



HOUSE BILL No. 5482

December 13, 1995, Introduced by Reps. Hammerstrom, Gustafson, McBryde and Galloway and referred to the Committee on Higher Education.

A bill to amend sections 302 and 402 of Act No. 453 of the Public Acts of 1976, entitled as amended "Elliott-Larsen civil rights act," section 402 as amended by Act No. 216 of the Public Acts of 1993, being sections 37.2302 and 37.2402 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 302 and 402 of Act No. 453 of the
2 Public Acts of 1976, section 402 as amended by Act No. 216 of the
3 Public Acts of 1993, being sections 37.2302 and 37.2402 of the
4 Michigan Compiled Laws, are amended to read as follows:

5 Sec. 302. Except where permitted by law, a person shall
6 not:

7 (a) Deny an individual the full and equal enjoyment of the
8 goods, services, facilities, privileges, advantages, or

1 accommodations of a place of public accommodation or public
2 service because of religion, race, color, national origin, age,
3 sex, or marital status. THIS SUBDIVISION DOES NOT AUTHORIZE OR
4 REQUIRE A PLACE OF PUBLIC ACCOMMODATION OR PUBLIC SERVICE THAT IS
5 AN EDUCATIONAL INSTITUTION TO ELIMINATE, OR TO REDUCE THE LEVEL
6 OF SERVICES OR NUMBER OF SCHOLARSHIPS PROVIDED FOR, AN INTERCOL-
7 LEGIATE OR INTERSCHOLASTIC ATHLETIC PROGRAM AS DESCRIBED IN SEC-
8 TION 402(F).

9 (b) Print, circulate, post, mail, or otherwise cause to be
10 published a statement, advertisement, notice, or sign ~~which~~
11 THAT indicates that the full and equal enjoyment of the goods,
12 services, facilities, privileges, advantages, or accommodations
13 of a place of public accommodation or public service will be
14 refused, withheld from, or denied an individual because of reli-
15 gion, race, color, national origin, age, sex, or marital status,
16 or that an individual's patronage of or presence at a place of
17 public accommodation is objectionable, unwelcome, unacceptable,
18 or undesirable because of religion, race, color, national origin,
19 age, sex, or marital status.

20 Sec. 402. An educational institution shall not do any of
21 the following:

22 (a) Discriminate against an individual in the full utiliza-
23 tion of or benefit from the institution, or the services, activi-
24 ties, or programs provided by the institution because of reli-
25 gion, race, color, national origin, or sex. THIS SUBDIVISION
26 DOES NOT AUTHORIZE OR REQUIRE AN EDUCATIONAL INSTITUTION TO
27 ELIMINATE, OR TO REDUCE THE LEVEL OF SERVICES OR NUMBER OF

1 SCHOLARSHIPS PROVIDED FOR, AN INTERCOLLEGIATE OR INTERSCHOLASTIC
2 ATHLETIC PROGRAM AS DESCRIBED IN SUBDIVISION (F).

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) ELIMINATE, OR REDUCE THE LEVEL OF SERVICES OR NUMBER OF
25 SCHOLARSHIPS PROVIDED FOR, AN INTERCOLLEGIATE OR INTERSCHOLASTIC
26 ATHLETIC PROGRAM EXISTING AT THE EDUCATIONAL INSTITUTION AS OF
27 THE EFFECTIVE DATE OF THIS SUBDIVISION, OR DENY TO A STUDENT THE

1 OPPORTUNITY TO PARTICIPATE IN SUCH AN ATHLETIC PROGRAM, SOLELY TO
2 AFFECT THE OVERALL RATIO OF MALE TO FEMALE ATHLETIC PARTICIPANTS
3 AT THE EDUCATIONAL INSTITUTION.