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

INTAKE

INVESTIGATION

PROBABLE CAUSE
- Successful Conciliation
- CONCILIATION FAILS
  Cert, for Public Hearing

CASE CLOSURES
- Pre-Determination Settlement
- Administrative Closure
- No Probable Cause

FACT FINDING CONFERENCE

MEDIATION
- Forward to Investigations

LITIGATION

JURISDICTION
- Expedited Process
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

LITIGATION OPTIONS

- Private Right of Action
  - Administrative Exhaustion 180 Days

- Civil Action by MCCR
  - Election/30 Days

- Administrative Hearing OAH
  - No Election OAH

Statute of Limitations 2 years

File in State Court/60 Days
APPELLATE REVIEW
OAH

ALJ Decision & Order

Complainant Prevails

Respondent Obeys Order

Respondent Prevails

Appeal (by Resp./Cplt. Or MCHR)

Commission Appeal Board Review

Order Dismisses Complaint

State Circuit Court Appeal

Cert. Granted by Court of Special Appeals

Court of Special Appeals

Order Dismisses Complaint
APPELLATE REVIEW
Circuit Court

- Circuit Court
  - Jury Trial
    - Court of Special Appeals
    - Court of Appeals
      - Cert. Granted