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To: Council President Brenda Jones

From: Charity Dean, Director
Civil Rights Inclusion and Opportunity Department

Date: September 16, 2019

RE: **Executive Order 2014-1: Workplace Violence**
Executive Order 2014-2: Discrimination and Sexual Harassment
Case No. 2019-60 – Detroit City Council Investigation

The City of Detroit-Civil Rights, Inclusion and Opportunity Department (CRIO) serves as the exclusive investigating department with respect to all claims of workplace violence. Executive Order No. 2014-1, establishes a zero tolerance for workplace violence in the City of Detroit. Workplace Violence includes intimidation and harassment. The City of Detroit has a longstanding commitment to promote a safe and secure work environment for the benefit of its employees and the general public.

Additionally, the City of Detroit-Civil Rights, Inclusion and Opportunity Department (CRIO) serves as the exclusive investigating department with respect to all claims of discrimination in accordance with the City of Detroit's Executive Order No. 2014-2 and Section 27-3-1 of the Detroit City Code, which prohibits discrimination on the basis of race, color, religious beliefs, national origin, age, marital status, disability, public benefit status, sex, sexual orientation, gender identification or expression or harassment based on sex. Discrimination against, or sexual harassment of any other person will not be tolerated and will subject the offending employee to appropriate discipline up to and including discharge.

The Civil Rights, Inclusion and Opportunity Department was asked by Council President to conduct an investigation into the work environment and culture of the Detroit City Council. Specifically, the department was asked to look into allegations of intimidation and hostile work environment among City Council. CRIO was also directed to investigate claims of discrimination against a Council Member in the performance of her job duties and responsibilities in that role. Before discussing the merits of these issues, it is important to gain some insight into how City Council has functioned historically and its current impact on how City Government operates.

Background History

Detroit City Council is the legislative body of Detroit, Michigan. This full-time council is comprised of nine members representing seven districts. It is presided over by a Council President and there is also a Council President Pro Tem position. City Council members are required to meet every business day for at least ten months of the year. At least eight of these meetings occur at other locations besides City Hall. The Council

may also convene for special meetings at the call of the Mayor or at least four members of council.

Detroit City Council and its members have had as notable a past as Mayors for the City of Detroit. This has partially been because of the larger than life personalities in position at the time; public figures such as Maryann Mahaffey, Erma Henderson, and Barbara Rose-Collins to name a few. Historically, Detroit City Council members have shared notoriety as well, because of the heated public discourse displayed at City Council meetings.

Traditionally, Detroiters have come to admire or hate the robust and healthy deliberative process associated with governing on the Detroit City Council. Despite the iconic personalities, fiery exchanges among Council members or lengthy discussions of complex topics, one constant has remained: healthy working relations have been essential to effectively legislating and advancing the public interests of the City of Detroit and its residents.

Present day members of Detroit City Council face similar challenges and responsibilities, along with some never before seen. The City of Detroit's emergence from bankruptcy and full restoration of City Council's legislative powers was a welcome and significant accomplishment in restoring local governance. The fact that there remains limited oversight of this governing body's performance would also reasonably present some anxiety to optimally perform on City Council. This provides a backdrop and sense of the atmosphere when City Council members met between March 2019 and April 2019, to discuss and prepare the budget for the City of Detroit. Council members met more frequently to discuss budgets for approval and finalization, and there were numerous deadlines which required Council's attention. The importance of City Council members' roles in remaining fiscally responsible while ensuring vital City services were maintained and delivered cannot be overstated. It was in this cocktail mix of factors that tensions among City Council members were heightened. There is no question that it led to some unpleasant situations and interpersonal conflicts which leads us to this current investigation.

This investigation began by interviewing individual witnesses and observing camera footage from City Council meetings held between the months of March 2019 and April 2019. Multiple witnesses described similar facts and events which they viewed as the catalyst for this investigation. The following witnesses were interviewed:

- DETROIT CITY COUNCIL MEMBERS
 - Brenda Jones, Council President
 - Mary Sheffield, Council President Pro Tem – District 5
 - Janee' Ayers, City Council Member – At Large
 - James Tate, City Council Member – District 1
 - Roy McCalister, Jr., City Council Member – District 2
 - Scott Benson, City Council Member – District 3
 - Andre' L. Spivey, City Council Member – District 4
 - Raquel Castaneda-Lopez, City Council Member – District 6
 - Gabe Leland, City Council Member – District 7



- DETROIT CITY COUNCIL STAFF
 - Dr. Analine Powers, Parliamentarian
 - Stephanie Washington, Mayor's Liaison to City Council
 - Sergeant Larry Davis, Executive Protection Unit Member

Camera footage from City Council meetings was also reviewed during the course of this investigation. During each interview, a series of questions were asked about the claim of discrimination, the allegations of intimidation and the culture of Detroit City Council's working environment. This report is a summary of the investigation and provides recommendations based on findings of the investigation.

Investigation

This investigation focuses on allegations which can be summed up by two questions. Each of these questions will be addressed separately by this report.

I. Are one or more Detroit City Council members engaging in behavior at City Council meetings which can be considered *intimidation* and are City Council members working in a *hostile work environment*?

Intimidation is defined as any willful act or behavior directed towards another person resulting in reasonable fear for their safety or the safety of others. Intimidation also includes actions or behavior intended to frighten, coerce, or induce duress.

Hostile work environment is defined as one where an employee feels uncomfortable or scared to be in his or her work space due to offensive behavior, intimidation or abuse by a coworker or superior. A reasonable person standard is used to determine whether the conduct rises to an appropriate level to be considered hostile work environment. The following factors are taken into consideration: whether the conduct complained of is verbal or physical, frequency of the conduct, whether the conduct is hostile or patently offensive, whether the harassment is directed at more than one person, and whether management immediately seeks to end the offensive conduct or condones it. Based on a totality of the circumstances, a determination is then made as to whether a hostile work environment exists.

Several interpersonal conflicts took place which contributed to the tension felt by City Council members. In the first incident, Council Member Scott Benson was seated next to Council Member Raquel Castañeda-López during a budget hearing. Due to the positioning of his seat at the table, he was unable to clearly see past Council Member Castañeda-López. Council Member Benson made several attempts to adjust his seat and reposition his body in the chair so that he would have an unobstructed view. Despite these efforts, he was still unable to see past her. Council Member Benson placed his hand on Council Member Castañeda-López's arm signaling that he would like her to move slightly so that he could see past her. This did not have the desired effect he intended. Instead of moving her seat,



Council Member Castañeda-López was offended because Council Member Benson touched her arm. She considered this action an assault and called Sgt. Larry Davis of the Executive Protection Unit, to intervene. Sgt. Davis listened to Council Member Castañeda-López's complaint. After informing her that she was not assaulted he spoke with Council Member Benson about his actions and requested he refrain from touching her in the future. Council Member Benson was offended by what he considered to be an overreaction to his conduct and racially insensitive.

In another incident, Council Member Castañeda-López was discussing the budget with her colleagues. After some time had passed, Council Member Andre' Spivey commented that there was still oversight over City Council and everyone should be mindful of being fiscally responsible and staying within budget. Council Member Spivey's comment was directed to the entire legislative body and did not call out anyone by name. Despite this, Council Member Castañeda-López was offended by the comment and told him so. Council Member Spivey informed her that his comment was not directed at her and he reminded her that he hadn't identified anyone by name. However, a verbal dispute between the parties continued until Council President Brenda Jones called for recess. As soon as recess was called, Council Member Castañeda-López left her seat and physically walked around to the other side of the table where Council Member Spivey sat. She attempted to continue the conversation. Council Member Spivey recalls being offended or rather insulted by the conduct, he remembers telling her, "You're not going to castigate another Black man at this table."

Council Member Castañeda-López's conduct could easily be interpreted as wishing to escalate the verbal altercation further. It also infringed on Council Member Spivey's personal space. Alternatively, Council Member Castañeda-López intended to finish the conversation and get her point across.

Interviews with Council Member Castañeda-López and Council Member Spivey did not indicate an intent on the part of either to create fear for someone's safety, nor to coerce or induce duress. This was consistent with witness accounts of what took place, although some were baffled by this exchange. It was uncharacteristic and Council Member Castañeda-López and Council Member Spivey have a history of working together without incident.

Witnesses described tension during council meetings, especially when council members disagreed among themselves. Witnesses discussed concerns with the aforementioned incidents involving Council Member Castañeda-López and Council Member Benson and between Council Member Spivey and Council Member Castañeda-López. Additional conflicts noted were an incident between Council Member Castañeda-López and Council Member McCallister, and an incident between Council Member Castañeda-López and Council President Jones. Witness accounts and video footage of Detroit City Council Meetings confirm these encounters as sporadic incidents. It is likely the urgency of holding budget hearings contributed to the tension between council members.

The investigation revealed a lack of communication between the parties and little effort to effectively resolve the conflicts. Without additional interaction to address misunderstandings and improve relations, these conflicts tended to amplify divisions among council members and heighten tensions.

There was no evidence of deliberate maliciousness or intent to cause a reasonable fear for anyone's safety, nor evidence of coercion or duress. There was also no evidence that Council Leadership participated in or condoned bad behavior among council members.

The investigation did not reveal sufficient evidence to support a finding that one or more council members engaged in intimidation. There was also insufficient evidence that Detroit City Council Members are working in a *hostile work environment*.

II. Was Council Member Raquel Castañeda-López discriminated against because of her national origin while performing the duties and responsibilities of her position as a Detroit City Council Member?

Discrimination is defined as any employment practice or procedure that treats an individual less favorably based upon their protected class status. This also extends to discriminating against an individual with regard to the terms and conditions of their employment because of their protected class.

Council Member Castañeda-López alleged she was being discriminated against by other council members during a Facebook video that she posted. She reaffirmed this as her position during an interview. Council Member Castañeda-López described the conduct she believes is discriminatory as: being interrupted or cut off while speaking, being given less time to speak during council meetings, and a failure by City Council members to consistently follow its rules. Council Member Castañeda-López expressed the belief that by failing to enforce its rules City Council was placing her at a disadvantage compared to other council members.

There was consensus among witnesses that Council Member Castañeda-López could be long winded during meetings. One witness described her as, "monopolizing time." It was acknowledged that at times council members felt a sense of frustration or irritation because of the extensive dialogue. However, these feelings were motivated by a regard for time constraints and wishing to move the agenda along.

Council Member Castañeda-López is the only Latina council member on Detroit City Council. However, she is not the only female, person of color, or youngest member on this nine member board. Witnesses unanimously agreed that Council Member Castañeda-López was not being placed at a disadvantage or discriminated against because of her national origin. It was conceded that individual Chairs have discretion with how much time they allot council members to speak. Witnesses confirmed that none of the Chairs at council meetings had abused this authority. The consensus was that Council Member Castañeda-López

appeared to receive more time to speak compared to other council members. Allegations of discrimination were not supported by any of the witnesses interviewed regarding this matter. A review of videotaped sessions of council meetings also revealed no disparities in how Council Member Raquel Castañeda-López was treated.

Council Member Castañeda-López was not discriminated because of her national origin while performing the duties and responsibilities of her position as a Detroit City Council member. The investigation also failed to substantiate that Council Member Castañeda-López received less time to speak compared to other council members.

CRIO Recommendations

There was mutual agreement that the workplace environment would benefit from methods designed to improve relations and reduce interpersonal conflicts between council members. Some witnesses expressed discomfort or uneasiness at being unable to openly disagree with each other at meetings. They explained that there was a likelihood any exchange would be taken out of context or blown out of proportion. This had a chilling effect on dialogue because as one witness explained, you constantly felt as if you were on “pins and needles.” There were also concerns about actions that were perceived as disrespectful; actions which were interpreted as intrusive of individuals’ personal space or confrontational.

During the course of the investigation, multiple witnesses raised concerns that Council Member Castañeda-López herself, may be engaging in discriminatory treatment. This issue arose because of negative interactions she had with male African-American council members. This investigation does not substantiate or negate this claim; it points out the existence of this perception and the need for further dialogue to improve relations.

Based on our investigation, there are three recommendations for this Honorable Body:

First, training which focuses on implicit bias and discrimination is recommended for council members and staff. Such training will raise awareness of how implicit bias negatively affects relations in the workplace and provide tools for more effective communications.

Second, it is recommended that all City Council members and staff receive Executive Orders No. 2014- 1 and 2014-2 training.

Third, we recommend a third-party mediator to address specific conflicts between council members and to improve relations in the workplace.

The Civil Rights Inclusion and Opportunity Department is willing to help with identifying reputable third party mediation services and coordinating schedules if needed.