

Providence Human Relations Commission

40 FOUNTAIN STREET • PROVIDENCE, RHODE ISLAND 02903 • (401) 421-3708

OFFICE OF THE MAYOR
Hon. Vincent A. Cianci, Jr.

COMMISSIONERS

CHAIRMAN
Frederick C. Williamson

VICE CHAIRMAN
Joseph M. Finkle

SECRETARY
Susan L. Farmer

Francis B. Brown
Rev. Robert L. Carter, Jr.; S.T.M.
John A. Daluz, Jr.
Barbara L. Dubois
Jeremiah J. Gorin
Stanley Grossman
Rabbi Leslie Y. Guterman
John M. Huntley
Harry Kizirian
Lynn H. Smith

EXECUTIVE DIRECTOR
Benjamin W. Little

March 23, 1977

Vincent Vespia
Clerk
City of Providence

Dear Mr. Vespia:

The attached Rules of Procedure for Processing Charges of Discrimination and Rules for Affirmative Action Reporting, having been posted in the office of the City Clerk and having been the subject of a public hearing before the Human Relations Commission on March 23, 1977, have now been adopted by the Commission and will become effective May 1, 1977.

(Signed)

Frederick C. Williamson,
Chairman

(Attest)

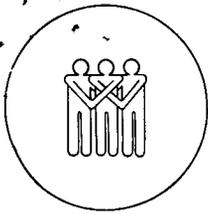
Benjamin W. Little
Executive Director

IN CITY-COUNCIL

APR 7 1977

READ:
WHEREUPON IT IS ORDERED THAT
THE SAME BE RECEIVED

Vincent Vespia
CLERK



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EXECUTIVE DIRECTOR
Benjamin W. Little

March 14, 1977

Mr. Vincent Vespia
City Clerk
City of Providence
City Hall
Providence, Rhode Island 02903

Dear Mr. Vespia:

Enclosed are two sets of rules issued by the Human Relations Commission pursuant to Chapter 1570 Providence Code #543. One, Rules of Procedure for processing charges of discrimination and two, Affirmative Action Rules.

The enclosed are to be posted with the City Clerk's Office for Public Hearing.

Sincerely,

Benjamin W. Little
Benjamin W. Little
Executive Director

BWL:jp

FILED
MAR 15 3 52 PM '77
DEPT. OF CITY CLERK
PROVIDENCE, R.I.
Posted March 15, 1977
Benjamin W. Little
City Clerk

CITY OF PROVIDENCE

Human Relations Commission

The following rules are issued by the Human Relations Commission pursuant to Chapter 1570 Providence Code No. 543, the Affirmative Action Program of the City and Council Resolution No. 405.

1. NOTICE OF VACANCIES

- a. All department heads shall submit, using forms provided for this purpose by the Human Relations Commission, notice of any vacancy which occurs or which is about to occur in his/her department. Forms shall be prepared in triplicate and one copy submitted to the Human Relations Commission Equal Opportunity Division, one copy to the Director of Personnel and one copy to departmental records.
- b. Except as provided in Rule 3b, below, such submissions shall be made at least fifteen days before any position is to be filled.
- c. For the purposes of this rule, a vacancy shall be considered to be any newly created position or any position to be filled because of the resignation, termination, disability, death, retirement, promotion, demotion, transfer or re-assignment of an incumbent city employee, whether permanent or temporary and regardless of the source or sources for the funding of the position.

2. AFFIRMATIVE ACTION REPORTING

- a. All department heads shall submit, using forms provided for this purpose by the Human Relations Commission, an affirmative action report, which shall list the name, sex and affirmative action category of the new incumbent to any position, and the name, sex and affirmative action category of any other person considered for the position, provided that if more than fifteen persons shall have been so considered, only those fifteen receiving most serious consideration need be listed. Said forms shall be submitted regardless of whether the position has been filled through a new hire or through internal City personnel resources.
- b. Such submissions shall be in triplicate, and one copy submitted to the Human Relations Commission Equal Opportunity Division, one copy to the the Director of Personnel and one copy to departmental records.
- c. Submissions shall be made within fifteen days of the filling of the position.

3. EXCEPTIONS

- a. The foregoing shall not apply to unpaid members of city commissions, authorities or advisory boards, nor to any elected official, such officials' immediate secretary, administrative, legislative, legal or other immediate first-line aide, or to the heads of executive departments.
- b. In cases where emergency requires the immediate filling of any position, the Director of the Equal Opportunity Division of the Human Relations Commission after request by writing or telephone, eliminate the need for vacancy announcement.

4. ENFORCEMENT

The Human Relations Commission may, at its own initiative or upon receipt of a complaint alleging violation, investigate charges that the provisions of these Rules have not been implemented. Such investigations shall be pursuant to Chapter 1570 Providence Code No. 543 and the Rules adopted pursuant to that Ordinance.

CITY OF PROVIDENCE

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

PROPOSED RULES OF PROCEDURE FOR THE PROCESSING OF CHARGES OF DISCRIMINATION

The following Rules of Procedure for the Processing of Charges of Discrimination are adopted pursuant to Article XVI, Sec. 2-266 of the Providence Code.

1.0 TITLE AND PURPOSE

1.1 TITLE

These rules shall be known and cited as "The Rules of Procedure for the Processing of Charges of Unlawful Discrimination."

1.2 PURPOSE

These rules are for the purpose of organizing the Human Relations Commission so as to enable it to effectively investigate and conciliate charges of discrimination filed with the Commission pursuant to Article XVI Section 2-266 of the Providence Code, "An Ordinance Creating a Providence Human Relations Commission."

2.0 GENERAL PROVISIONS

2.1 SCOPE OF RULES

The following rules shall constitute the procedure and shall govern all proceedings of the Commission regarding the filing, investigation, conciliation and hearing of charges of discrimination.

2.2 CONSTRUCTION OF PROVISIONS

- (a) These rules shall be construed by the Commission to permit the Commission to discharge its functions under the Ordinance and to secure just and expeditious determination of all charges before the Commission.
- (b) The Commission may, upon notice to all parties, in the interest of justice relax the application of these rules.

2.3 PRACTICE WHERE RULES DO NOT GOVERN

In any matter that arises pursuant to the filing, investigation, conciliation or hearing of a charge of discrimination which is not covered by these rules, the Commission shall exercise its discretion.

2.4 DEFINITIONS

The following words and terms when used in these rules, shall have the following meanings unless the context clearly indicates otherwise.

- (a) "Chairperson" is the Chairperson of the Human Relations Commission
- (b) "Commission" means the Human Relations Commission of the City of Providence, created by the Ordinance.

- (c) "Commissioner" means a member of the Human Relations Commission, appointed pursuant to the Ordinance.
- (d) "Complainant" means any person alleging discrimination under the procedures described herein.
- (e) "Executive Director" means the executive officer of the Commission and appointed by it.
- (f) "Investigator" means any agent of the Commission, whether paid or unpaid, who is authorized by the Commission or the executive director to investigate charges filed under these rules.
- (g) "Respondent" is any person charged with discrimination under these rules.
- (h) "Ordinance" is Article XVI of the Providence Code: "An Ordinance Creating a Providence Human Relations Commission."
- (i) "Discrimination" is any policy or procedure forbidden by the Rhode Island Fair Employment Practices Act (Title 28, Ch. 5, Sect. 7, GLRI), the Rhode Island Housing Practices Act (Title 34, Ch. 37, Sect 4, GLRI), the Rhode Island Sex Discrimination in Credits or Loans Law (Title 34, Ch. 37, Sect. 4.1 RIGL) or the Rhode Island Public Accommodations Act (Title 11, Ch. 24, Sect. 2, GLRI)

3.0 FILING A CHARGE

- (a) Any person claiming to be a victim of discrimination in the City of Providence, or any person with the power of attorney for a person alleging to be the victim of discrimination or any association, organization or corporation whose purposes include the elimination of prejudice or discrimination, may file a charge before the Commission.
- (b) Any Commissioner may file a charge when he/she has reason to believe that a person or group of persons is a victim of discrimination in the City of Providence.
- (c) A charge shall be deemed filed when received in the office of the Commission or by any Commissioner or agent of the Commission. The charge shall contain the names and addresses of both the complainant and the respondent, the pertinent title of Rhode Island General Laws alleged to have been violated, the basis of the alleged act of discrimination and the facts pertinent to the nature and circumstances of the alleged act. Printed complaint forms shall be available at the Commission office and assistance in preparing these forms shall be provided.
- (d) A charge shall be filed within one hundred-eighty (180) days of the most recent act of discrimination.
- (e) All charges shall be verified and shall be acknowledged by a notary public.
- (f) At the time of filing a charge with the Commission the complainant shall be advised of his/her right to file complaints with appropriate state and federal agencies and shall be provided with assistance to do so if he/she so desires.

4.0 NOTICE

- (a) The respondent shall be notified in writing, by personal service or by certified mail, return receipt requested, that a charge has been filed against him/her before the Commission. Said notice shall be served within thirty (30) days of the receipt of the charge by the Commission and shall include the verified charge executed by the complainant and the name of the investigator assigned to investigate the charge. Notice to the respondent shall request a written designation

of an attorney, if any, who will represent him/her in any proceedings relative to the complaint.

- (b) The complainant shall be notified in writing, by personal service or by mail, that the Commission has received the charge which he/she has filed. Notice to the complainant shall include the name of the investigator assigned to the case.

5.0 INVESTIGATION

5.1 SUPERVISING COMMISSIONER AND INVESTIGATOR

- (a) Upon receipt, a charge shall be assigned by the chairperson to a commissioner, hereafter designated the supervising commissioner, who shall superintend all activities pursuant to its investigation and conciliation.
- (b) The executive director shall assign an investigator who shall conduct a prompt and thorough investigation of the charge.

5.2 SUBPOENAS

- (a) The investigator may, in the course of an investigation, request that the supervising commissioner issue such subpoenas as may be required to thoroughly investigate the subject matter of the charge.
- (b) Every subpoena shall state the name of the Commission and the title of the proceeding and shall command the person to whom it is directed to attend and give testimony or produce designated books, documents, or things under his/her control at a specified time and place.
- (c) Every subpoena shall be served in accordance with the Rules of Civil Procedure of Rhode Island.
- (d) Upon motion made promptly, and in any event at or before the time specified in the subpoena for compliance, by the person to whom the subpoena is directed, the chairperson (1) may quash or modify the subpoena if it is unreasonable or requires evidence not relevant to the matter at issue or (2) condition denial of the motion upon just and reasonable conditions.
- (e) Upon application and for good cause shown, the Commission may seek judicial enforcement of subpoenas issued to parties and which have not been quashed.

5.3 PRELIMINARY FINDINGS

- (a) Upon completion of the investigation, the investigator shall report to the supervising commissioner the results of the investigation and recommend findings.
- (b) The supervising commissioner may, upon the basis of the investigation, make a finding of probable cause or no probable cause to credit the allegations of the complainant. The supervising commissioner may also close a case on the basis of a satisfactory adjustment prior to a finding of probable cause, or for administrative purposes or for any other reason he/she deems sufficient, or may return the case to the investigator for further investigation.
- (c) Upon determination of its finding, the complainant and respondents shall be notified of the finding and the reasons therefore.
- (d) A finding of no probable cause may be appealed by the complainant to the chairperson who may, at his/her discretion, direct that any case be re-opened for investigation.

Any such appeal must be made within ten (10) days of the receipt of the finding by the complainant.

6.0 CONCILIATION

- (a) Upon a finding of probable cause, the chairperson shall designate a conciliator, who may or may not be a member or staff person of the Commission, and who shall conduct a conciliation conference.
- (b) The respondent shall have at least five (5) days notice of the time and place of the conciliation conference.
- (c) This notice shall contain a provision advising that in the event of an unsuccessful conciliation conference, the Commission may, at its option, conduct a public hearing in the matter or refer it to the appropriate state and/or federal agencies.
- (d) All negotiations made pursuant to this rule shall be kept confidential by all parties.
- (e) Failure of the respondent to attend the conciliation shall be deemed an unsuccessful attempt at conciliation.
- (f) Any conciliation agreement shall be memorialized in writing and signed by the complainant and respondent or their respective representatives and by the chairperson. All such agreements shall be filed with the Commission.

7.0 HEARINGS

- (a) The Commission may, upon a finding of probable cause and pursuant to Section 4 of the Ordinance, conduct a public hearing on the charge.
- (b) No public hearing shall be conducted in any case until attempts at conciliation pursuant to Rule 7. shall have been made.
- (c) The respondent shall have at least five (5) days notice of the time and place of any hearing conducted pursuant to this rule and notice of such hearing shall be filed with the City Clerk.
- (d) The respondent and complainant may apply to the chairperson for such subpoenas as may be necessary for him/her to present a thorough defense. Such subpoenas shall be issued and served, pursuant to Rules of Civil Procedure and the Commission shall seek judicial enforcement where appropriate.
- (e) The chairperson shall designate a panel of one or more commissioners to conduct hearings pursuant to this rule, provided that the supervising commissioner shall not take part in any deliberations of such a hearing panel. The chairperson shall designate a presiding officer of any such panel.
- (f) A record of all public hearings shall be kept by a Commission secretary. The Commission may, at its option, also record the hearing by electronic or stenographic means.
- (g) The presiding officer shall call the hearing to order, explain the procedures to be followed and read the complaint concerning which the hearing is being held.
- (h) The complainant and respondent, in that order, shall be allowed an opening statement.
- (i) Witnesses shall be examined under oath. Oaths shall be administered by the presiding officer.

- (j) The case in support of the complainant shall be presented first to the Hearing Panel by a designee of the Commission or by the complainant's own attorney. Witnesses may be examined and cross-examined. Thereafter the respondent may present evidence, subject to similar cross-examination.
- (k) Members of the Hearing Panel may at any time participate in the examination of witnesses.
- (l) The Hearing Panel shall not be bound by the rules of evidence which prevail in courts and introduction of evidence shall not be limited by said rules. All evidence, including hearsay evidence, may be considered, and its weight in making a determination shall rest with the discretion of the Hearing Panel.
- (m) Objections to interrogation or answers of witnesses or the introduction of documentary or other evidence shall be heard and recorded in the record of the hearing. The presiding officer shall rule upon such objections.

8.0 FINDINGS

- (a) Within thirty (30) days of the completion of the public hearing, the Hearing Panel shall render its decision. If more than one commissioner shall have served on the Panel, decision shall be by majority vote. A dissenting opinion may be filed by commissioners voting in the minority.
- (b) The decision of the Hearing Panel shall be rendered in writing and shall contain findings of fact which shall support its decision and recommended remedial action.
- (c) If determination is made by the Hearing Panel that sufficient evidence has not been presented to substantiate the charge made by the complainant, the charge shall be dismissed and written notice of this decision shall be forwarded to the complainant and respondent.
- (d) If determination is made by the Hearing Panel that the respondent has been guilty of discrimination, the Hearing Panel, at its discretion, shall either file a charge and its accompanying documentation and hearing records with the Rhode Island Commission for Human Rights or it shall recommend a program of corrective action to be immediately undertaken by the respondent in order to eliminate all such acts and to bring the respondent into compliance with the law. The remedies devised shall not only relieve the complainant's grievance as fully as possible, but shall also eliminate whatever may be the residual collateral or additional effects of the respondent's unlawful discrimination.
- (e) Upon the presentation of findings and recommended corrective action the respondent shall within five (5) days notify the Commission in writing of his/her intention to comply with the recommendations for corrective action. If the respondent shall refuse to comply or shall fail to notify the Commission within the prescribed time, then the Commission shall file a charge with the Rhode Island Commission for Human Rights, together with its findings and all pertinent information obtained during investigation and hearing.
- (f) The Commission may, at its own initiative or upon petition of the respondent, review and revise the recommended corrective actions if it shall deem that such changes are in the interest of justice.
- (g) If subsequent evidence of a respondent's failure to comply with these recommendations is brought to the attention of the Commission, a charge shall be filed with the Rhode Island Commission for Human Rights, together with copies of the findings of fact from the records, the recommendations for remedial action and all other pertinent information.