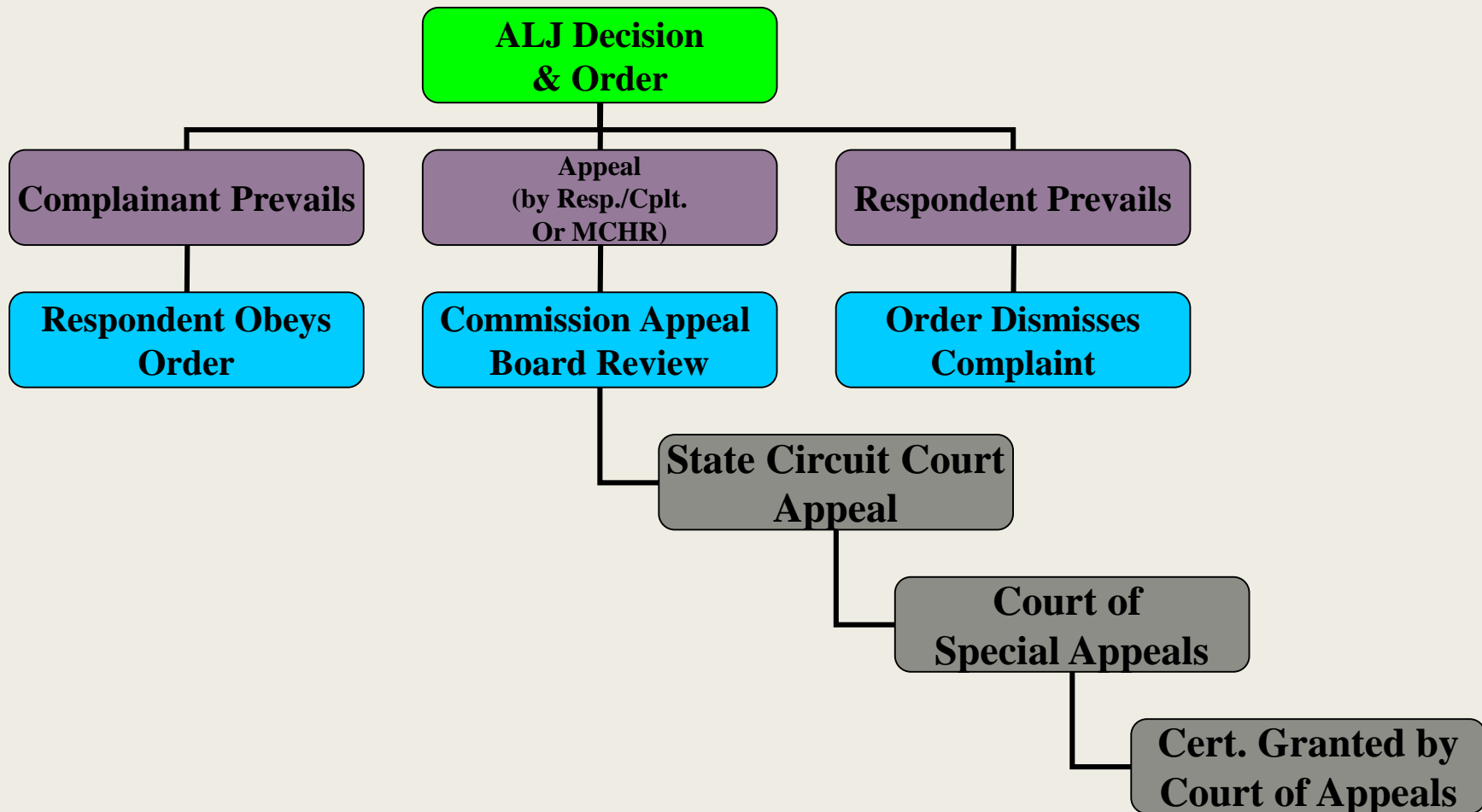
- Administrative Hearing at the Office of Administrative Hearings (OAH)
- Civil Action in State circuit court brought by MCCR
- Private Civil Action filed by complainant without MCCR
- MCCR may intervene in a private action for the public good

# MCCR LITIGATION



# APPELLATE REVIEW

## OAH





# APPELLATE REVIEW

## Circuit Court

**Circuit Court**  
**Jury Trial**

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graph TD; A["Circuit Court  
Jury Trial"] --- B["Court of Special Appeals"]; A --- C["Court of Appeals  
Cert. Granted"];
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**Court of Special Appeals**

**Court of Appeals**  
**Cert. Granted**