

Annual Report

2007 Fiscal Year

July 1, 2006 through June 30, 2007



Rhode Island Commission for Human Rights

180 Westminster Street Third Floor
Providence, RI 02903-1918

Phone: 401-222-2661

TDD: 401- 222-2664

Fax: 401-222-2616

www.richr.ri.gov



STATE OF RHODE ISLAND
COMMISSION FOR HUMAN RIGHTS

Chair
Dr. John B. Susa

December 28, 2007

Commissioners

Iraida Williams
Randolph Lowman
Camille Vella-Wilkinson
Alton W. Wiley, Jr.
Alberto Aponte Cardona

Chair Emeritus

Marguerite A. Beaubien

Executive Director

Michael D. Évora, Esq.

The Honorable Donald L. Carcieri
Office of the Governor
State House, Room 222
Providence, RI 02903

Dear Governor Carcieri:

It is with sincere pleasure that I submit to you the latest Annual Report of the Rhode Island Commission for Human Rights (Commission).

The Report conveys essential information on the program activities of the Commission during the 2007 fiscal year, including charge intake, charge investigation, administrative hearings and final case dispositions. In addition, the Report offers a summary of select agency Decisions and Orders, an update on education/outreach efforts and other initiatives, a summary of enforcement/court actions undertaken by Commission counsel and highlights of the various milestones and changes occurring during what has been an exciting and eventful year.

For the ninth consecutive year, the number of cases processed by the Commission exceeded the number of new cases taken in. Due to this extraordinary accomplishment, the number of open cases carried forward into a new fiscal year has steadily decreased since we entered FY 1999. It is the dedicated, voluntary service of our Commissioners and the zealous efforts of our staff and interns that have enabled us to realize such results, particularly in light of the 0.5 investigative FTE reduction experienced by the Commission during the fiscal year.

Finally – and significantly – under the capable direction of Michael D. Évora in his fifth year as Executive Director, a reduction in the Commission's aged caseload of over 60 percent was achieved during the 2007 fiscal year.

I hope that you find the Report informative and helpful as you (and the General Assembly) contemplate the resources to be devoted to this vital agency in the future.

Sincerely,

John B. Susa, Ph.D.
Chairperson

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Commissioners and Staff Members

Commissioners:

John B. Susa, Ph.D., Chair
Alberto Aponte Cardona, Esq.
Rochelle Bates Lee*
Camille Vella-Wilkinson
Nancy Kolman Ventrone*
Alton W. Wiley, Jr., Esq.
Iraida Diaz Williams

Marguerite A. Beaubien, Chair Emeritus
Joaquin F. Gomes, Commissioner Emeritus

Staff:

Michael D. Évora, Esq., Executive Director
Cynthia M. Hiatt, Esq., Legal Counsel
Francis A. Gaschen, Esq., Legal Counsel
Angela V. Lovegrove, HUD Project Director
Marlene Colón Toribio, EEOC Project Director
Glenn Cardozo, Sr. Compliance Officer
Tina M. Christy, Sr. Compliance Officer
Allison G. Cote, Sr. Compliance Officer
Susan Gardner, Sr. Compliance Officer
Stephen W. Strycharz, Investigator
Jason Flanders, Investigator
Susan Chase Pracht, Investigator
Betsy Ross, Chief Clerk
Lynn Cimaglia, Administrative Aide
Zaida Rivera, Administrative Aide

*Commissioner Lee filled the position of former Commissioner Jean Stover.

*Commissioner Ventrone filled the position of former Commissioner Randolph Lowman.

Overview

The Rhode Island Commission for Human Rights (Commission) was created by the Rhode Island General Assembly in 1949 and is one of the oldest state anti-discrimination agencies in the country. In establishing the Commission, the General Assembly declared that “[t]he practice or policy of discrimination against individuals ... is a matter of state concern”, and observed that “... discrimination foments domestic strife and unrest, threatens the rights and privileges of the inhabitants of the state, and undermines the foundations of a free democratic state”. R.I.G.L. § 28-5-2. Through impartial investigation, formal and informal resolution efforts, predetermination conferences and administrative hearings, the Commission seeks to ensure due process for both complainants (charging parties) and respondents, to provide redress for victims of discrimination, and to properly dismiss cases in those instances in which charges of discrimination lack evidentiary support.

The Commission enforces Rhode Island anti-discrimination laws in the areas of employment, housing, public accommodations, credit and delivery of services. The employment and public accommodations statutes prohibit discrimination based on race, color, sex, disability, ancestral origin, religion, sexual orientation, gender identity/expression and age. The housing statute, in addition to prohibiting discrimination on these bases, also prohibits discrimination based on marital status, familial status, status as a victim of domestic abuse, and association with members of a protected class. The credit statute, in addition to prohibiting discrimination on the bases covered by the employment law, also prohibits discrimination based on marital status and familial status. Discrimination in the delivery of services on the basis of disability is prohibited.

The Commission was created and empowered by Title 28, Chapter 5 of the General Laws of Rhode Island (the Fair Employment Practices Act) and has statutory

responsibility to enforce the following laws:

- Fair Employment Practices Act (R.I.G.L. § 28-5-1, *et seq.*)
- Fair Housing Practices Act (R.I.G.L. § 34-37-1, *et seq.*)
- Hotels and Public Places Act (R.I.G.L. §11-24-1, *et seq.*)
- Prevention and Suppression of Contagious Diseases Act (R.I.G.L. §§ 23-6-22 and 23-6-23)
- Civil Rights of People with Disabilities Act (R.I.G.L. § 42-87-1, *et seq.*)
- Equal Rights of Blind and Deaf Persons to Public Facilities Act (R.I.G.L. § 40-9.1-1, *et seq.*)

The Commission is overseen by seven Commissioners who are appointed by the Governor with the advice and consent of the Senate. See R.I.G.L. § 28-5-8. The Commissioners are not compensated for the services they render to the agency.

In addition to enforcing state laws, the Commission has contractual agreements with the Equal Employment Opportunity Commission (EEOC) and U.S. Department of Housing and Urban Development (HUD) to assist in the enforcement of the following federal laws: Title VII of the Civil Rights Act of 1964; the Age Discrimination in Employment Act of 1967; the Americans with Disabilities Act; and Title VIII of the Federal Fair Housing Law.

The Commission’s major program activities include intake, investigation, conciliation, administrative hearings, enforcement, outreach and education.

This report summarizes the activities of the Commission relative to its program activities, provides a detailed overview of case processing efforts and highlights the milestones and changes that occurred in the 2007 fiscal year. Given the agency’s limited resources, keeping the Commission robust and effective has been a task shared by the entire staff, Commissioners, student interns and volunteers.

PROTECTED CATEGORIES UNDER STATE AND FEDERAL LAW

	EMPLOYMENT		HOUSING		PUBLIC ACCOMMODATION	CREDIT
	State	Federal	State	Federal	State	State
RACE	✓	✓	✓	✓	✓	✓
COLOR	✓	✓	✓	✓	✓	✓
RELIGION	✓	✓	✓	✓	✓	✓
ANCESTRAL ORIGIN	✓	✓	✓	✓	✓	✓
SEX ¹	✓	✓	✓	✓	✓	✓
AGE ²	✓	✓	✓		✓	✓
DISABILITY ³	✓	✓	✓	✓	✓	✓
SEXUAL ORIENTATION ⁴	✓		✓		✓	✓
GENDER IDENTITY OR EXPRESSION ⁵	✓		✓		✓	✓
MARITAL STATUS			✓			✓
FAMILIAL STATUS			✓	✓		✓
STATUS AS A VICTIM OF DOMESTIC ABUSE			✓			

¹ Includes sexual harassment and discrimination on the basis of pregnancy status.

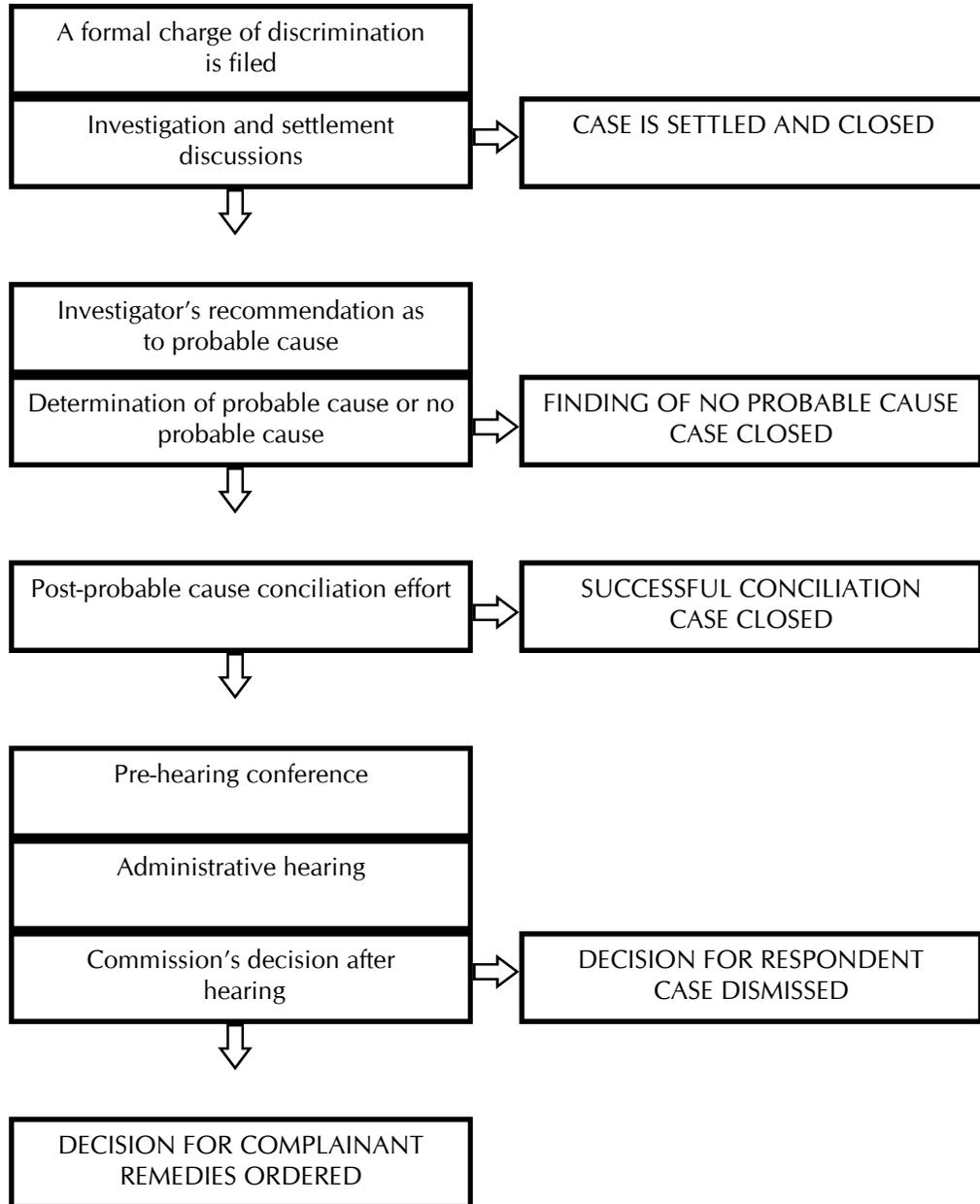
² Protects individuals 40+ years of age in Employment; protects individuals 18+ years of age in Housing, Public Accommodations and Credit.

³ Includes physical and mental disabilities.

⁴ Protects individuals who are heterosexual, homosexual, or bisexual.

⁵ "Gender identity or expression" includes a person's actual or perceived gender, as well as a person's gender identity, gender-related self-image, gender-related appearance, or gender-related expression, whether or not that gender identity, gender-related self-image, appearance, or expression is different from that traditionally associated with the person's sex at birth.

CHARGE PROCESS SUMMARY



NOTE: Rhode Island law expressly provides that, under certain circumstances, complainants and/or respondents may elect to terminate proceedings before the Commission and have the case heard in Superior Court.

Intake

Inquiries are received and evaluated. If allegations represent a prima facie case and jurisdictional requirements are met, a formal charge of discrimination is filed and forwarded to the respondent.

The intake process usually begins with a telephone call or visit to the Commission. Each year the agency receives thousands of telephone and walk-in inquiries from individuals requesting information or wanting to pursue a charge of discrimination. The majority of these inquiries do not come within the jurisdiction of the Commission and these are referred to other agencies or organizations. In those cases in which the inquiry presents a claim within the Commission's jurisdiction, an intake officer assists the individual in filing a formal charge of discrimination.

As in past years, disability-related claims predominated in this year's intake, with a total of 112 new cases (33 based on mental disability and 79 based on physical disability), accounting for nearly 31% of the annual intake. Race-based claims followed in number, with a total of 66 new cases, or approximately 18%.

RICHR INTAKE FY 2007

	Employment	Housing	Public Accom.	Ind. with Disab.*	Credit	Totals
Age	48	0	1	NA	0	49
Ancestral Origin	35	2	4	NA	0	41
Familial Status	NA	5	NA	NA	0	5
Gender Identity or Expression	1	0	0	NA	0	1
Marital Status	NA	0	NA	NA	0	0
Mental Disability	27	4	0	2	0	33
Physical Disability	58	14	2	5	0	79
Race	52	11	3	NA	0	66
Religion	5	0	0	NA	0	5
Retaliation	11	1	0	0	0	12
Sex**	29	3	0	NA	0	32
Sexual Harassment	30	0	0	NA	0	30
Sexual Orientation	5	3	3	NA	0	11
Status as Victim of Domestic Abuse	NA	0	NA	NA	0	0
Total	301	43	13	7	0	364

*Figures in this column reflect charges filed solely under the Civil Rights of People with Disabilities Act. All charges alleging physical/mental disability discrimination are also filed under this Act.

**Other than sexual harassment

Investigations

Upon assignment, an investigator conducts an impartial investigation of the allegations and, after analyzing all elements of the case, makes a recommendation to a Preliminary Investigating Commissioner.

After the intake phase is completed and a formal charge of discrimination is filed, each case is assigned to an investigator. The average time from the filing of a charge to assignment to an Investigator remains eight weeks or less. Most of the Commission's personnel resources are devoted to the investigation process.

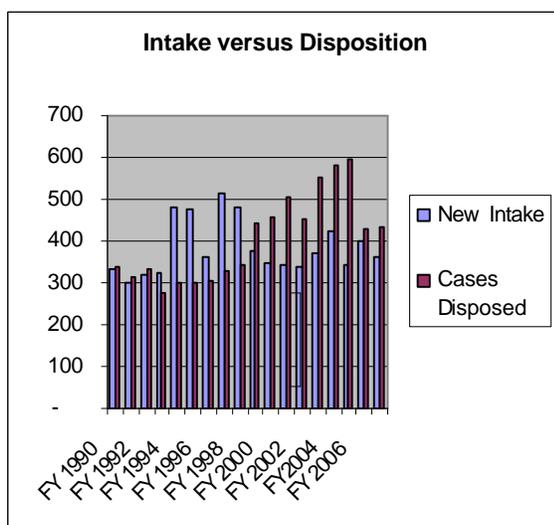
In an attempt to reach a resolution to the charge, investigators may hold preliminary meetings with all parties present. In such cases, a negotiated settlement may be achieved prior to the investigator's recommendation on the merits of the case. Nearly 15% of case closures in FY 2007 resulted from settlements or conciliation.

For those cases which do not settle, investigators use a variety of techniques to investigate the case. Often the investigators hold Predetermination Conferences where both complainants and respondents can present evidence to support or refute the allegations. The conferences are held before a Preliminary Investigating Commissioner. A case may involve the collection and analysis of comparative, statistical and/or direct evidence. Investigators may need to travel on-site to collect information

TERMS AND DEFINITIONS	
Conciliation	Case settled after a finding of probable cause.
Decision and Order	Commission makes a finding after a hearing before the Commissioners. If the decision is for the complainant, remedies are ordered. If it is for the respondent, the case is dismissed.
Failure to Locate/ Cooperate	Case administratively closed because complainant could not be found or would not cooperate with the Commission.
Negotiated Settlement	Case formally settled prior to a finding.
No Jurisdiction	Case closed because the Commission has no jurisdiction over the matter.
No Probable Cause	Insufficient evidence exists to support the probability that the complainant was a victim of discrimination.
Probable Cause	Sufficient evidence exists to support the probability that the complainant was a victim of discrimination.
Right to Sue	Complainant is issued a Notice enabling her/him to take the case to court, and the Commission closes the case internally.
Withdrawal	Complainant decides not to pursue the case.
Withdrawal with Benefits	Complainant withdraws the case upon receiving a settlement from the respondent.

and testimony pertinent to the charge. Not all investigations are alike. The individual characteristics of each case will influence an investigator's approach.

In FY 2007, a determination of “Probable Cause” was rendered in approximately 7% of cases. While the percentage of Probable Cause cases may seem low, it should be noted that many potential Probable Cause cases settle prior to a formal determination as to Cause and some cases in which the complainants request a right to sue may be Probable Cause cases. A “No Probable Cause” determination was rendered in approximately 49% of cases. While the number of “No Probable Cause” cases may appear high, it should be noted that, in over 28% of the “No Probable Cause” cases in this fiscal year, the finding resulted from the complainant’s failure to pursue her/his case by not responding to Commission requests for information. For the ninth consecutive year, the Commission processed more cases than it took in (432 vs. 364), resulting in a continued decrease in the number of cases carried forward to the next fiscal year. “Processed” cases include cases in which a determination of Probable Cause is rendered. Although such cases are not yet closed, they are included in the list of case dispositions to provide an accurate view of the Commission’s work.



Status of Probable Cause Cases FY 2007	
Probable Cause cases	30
Respondent’s Election to Superior Court	15
Complainant’s Election to Superior Court	4
Joint Elections	1
Other closure	0
Open as of 6/30/07 [pending administrative hearing or other closure at the Commission]	10

RICHR Case Dispositions FY 2007	
Types of Disposition	Total Dispositions
Decision and Order	5
Probable Cause	30
No Probable Cause	213
Conciliation	4
Negotiated Settlement	10
Withdrawal with Settlement	49
Right to Sue	81
Administrative Closure*	39
No Jurisdiction	1
Total	432

*Includes cases closed for failure to locate/cooperate, sanctioned dismissals, charges withdrawn without benefits, receiverships, bankruptcies, and rights to sue issued when a respondent elects to have the case heard in Superior Court following a finding of probable cause.

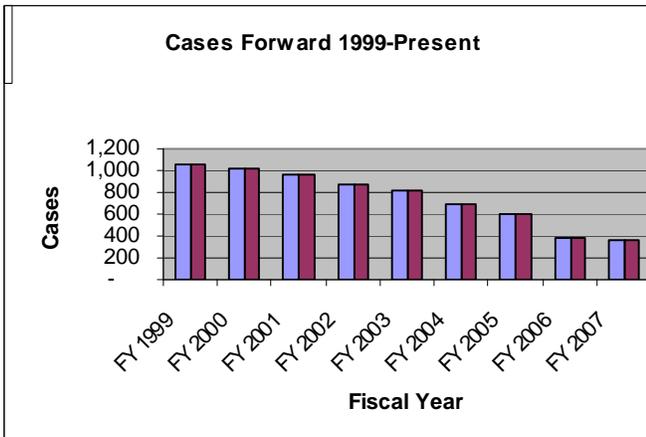
Caseload Accomplishments

AGED CASE REDUCTION

FY 2007 saw a continuing reduction in the number of cases considered “aged” under federal EEOC guidelines. Thanks to the diligent efforts of Commissioners, staff and interns, the aged caseload was reduced by over 63% in this fiscal year (from 8 to 3 cases).

DECREASE IN CASE PROCESSING TIME

In recent years, the Commission has labored to ensure more expeditious processing of cases. The “hands on” role Director Évora has taken in overseeing caseload management, concerted staff efforts and the use of the Commission’s subpoena power to expedite stalled investigations are among the tools used to achieve success in this area. The average age of cases closed in FY 2003 exceeded three years. By FY 2006, that time had been decreased to 423 days. For FY 2007, the average age of a case at closure was 382 days.



Administrative Hearings

A Commissioner, after a “probable cause” ruling, conducts an administrative hearing during which sworn testimony is taken before a stenographer. A Decision and Order is rendered thereafter.

The administrative hearing process begins after the Preliminary Investigating Commissioner finds probable cause and the parties are unable to conciliate. (The parties have the statutory right, after a finding of probable cause, to elect to have the matter heard and decided in the Superior Court; in cases in which no such election is made, the agency’s administrative hearing process commences.) One Commissioner conducts the hearing with the assistance of Legal Counsel. At the hearing, which is less formal than a court trial, witnesses present sworn testimony and relevant exhibits are accepted. A stenographer makes a record of the entire proceeding. After the parties present all their evidence, at least three Commissioners reach a decision and issue an order.

A typical hearing lasts from one to three days. For all parties involved, including the Commission, the administrative hearing can be a costly and time-consuming activity. Despite receiving no reimbursement for services rendered, Commissioners consistently held hearings. Compared to the costs

normally associated with state or federal courts, a proceeding at the Commission offers a substantial savings to the taxpayers of Rhode Island.

Commission Hearings and Closures FY 2007	
Cases in which Hearings were held	6
Number of Hearing Days	16
Closures of Cases in Hearings	
Total Decision and Orders	5
Decisions for Complainant	1
Decisions for Respondent	1
Mixed Decisions	3

The following are summaries of the Decision and Orders issued by the Commission in FY 2007:

Stephen Alberghini

v.

North Kingstown School Committee, Jointly and Severally, James Halley, Superintendent, William Daly, Director of Human Resources and Cynthia Olobri, Finance Director

The complainant brought an action alleging that the respondents discriminated against him with respect to terms and conditions of employment and denial of a position because of his perceived physical disability and/or record of physical disability. The Commission issued a mixed decision.

Complainant began working for the North Kingstown School Committee as a Special Education Aide on or about September 25, 2002. In late 2000, the complainant applied for the position of Assistant Coach for softball at North

Kingstown High School. The Athletic Director recommended that he be hired for the position. Dr. Halley and Mr. Daley conferred and decided that they would not submit the complainant's name to the School Committee for approval. When the complainant met with Dr. Halley to discuss his rejection, Dr. Halley asked him a question about a disability. The Commission held that this question was unlawful because the Fair Employment Practices Act prohibits pre-employment inquiries about a disability.

The respondents expressed concern because the complainant had suffered two previous injuries to his knee while employed by the respondents. The respondents then told the complainant that they would consider hiring him as a Coach if he had a physical examination. The physical examination required was a full, pre-employment physical; it was not limited to an examination of the complainant's knee. The Commission held that the requirement of a full, pre-employment physical was unlawful because the respondents had not made a conditional offer of employment and they did not require that all coaches have physical examinations. An employer may not require a pre-employment physical examination unless the employer has made a conditional offer of employment and requires that everyone hired for that position take a pre-employment physical.

The respondents argued that the complainant was not "pre-employment" because he already had a position. The Commission rejected that argument because the complainant was ap-

plying for a new position. The Commission further held that even if the complainant were not considered “pre-employment”, the physical examination was not lawful because such examinations must be limited to the respondents’ legitimate concerns, in this case, the complainant’s knee. The complainant did not agree to the physical examination and he was not hired.

Respondents were ordered to offer complainant the next available position of Assistant Softball Coach at North Kingstown High School, pay complainant back pay in the amount he would have been paid for the years 2001 to 2006, along with interest of 12%, \$1,000 in compensatory damages for pain and suffering, and front pay until he was hired. Respondents also were ordered to receive training on anti-discrimination laws.

The Commission found for the respondent on complainant’s allegations that he was denied a position because of his record of a disability and/or perceived disability. The Commission found that the complainant did not prove that he had a record of a disability known to the respondents nor that the respondents perceived him to have a disability, as defined in the Fair Employment Practices Act.

Manuela J. Ferschke

v.

TriLateral LL

The complainant brought an action alleging that the respondent discriminated against her with respect to terms and conditions of employment, failure to recall from layoff and termination because of age, sex and ancestral origin. The Commission found for the respondent.

Complainant began working at Trilateral LLC as a first shift employee in February 2001. She was promoted twice during her

one (1) year of employment and held the position of second shift supervisor at the time of her layoff/termination. At the time of her hiring, Ms. Ferschke was forty-one years old, a woman, and of German descent. Her position at the time of termination was eliminated and was not reinstated upon the recall of a swing swift.

The Commission found that the complainant did not prove discrimination. The Commission found that the respondent eliminated the second shift. The complainant did not prove that anyone filled her position. While the respondent later started a “swing shift”, it did not recall any supervisors for it. The complainant did not show a discriminatory pattern in the employees who were recalled. The Commission also took into account that the respondent had hired and promoted the complainant before her layoff, which indicated that it was not biased against her.

Amy L. Manfred

v.

Facility Services Management, Inc.

The complainant brought an action alleging that the respondent discriminated against her with respect to terms and conditions of employment and termination because of her sexual orientation as well as her opposition to unlawful employment practices. The Commission found for the complainant.

The complainant, a lesbian, began working for the respondent on June 22, 2001, and held the position of security guard until her termination on December 3, 2001. Since the time of her hiring, Ms. Manfred was subjected to offensive remarks regarding her sex and sexual orientation; the remarks increased with time.

At a staff meeting, the complainant

brought up the subject of the offensive remarks and asked that they stop. Within a few days, the respondent terminated the complainant's employment. The Commission found that the respondent terminated the complainant because she opposed unlawful employment practices. The Commission found that the remarks, in themselves, were not sufficiently severe to constitute a hostile environment on the basis of sexual orientation, but that the complainant had a good faith and reasonable belief that respondent's employees were treated differently because of their sex and sexual orientation, and therefore her efforts to end the disparate treatment were protected by the Fair Employment Practices Act.

The respondent was ordered to offer complainant the next available position of security guard, post the Commission anti-discrimination poster in a prominent place, amend its policy to make clear the exact steps that are required after an employee raises a claim of harassment, and also provide training to its employees on state and federal laws which prohibit discrimination and retaliation. A separate hearing was ordered on the issue of damages.

Michael J. D'Alessio

v.

Pilkington US AGR Automotive Glass Replacement and Steven Theroux, Supervisor

The complainant brought an action alleging that the respondent had discriminated against him with respect to terms and conditions of employment, denial of reasonable accommo-

dation and termination of employment because of his disability and in retaliation for opposing unlawful employment practices. The Commission found for the complainant.

The complainant has the disability of Attention Deficit and Hyperactivity Disorder (ADHD) which limits the major life activity of reading. The complainant began working as a driver for Pilkington toward the end of March 1999. He was trained by videos and instruction, and he memorized the routes that he would be driving. The complainant received much praise from administration regarding his work ethic, and even received a "Certificate of Achievement" for his efforts. In 2001, Mr. Theroux was promoted to a position in which he supervised the complainant. On or about October 10, 2001, the complainant was terminated.

The Commission found that Mr. Theroux denied the complainant reasonable accommodations that had been previously granted to him. The Commission found that Pilkington denied the complainant reasonable accommodation and terminated the complainant because of his disability and because he opposed unlawful employment practices.

The Commission ordered Pilkington to train supervisors on anti-discrimination laws and required Mr. Theroux to receive training on anti-discrimination laws. The Commission also ordered that Pilkington offer the complainant the next available position of driver, and pay him back pay, front pay and \$50,000 in compensatory damages.

Christopher M. Ezersky

v.

RITE-WAY FORMS, INC.

The complainant brought an action alleging that the respondent discriminated against him with respect to terms and conditions of employment and termination because of his disability. The Commission found for the complainant on the issue of harassment and for the respondent on the issue of termination.

The complainant began working as a concrete laborer on September 26, 2001. At the time of his hiring, Mr. Ezersky was enrolled in a methadone treatment program. The respondent testified that he was terminated on or about December 3, 2001 for unexcused absences and frequent tardiness. During his time of employment, the complainant endured slurs regarding his status as a recovering drug addict.

The Commission found that complainant had proven he had a disability and was harassed by the respondent for this disability. However, the complainant did not prove that he was terminated because of his disability.

The respondent was ordered to develop an anti-harassment policy and train its workers on federal and state equal employment laws. Damages for complainant were to be determined later.

Education, Outreach and Initiatives

FAIR HOUSING MONTH

The Commission partnered with the Rhode Island Public Transit Authority (RIPTA) and the U.S. Department of Housing and Urban Development (HUD), Office of Fair Housing and Equal Opportunity to print and display posters on buses throughout the state informing the public of their fair housing rights.

FAIR HOUSING RHODE ISLAND

The Commission served as a consultant on Fair Housing Rhode Island (FHRI), a grant which involved a partnership between Housing Network of Rhode Island, and the RI Housing Resources Commission. FHRI was funded by a grant from HUD. The FHRI goal was to raise awareness in Rhode Island about state and federal fair housing laws; it targeted renters, organizations, developers, cities and towns, and also provided resource development.

A complete list of the Commission's outreach/education endeavors during FY2007 appears on the following page.

DATE	LOCATION/ AUDIENCE	TOPIC
09/21/2006	Statewide Residence Service Coordinators — Providence RI	Fair Housing/ Reasonable Accommo- dations and Modifica- tions
10/04/2006	Diversity Job Fair— CCRI Lincoln	Equal Employment
10/17/2006	Welcome Arnold Shel- ter	Fair Housing
11/09/2006	Year Up	Housing and Employ- ment Discrimination: Health
11/14/2006	McAuley Village	Fair Housing
11/15/2006	Winslow Gardens Apartments	Fair Housing for Staff and Managers
12/06/2006	Welcome Arnold Shel- ter	Fair Housing
01/30/2007	Community Mediation Center of RI	Commission Overview
02/01/2007	Greater Elmwood Neighborhood Services	Fair Housing with Em- phasis on Familial Status Protections
04/2007	Coffee Cup Salute— WJAR Channel 10	Fair Housing
04/23/2007	URI Providence	Fair Housing Panel on Predatory Lending
04/25/2007	Cunningham Elemen- tary School—Third Grade Class	General Overview
04/26/2007	City of Newport (Planning Department)	Fair Housing
04/26/2007	Scituate Senior Center	Fair Housing
05/12/2007	RI Housing Fair— Providence	Fair Housing
06/16/2007	RI Pride Festival	General Outreach
06/18/2007	Year Up	Employment Discrimi- nation
06/26/2007	Municipality Training for Fair Housing RI— Pawtucket	Fair Housing Overview

The Commission at the Courts

The Commission continues to take steps to enforce Commission Decision and Orders. Following are some highlights from fiscal year 2007:

RICHR and Zeigler v. City of Newport

Following a Commission Decision in favor of Tom Zeigler against the City of Newport, the City filed an administrative appeal in the Superior Court. When counsel for the parties were unable to settle the case, the Commission filed a Petition for Enforcement of its Decision and Order. Shortly thereafter, settlement was reached on all issues with the exception of the portion of the Order that mandated annual training in perpetuity for the City's supervisors on the requirements of the Fair Employment Practices Act and Title VII of the Civil Rights Act of 1964. Justice Stephen Nugent ruled in favor of the Commission, holding that the training was to be performed every year in the future. Mr. Ziegler was paid over \$91,000.00 in settlement of his claim.

Wilson v. Northwest Airlines Corporation

While the Commission was investigating the charge of Patricia A. Wilson against Northwest, the airline filed for Bankruptcy in the United States Bankruptcy Court for the Southern District of New York. Shortly thereafter, the Commission denied the request of Northwest to stay the proceedings before the Commission during the pendency of the bankruptcy, claiming that its investigation was an exercise of the police power of a governmental

unit, and therefore, outside the scope of the automatic stay of proceedings usually applicable with the filing of a bankruptcy petition. Northwest filed a Motion in the Bankruptcy Court seeking an Order pursuant to Section 362 of Title 11 of the United States Code (the "Bankruptcy Code") enforcing the automatic stay against the Commission. The Commission objected to this Motion and, after oral argument, the Bankruptcy Court Judge upheld the Commission, entering an Order holding that the automatic stay did not apply to investigatory proceedings before the Commission. This case was the first appearance by the Commission before a Bankruptcy Court as well as the first before a court outside the State of Rhode Island.

RICHR and Lovegrove v. Escolastico and RICHR and Scurry v. C & H Investments, et al.

These two Superior Court cases were actions filed by the Commission on separate housing cases to enforce Commission Decisions where separate awards had been made in favor of each of the complainants. The respondents in both cases had left the State of Rhode Island and their whereabouts were unknown for years. After locating the respondents in the State of Florida, the Commission entered into its first co-operative agreement with a sister organization, the Florida Human Relations Commission, to enforce the Rhode Island Decision in the Florida Courts. Ultimately, a lump sum payment of over \$32,000.00 was made by the individual respondents in the Scurry case, and monthly payments are being made by the respondent in the Lovegrove case.

Affirmative Action

The Commission's commitment to affirmative action remains constant. In addition to promoting its internal affirmative action plan, the Commission routinely engages in endeavors geared to enrich and diversify the Rhode Island community. Staff members are available to participate in seminars

COMMISSION WORKFORCE PROFILE		
Category	Employees	Percent
Total Employees	15*	100%
Women	10	67%
Racial/Ethnic Minorities	6	40%

and conferences that address affirmative action as it relates to the discrimination laws enforced by the agency. The Commission consistently has voiced its support of initiatives intended to foster and encourage affirmative action and is proud to be a co-founder of the Rhode Island Affirmative Action Professionals and the Rhode Island Coalition for Affirmative Action.

*The Commission officially has 14.5 full-time equivalent positions (FTEs); one staff member works on a part-time basis but is listed as a "full" employee for purposes of this table.

Federal Agreements

U.S. Equal Employment Opportunity Commission

The Commission has been certified by the U.S. Equal Employment Opportunity Commission (EEOC) as a Fair Employment Practices Agency since 1968. Consistent with Section 706 of the Civil Rights Act of 1964, the Commission is authorized to process charges of employment discrimination which fall under federal as well as state jurisdiction. Each year, the Commission enters into a work-sharing agreement with EEOC under which the Commission is expected to investigate a predetermined number of cases. EEOC reimburses the Commission at a fixed rate for each case closed in compliance with the guidelines spelled out in the agreement. This year, the Commission met its contractual obligation by closing 259 co-filed cases.

U.S. Department of Housing and Urban Development

The Commission continues its relationship with the U.S. Department of Housing and Urban Development (HUD) as defined under the federal Fair Housing Act, Title VIII of the Civil Rights Act of 1968. The Commission enters into an annual contract with HUD for fixed-rate reimbursement for the processing of housing cases filed under both state and federal law.

During this fiscal year, the Commission took in 43 cases of alleged housing

sion took in 43 cases of alleged housing discrimination. The Commission processed 45 cases, 42 of which were dual-filed with HUD.

FEDERAL FUNDS RECEIVED, FY 2007		
EEOC*	Case Processing	\$142,450
	Training/ Transportation	\$ 12,230
	Conversion to New Case Tracking System	\$9,909
HUD**	Case Processing	\$ 90,360
	Administrative Costs	\$ 10,000
	Training	\$ 30,200
TOTAL		\$295,149

*EEOC's fiscal contract year is October 1, 2006 to September 30, 2007.

**HUD's fiscal contract year is July 1, 2006 to June 30, 2007.

Student Programs

High school, college and graduate students receive first-hand experience in the agency's primary functions through the intern program.

Interns assist in investigations, conduct legal research, perform clerical duties and work independently through a structured program. For their work, interns may earn college credits, stipends through work-study grants, and/or receive compensation from the state Government Internship Program.

INTERNS FALL 2006	
Michael Antypas	Syracuse University
Jenell Fillion	CCRI
Jill E. Gary	Providence College
Michelle Mauricio	Shea High School
Leslie Miller	CCRI
Rachel Mills	Providence College
Todd Roazen	Wheaton College
Lucilia Vega	Shea High School
Michael Willemin	Providence College

INTERNS SPRING 2007	
Magdalena Gil	Feinstein High School
Jaissen Jackson	RIC
Naomi Jeanty	Providence Academy of International Studies
James C. LeShane	URI/CCRI
Nicholas Mann	Wheaton College
Jennifer McQuaide	RIC/CCRI
Alvaro J. Muniz	Providence College
Meaghan A. Wasilewski	Gibbs College

INTERNS SUMMER 2007	
Jeannine Casselman	Roger Williams University School of Law
John Cofer	Suffolk University Law School
Ross Fraizer	Brown University
Amy Hogue	American College
Craig Hoenie	Roger Williams University School of Law
Christina Kostaras	Wheaton College
Katherine Lipsett	Wheaton College
Mikayla Lynch	University of Chicago
John Pimental	URI
Owen Rice	Roger Williams University School of Law
Monica Rosenberg	Brown University
Callie Spaide	Brown University

Commissioner Appointments



Rochelle Bates Lee was appointed to the Commission on May 9, 2007. Commissioner Lee is a Senior Consultant at FXM Associ-

ates. She is an urban planner with extensive experience in residential development financing and management. Commissioner Lee has worked for the Local Initiatives Support Corporation, the National Equity Fund, The Community Builders, Boston Housing Authority, and she has taught high school and college. Commissioner Lee has a Bachelor of Arts from the University of Massachusetts and attended Wellesley College. She holds a Masters Degree in African-American Studies from Boston University, and a Master of City Planning (MCP) from the School of Architecture at MIT. She was the Vice-Chair of the Rhode Island Urban Enterprise Equity Fund, and is on the board of directors for the Mt. Hope Neighborhood Land Trust, the Providence External Review Authority, and The Center to Advance Minorities in the Construction Industry. She also is a past president of the RI Association of Fundraising Professionals.



Nancy Kolman Ventrone was appointed to the Commission on June 20, 2007. Commissioner Ventrone retired from state service at the end of 2004 as a Legal Enforcement Officer with the Workers' Compensation Fraud and Compliance Unit.

Commissioner Ventrone is a veteran of the Commission, having served as the director of the fair employment program at the Commission from 1976 to 1988 and 1989 to 1992. She also worked for the Connecticut Commission on Human Rights and Opportunities.

Commissioner Ventrone was the Chairperson of the Jamestown Personnel Board from 1999 to 2004 and continues to be a member of that board. She received a Bachelor of Arts and Master's Degree in American History from the University of Rhode Island.

Commissioner Ventrone works occasionally as a substitute teacher and works with her husband, Richard, with the Jamestown Emergency Medical Association.

Commissioner Retirements



Randolph Lowman was a Commissioner of the Rhode Island Commission for Human Rights from 1994 to 1997 and from 1999 to June 2007.

Although ready to resign from his service as Commissioner in 2005, he continued to serve until a replacement Commissioner was confirmed so that the work of the Commission would not suffer.

Commissioner Lowman received his degree in business from the University

of Rhode Island. His enthusiasm for learning led him to take additional courses and he participated in many training programs given by the National Association of Human Rights Workers.

Commissioner Lowman served in the U.S. Navy. He was later employed by the Internal Revenue Service for eleven years, ending his career as an Equal Opportunity Specialist/Career Development Program Manager.

Commissioner Lowman's commitment to equal rights was demonstrated by his participation in numerous civil rights organizations. He was the Vice Chairman of the Martin Luther King, Jr. State Holiday Commission from 1996 to 2003; his service on that Commission started in 1989. He has been a member of the Urban League of Rhode Island, the NAACP-Providence Chapter and the National Conference of Christians and Jews.

Commissioner Lowman was a backbone of the Commission for many years. He was always willing to do whatever would assist the Commission's goals – attend conferences, serve as the Preliminary Investigating Commissioner, act as hearing officer and read transcripts and exhibits to determine whether discrimination occurred. During his tenure, he did not hesitate to preside over difficult, multiple-day hearings. Commissioner Lowman participated in decisions prohibiting race discrimination in housing against an interracial couple, remedying unlawful retaliation for filing a charge of discrimination and addressing sex discrimination in the hiring process for a carpenter. His work was noted for his

personable, friendly and fair treatment of parties and witnesses and his determination to ensure justice and due process for all.



Jean Stover was a Commissioner of the Rhode Island Commission for Human Rights from 1972 to 1987 and from 2000 to June 2007.

Commissioner Stover graduated from Bryant College. She was a member of the League of Women Voters of Providence and Barrington and served as President from 1965 to 1969. She has worked as a paralegal and tutored English as a Second Language students.

Commissioner Stover's tenure saw dramatic changes in civil rights. In 1978, she was a decision-maker in a case that found that the Department of Corrections could not refuse to transfer a female correctional officer to a division of the prison housing male prisoners. In 1979, she presided over a hearing of racial discrimination and ultimately, with two other Commissioners, found that an employer in the construction industry could not discriminate in layoffs because of race. She presided over administrative hearings relating to alleged sex discrimination in universities and the early cases that defined the scope of disability discrimination protection. In 2004, she, along with other Commissioners, issued a decision that affirmed the Fair Employment Practices Act's strong protections against sexual harassment.

Known for her common sense and plain speaking, and fearlessness in the cause of justice, Commissioner Stover engaged in work which established the Commission as a force for equal rights.

Commission - Initiated Case

On July 24, 2006, the Commission exercised its statutory authority to initiate a fair housing charge against Greater Elmwood Neighborhood Services, Inc. The charge, which alleged both sex (pregnancy status) and familial status discrimination, was initiated after the Commission became aware that representatives of Greater Elmwood were discouraging pregnant female applicants from renting units at one of Greater Elmwood's locations since it could not guarantee that the units therein were lead-free. Prior to the initiation of the charge, the Commission sent two fair housing testers to Greater Elmwood's office to inquire about the availability of units for rent at the location in question. The pregnant tester was advised that no units were available while the non-pregnant tester, who visited the office within hours of the pregnant tester, was shown several available units.

A Negotiated Settlement Agreement was executed by the parties by which Greater Elmwood agreed to post the Commission's housing antidiscrimination poster in a prominent place in each of its offices, furnish proof to the Commission that its By-Laws and rental applications contained a housing antidiscrimination clause, have all staff participate in a training on the requirements of state and federal fair

housing laws and pay a civil penalty to a local community nonprofit organization.

Personnel

Susan Chase Pracht was hired as an Investigator in August 2006 to fill a vacant position. Ms. Pracht earned a Bachelor's Degree in Sociology from Gordon College in 2003. She first began working for the Commission as an Intern in 2001 and continued working for the agency in various capacities until her official hire. Among the various hats Ms. Pracht wore prior to being hired as a full-time Investigator were: assistant to the Executive Director, Fair Housing Intern, and Outreach Coordinator. Ms. Pracht also is a trained Mediator through the Community Mediation Center of Rhode Island.

The Commission lost one-half of an FTE (full-time equivalent position) during this fiscal year. In compliance with budgetary demands, the Commission reduced its staff to 14.5 by making a senior investigative position part-time.