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Michigan Department of Civil Rights: Duties and Jurisdiction

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The Michigan Civil Rights Commission is established under Article V, Section 29 of the Michigan Constitution of 1963. The Department of Civil Rights (MDCR) performs the administrative duties associated with the Commission's constitutionally defined mission: *"...to investigate alleged discrimination against any person because of religion, race, color or national origin in the enjoyment of the civil rights guaranteed by law and by this constitution, and to secure the equal protection of such civil rights without such discrimination."*

In addition to the directive to preserve constitutional rights, investigations conducted by the Department pertain to the enforcement of the Elliott-Larsen Civil Rights Act (Public Act 453 of 1976) and the Persons with Disabilities Civil Rights Act (Public Act 220 of 1976) as they have been amended. The MDCR also investigates complaints under the Federal Civil Rights Act of 1964, the Age Discrimination in Employment Act, and the Fair Housing Act through agreements with the United States Equal Employment Opportunity Commission and the Department of Housing and Urban Development.

An individual who has filed a complaint with the Department for alleged discrimination is referred to as a *claimant*, while the alleged perpetrator of the discrimination is referred to as the *respondent*.

Types of Discrimination

The above-mentioned legislation covers discrimination in certain categories, including education, employment, housing, public accommodations, public service, and religion. The characteristics or traits listed below can be the basis for a formal claim of discrimination under Michigan law.

- Age
- Arrest record
- Familial status
- Hair texture/style
- Height and weight
- Marital status
- National origin
- Physical or mental disability
- Race/Color
- Retaliation
- Sex (includes pregnancy and sexual harassment)
- Sexual orientation, gender identity, or expression

In some cases, particular circumstances may affect whether the characteristic qualifies as a protected class. For example, if a job requires an individual to perform a particular physical activity that is an essential job duty and an applicant is prevented from doing so by a physical disability, it is generally not considered discrimination for an employer to exclude that individual from consideration for employment for that specific role and its duties. Likewise, an employer may reject an applicant from employment on the basis of age if the law otherwise mandates an age requirement for the job in question. For instance, an individual must be eighteen years of age to sell alcohol products.

Intake and Investigation

The MDCR handles complaints for acts of alleged discrimination within 180 days of the alleged act. For complaints older than 180 days and that would not also be covered by Federal discrimination laws, the claimant can file within the appropriate State court within three years of the alleged act. Additionally, there are special statutes of limitation that apply to alleged Title VII violations and housing complaints.

For example, complaints of housing discrimination made under Federal law must be made within 365 days, not 180.

Potential claimants can contact examiners at the Department for advice and initial filing instructions. Contact can be made online, by phone, and by mail. Claims examiners determine whether the MDCR has jurisdiction over the claim, assist the claimant with official certification of the complaint, and may offer additional or alternative resources.

Investigators work to examine and gather information about claims undertaken by the Department. Investigations may entail interviews and site visits. Throughout this process, the parties involved may come to an agreement or settlement; if this is achieved, the investigation is closed. Also, a claimant may withdraw their complaint at any time. Finally, a complaint is also closed if the Department completes its investigation and finds insufficient evidence for the claim.

An agreement can include a respondent being offered an opportunity to address and rectify the complaint. If the respondent will not participate in rectifying actions, then the MDCR will issue a formal charge. A formal charge leads to a public hearing, at which witnesses testify under oath and may be cross-examined. A neutral hearing officer must then determine whether the complaint of discrimination is valid and, if so, what steps need to be taken or what penalty is to be issued.

The MDCR does not file lawsuits on behalf of constituents with discrimination claims. However, if a claim is filed in court but there is no ruling, or the case is dismissed and no settlement is reached and signed, then the MDCR can further review the complaint. It must do so within 30 days of the court's decision. If a claim filed with the Department has gone through the public hearing process, a respondent or claimant who disagrees with the final decision then may appeal to the circuit court.

Progress on Reported Case Backlog

A 2023 audit by the Office of the Auditor General found that there were delays in completing investigations in a “timely” fashion, with an average completion timeline of 19 months.¹ At that time, the Department had 1,450 open investigations spanning calendar years 2018 to 2021 in addition to its more recent cases. The report concluded that approximately 76% of cases sampled were dismissed. Reasons for dismissal included cases in which an agreement was made, cases in which no discrimination was found, cases that were withdrawn, and those that were transferred to a court instead.

The Department of Civil Rights received appropriations to fill both ongoing and limited-term FTE positions specifically meant to address the case backlog in fiscal year (FY) 2022-23 and FY 2024-25. For FY 2022-23, an extra \$3.2 million General Fund/General Purpose (GF/GP) was appropriated as one-time funding to assist in complaints investigation. In FY 2024-25, 32.0 FTEs and \$5.4 million GF/GP again was appropriated specifically for complaint investigation, backlog reduction, and timely investigation efforts. These figures do not include additional dollars and staff for related purposes, such as training efforts pertaining to specific types of cases.

As of March 2025, the MDCR had resolved all of these 2021-or-earlier cases except for seven cases, which were in settlement negotiations or awaiting a hearing. The Department reported closing over 2,000 backlogged cases between January 2023 and February 2025.²

¹ “Selected Activities Related to Investigation Timeliness and Complaint Intake, Department of Civil Rights”, Office of the Auditor General – Performance Audit Report, No. 151-0200-22, August 2023.

² Cases open for one year or more are considered backlogged.