

STATE OF MICHIGAN
COURT OF APPEALS

LAURA BYRD,

Plaintiff-Appellant,

v

THOMAS A. HAMMOND, JEFFREY HILL,
KAARE STROM and DAVID ROHDE,

Defendants-Appellees.

UNPUBLISHED
December 19, 1997

No. 194737
Ingham Circuit Court
LC No. 90-066203-NZ

LAURA BYRD,

Plaintiff-Appellant,

v

MICHIGAN STATE UNIVERSITY,

Defendant-Appellee.

No. 194738
Court of Claims
LC No. 90-012964-CM

Before: Young, P.J., and Markman and Smolenski, JJ.

PER CURIAM.

In these consolidated cases, plaintiff appeals as of right the order of the Ingham Circuit Court in Docket No. 194737, which was also exercising the jurisdiction of the Court of Claims in Docket No. 194738, granting summary disposition in favor of defendants on plaintiff's claims for damages for race discrimination in violation of Const 1963, art 1, § 2 (equal protection). The primary issue in this appeal is whether the trial court erred in granting summary disposition to defendants under MCR 2.116(C)(7) on the ground that plaintiff's causes of action are barred by the statute of limitations. We affirm the trial court's decision on this issue and assess sanctions against plaintiff for filing a vexatious appeal.

Plaintiff concedes that the applicable period of limitation in both cases is three years from the date the cause of action accrued. See MCL 600.6452(1); MSA 27A.6452(1); MCL 600.5805(8); MSA 27A.5805(8). Discrimination claims accrue, and the period of limitation begins to run, at the time of the discriminatory act. See *Northville Public Schools v Civil Rights Commission*, 118 Mich App 573, 579; 325 NW2d 497 (1982). In this case, it is undisputed that plaintiff was notified on May 9, 1986, of the department faculty's decision to deny plaintiff's admission into MSU's political science doctoral program. Thus, plaintiff's cause of action necessarily accrued at that time. Even if we were, arguendo, to consider as relevant plaintiff's claim that she did not learn that defendant Hill changed her grade until the April 7 and May 1, 1987, hearings on plaintiff's academic grievance, plaintiff still did not file her complaints in the Court of Claims and Ingham Circuit Court until May 11, 1990, well after the relevant three-year period had expired. Therefore, plaintiff's suits are clearly barred by the statute of limitations.

Plaintiff's reliance upon the continuing violation doctrine recognized in *Sumner v Goodyear Tire & Rubber Co*, 427 Mich 505; 398 NW2d 368 (1986), is unavailing because plaintiff does not claim that the denial of her academic grievance constituted an independent discriminatory act falling within the statute of limitations. Indeed, the university merely affirmed its prior decision. Thus, as stated previously, plaintiff's injury was complete and her claim accrued when plaintiff was notified in May 1986 she would not be accepted into MSU's doctoral program. Finally, the fact that plaintiff sought to change that decision through a non-judicial internal grievance process does not extend the limitation period. See *Mair v Consumers Power Co*, 419 Mich 74; 348 NW2d 256 (1984).

For the reasons stated, the trial court properly granted summary disposition to defendants under MCR 2.116(C)(7) on the basis of the statute of limitations. We also conclude that sanctions are appropriate because this appeal is frivolous and vexatious. Plaintiff's claims were clearly time-barred, and she therefore had no reasonable basis for belief that there was a meritorious issue to be determined on appeal. MCR 7.216(C)(1)(a). Accordingly, on our own motion and pursuant to MCR 7.216, we assess \$250 as sanctions against plaintiff's counsel only to be paid to the Michigan Court of Appeals.

In light of our resolution of the statute of limitations issue, there is no need to reach or address plaintiff's claim that, because genuine issues of material fact remained for trial, the trial court erred in granting summary disposition to defendants under MCR 2.116(C)(10).

Affirmed.

/s/ Robert P. Young, Jr.

/s/ Stephen J. Markman

/s/ Michael R. Smolenski