

HOUSE BILL No. 5172

September 25, 1991, Introduced by Reps. Clarke, Kilpatrick, Keith, O'Neill, Hillegonds, Dolan, Sparks, Jaye and Kosteva and referred to the Committee on Education.

A bill to amend section 402 of Act No. 453 of the Public Acts of 1976, entitled as amended "Elliott-Larsen civil rights act," as amended by Act No. 512 of the Public Acts of 1982, being section 37.2402 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 402 of Act No. 453 of the Public Acts of
2 1976, as amended by Act No. 512 of the Public Acts of 1982, being
3 section 37.2402 of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 402. (1) ~~An~~ SUBJECT TO SUBSECTION (2), AN educa-
6 tional institution shall not:

7 (a) Discriminate against an individual in the full
8 utilization of or benefit from the institution, or the services,

1 activities, or programs provided by the institution because of
2 religion, race, color, national origin, or sex.

3 (b) Exclude, expel, limit, or otherwise discriminate against
4 an individual seeking admission as a student or an individual
5 enrolled as a student in the terms, conditions, or privileges of
6 the institution, because of religion, race, color, national
7 origin, or sex.

8 (c) For purposes of admission only, make or use a written or
9 oral inquiry or form of application that elicits or attempts to
10 elicit information concerning the religion, race, color, national
11 origin, age, sex, or marital status of a person, except as per-
12 mitted by rule of the commission or as required by federal law,
13 rule, or regulation, or pursuant to an affirmative action
14 program.

15 (d) Print or publish or cause to be printed or published a
16 catalog, notice, or advertisement indicating a preference, limi-
17 tation, specification, or discrimination based on the religion,
18 race, color, national origin, or sex of an applicant for admis-
19 sion to the educational institution.

20 (e) Announce or follow a policy of denial or limitation
21 through a quota or otherwise of educational opportunities of a
22 group or its members because of religion, race, color, national
23 origin, or sex.

24 (f) Encourage or condone legally required discrimination
25 against an individual on the basis of race or color by knowingly
26 making or maintaining after April 1, 1984, an investment in an
27 organization operating in the republic of South Africa. This

1 subdivision shall not apply to a private educational
2 institution.

3 (g) Encourage or condone religious discrimination or ethnic
4 discrimination by knowingly making or maintaining after February
5 1, 1983, an investment in an organization operating in the Union
6 of Soviet Socialist Republics.

7 (2) TO THE EXTENT THAT THE ACTIVITY IS SUBSTANTIALLY RELATED
8 TO THE OPERATION OF THE SINGLE SEX ALTERNATIVE EDUCATIONAL PRO-
9 GRAM, A SCHOOL DISTRICT THAT OFFERS A SINGLE-SEX ALTERNATIVE EDU-
10 CATIONAL PROGRAM AUTHORIZED UNDER SECTION 1146 OF THE SCHOOL CODE
11 OF 1976, ACT NO. 451 OF THE PUBLIC ACTS OF 1976, BEING SECTION
12 380.1146 OF THE MICHIGAN COMPILED LAWS, MAY ENGAGE IN AN ACTIVITY
13 DESCRIBED IN SUBSECTION (1)(A) THROUGH (E) THAT MAKES A DISTINC-
14 TION BASED ON SEX ONLY.

15 (3) ~~(2)~~ The department shall compile, from information
16 obtained from the United States department of commerce, a current
17 register of organizations operating in the republic of South
18 Africa and the Union of Soviet Socialist Republics. The depart-
19 ment shall make the register available, upon request, to a
20 person, board, or commission for a reasonable charge.

21 (4) ~~(3)~~ As used in this section:

22 (a) "Investment" means money placed in shares of stock and
23 other equity interests. Investment does not include an evidence
24 of indebtedness arising from a transfer of direct obligations of,
25 or obligations that are fully guaranteed as to principal and
26 interest by, the United States or any agency thereof, that a bank

1 is obligated to repurchase or a bank deposit made in the ordinary
2 course of business.

3 (b) "Organization" means a United States firm, or a subsid-
4 iary or affiliate of a United States firm, as determined by the
5 United States department of commerce.

6 Section 2. This amendatory act shall not take effect unless
7 Senate Bill No. _____ or House Bill No. 5171 (request
8 no. 04139'91) of the 86th Legislature is enacted into law.