

**City of Ann Arbor Council Ethics Rule 12—Report on  
Formal Request for Reprimand of Councilmember Hayner**

June 22, 2021

Written Report and Recommendation Regarding Investigation Related to Request for Reprimand of Councilmember Hayner by Councilmember Grand

---

**I. Identification of Allegations.**

On May 25, 2021, Councilmember Grand submitted a formal request for reprimand of Councilmember Hayner alleging multiple violations of Council Ethics Rule 13. Specifically Councilmember Grand alleged “a pattern of behavior that is in direct conflict with the expectation that Councilmembers should ‘avoid the use of derogatory or denigrating language.’”

In the formal request, Councilmember Grand alleged that Councilmember Hayner, in an interview with MLive journalist Samuel J. Robinson, “used the n-word in its entirety,” stating that “he prefers to use the ‘actual words’ instead of using abbreviations or euphemisms.” The formal request further alleges that Councilmember Hayner repeated the n-word again, stating his view that “these words don’t just go away because people who are offended by them. These words are powerful, they’re said for a reason, they’re used to express feelings and that’s allowed under the Constitution.” The formal request further alleges that Councilmember Hayner neither denied nor apologized for the alleged use of language. A copy of the request is attached.

**II. Description of the Procedural Steps Taken.**

Councilmember Grand submitted the formal request for reprimand on May 25, 2021 to the Mayor. Upon receipt of the formal request, the Mayor provided written notice of the formal request to Councilmember Hayner. The Council Administrative Committee has requested the City Attorney’s Office assist in drafting this report to the Council Administrative Committee for further review. This matter is now with the Council Administrative Committee for investigation, review, and recommendation.

**III. Relevant Council Rules.**

Council Ethics Rule 13-Council Behavioral Norms provides in relevant part that “Councilmembers should [a]void the use of derogatory and denigrating language.”

**IV. Relevant Evidence.**

A May 25, 2021 MLive article by Samuel J. Robinson entitled “Jeff Hayer not backing down from debate over offensive language as recall petition moves forward.” Link to article:<https://www.mlive.com/news/ann-arbor/2021/05/jeff-hayer-not-backing-down-from-debate-over-offensive-language-as-recall-petition-moves-forward.html>

The City Attorney's Office could not locate any evidence that Respondent denied the allegations or apologized for the alleged statements. Councilmember Hayner recused himself from discussion of the matter at the June 7, 2021 City Council meeting when the issue was discussed at the Council meeting related to a Resolution to request that CM Hayner resign.

#### **V. Findings and Conclusions.**

The relevant reporting of this matter by writer Robinson is that Hayner "used the n-word in its entirety," and stated that "he prefers to use the 'actual words' instead of using abbreviations or euphemisms." Councilmember Hayner repeated the n-word again, stating his view that "these words don't just go away because people who are offended by them. These words are powerful, they're said for a reason, they're used to express feelings and that's allowed under the Constitution."

#### **VI. Recommendation.**

It is recommended that this Report and Recommendation be forwarded to the City Council and that the City Council set a timely hearing to review this request for reprimand under Council Ethics Rule 12(4)(d)(ii).