

Annual Report 2016 Fiscal Year

July 1, 2015 through June 30, 2016



Rhode Island Commission for Human Rights

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“The practice or policy of discrimination against individuals ... is a matter of state concern. Such 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. The denial of equal employment opportunities because of such discrimination and the consequent failure to utilize the productive capacities of individuals to their fullest extent deprive large segments of the population of the state of earnings necessary to maintain decent standards of living, necessitates their resort to public relief, and intensifies group conflicts, thereby resulting in grave injury to the public safety, health, and welfare.

It is hereby declared to be the public policy of this state to foster the employment of all individuals in this state in accordance with their fullest capacities ... and to safeguard their right to obtain and hold employment without such discrimination.

The right of all individuals in this state to equal employment opportunities ... is hereby recognized as, and declared to be a civil right.”

From R.I. Public Laws 1949, ch. 2181, by which
the Commission for Human Rights was created and empowered



STATE OF RHODE ISLAND
COMMISSION FOR HUMAN RIGHTS

January 27, 2017

Chair
Dr. John B. Susa

Commissioners
Iraida Williams
Camille Vella-Wilkinson
Alberto Aponte Cardona, Esq.
Rochelle Bates Lee
Angelyne E. Cooper, Esq.
Tolulope Kevin Olasanoye, Esq.

Executive Director
Michael D. Évora, Esq.

The Honorable Gina M. Raimondo
Office of the Governor
State House, Room 222
Providence, RI 02903

Dear Governor Raimondo:

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 2016 fiscal year, including charge intake, charge investigation, administrative hearings and final case dispositions. In addition, the Report offers a summary of agency Decisions and Orders, an update on education/outreach efforts, a summary of enforcement/court actions undertaken by the Commission, and highlights of caseload accomplishments occurring during what has been an eventful year.

Through the diligent efforts of Commissioners and Commission staff, and with the assistance of student interns, the agency realized significant achievements during FY 2016. For the eighteenth consecutive year, the number of cases processed by the Commission exceeded the number of new cases taken in, thereby decreasing the number of open cases carried forward into a new fiscal year. In addition, the Commission continued to ensure timely due process to all parties appearing before the agency by meeting its Strategic Plan goal of processing cases in less than one year on average; the average age of a case at final disposition was 331 days.

Consistent with the agency's statutory mandate to implement a comprehensive educational program, Commission staff members conducted 46 education/outreach sessions in the community, reaching nearly 1,200 employers, housing providers and individuals and educating them about their rights and responsibilities under state and federal antidiscrimination laws.

I hope that you find the Report informative and helpful as you 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.
Angelyne E. Cooper, Esq.
Rochelle Bates Lee
Tolulope Kevin Olasanoye, Esq.
Camille Vella-Wilkinson
Iraida Diaz Williams

Staff

Michael D. Évora, Esq., Executive Director

Cynthia M. Hiatt, Esq., Staff Attorney
Francis A. Gaschen, Esq., Staff Attorney

Angie V. Lovegrove, HUD Project Director

Marlene Colón Toribio, EEOC Project Director

Glenn C. Cardozo, Sr. Compliance Officer
Tina M. Christy, Sr. Compliance Officer
Allison G. Coté, Sr. Compliance Officer
VACANT, Sr. Compliance Officer*

Stephen W. Strycharz, Investigator
Jason Flanders, Investigator
Dina I. Quezada, Investigator

Betsy A. Ross, Chief Clerk
Lynn Soccio, Administrative Aide
Zaida Rivera, Administrative Aide

*This position was vacated in August 2009 and the Commission has not received authorization to fill it.

FY 2016 HIGHLIGHTS

INTAKE

The Commission took in 356 new charges of discrimination, representing a 9.7 percent decrease from FY 2015. Of the new charges, 76.7% were in the area of employment, 19.1% in housing and 1.1% in public accommodations. Charges of disability discrimination in delivery of services (unrelated to employment, housing or public accommodations) accounted for 3.1% of intake.

Claims of disability discrimination predominated, with 181 new cases, or 50.8% of cases taken in, containing an allegation of disability discrimination. Retaliation-based claims followed in number, with a total of 102 cases, or 28.7%, containing an allegation of retaliation for having opposed unlawful practices. Sex-based claims (including pregnancy and sexual harassment claims) and age-based claims followed at 88 and 84 (24.7% and 23.6%), respectively. An allegation of race discrimination was raised in 60 cases, or 16.9% of total cases.

INVESTIGATIONS

For the eighteenth consecutive year, the Commission processed more cases than it took in (434 vs. 356).

- Probable Cause was found in approximately 11.1% of total cases processed, representing a decrease from FY 2015 (12.5%);
- No Probable Cause was found in approximately 32.7% of total cases processed, representing a decrease from FY 2015 (33.2%); a substantial number of these cases resulted from a complainant's failure to pursue his/her charge;
- Approximately 21.4% of cases settled prior to a determination of Probable Cause or No Probable Cause, representing a slight decrease from FY 2015 (22.8%).

ADMINISTRATIVE HEARINGS

The Commission held administrative hearings in three cases. A Decision and Order was issued in one case, finding that an African American tenant and her minor child were subjected to harassment, intimidation and coercion in housing because of their race and color. The Commission also granted a respondent's motion to dismiss two housing cases after the complainant failed to appear for a scheduled hearing, and dismissed another case of alleged employment discrimination based on the complainant's failure to prosecute.

THE COMMISSION AT THE COURTS

Among its court activities throughout the year, the Commission: filed a brief in support of its decisions on liability and damages after the City of Providence School Board appealed Commission decisions relating to unlawful retaliation against a Providence teacher; entered into a Federal District Court consent agreement with respondents following a summary judgment ruling in favor of the Commission and complainants who had alleged familial status discrimination in housing.

CASELOAD ACCOMPLISHMENTS

- The Commission processed 2.1% more cases in FY 2016 than in FY 2015 (434 vs. 425).
- The Commission has realized a steady and significant decrease in the time taken to process cases. While the average age of a case at closure in FY 2003 was over three years, the average age of cases closed in FY 2016 was 331 days.
- Of the total cases processed during FY 2016, 27.6% were the result of either pre- or post-probable cause settlements, representing a significant increase from FY 2015 (23.5%).

OUTREACH

Commission staff members conducted 46 outreach/education sessions in the community, reaching nearly 1,200 employers, housing providers and individuals and educating them about their rights and responsibilities pursuant to state and federal antidiscrimination laws.

Agency 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 (those against whom charges are filed), 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, housing status, military status 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, familial status and military status. Discrimination in

the delivery of services on the basis of disability is prohibited.

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

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—HIV/AIDS Act (R.I.G.L. §§ 23-6.3-11 and 23-6.3-12)
- 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. 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 Civil Rights Act of 1968.

PROTECTED CATEGORIES UNDER STATE AND FEDERAL LAW

	Employment		Housing		Public Accommodations	Credit
	State	Federal	State	Federal	State	State
Race	√	√	√	√	√	√
Color	√	√	√	√	√	√
Religion	√	√	√	√	√	√
Ancestral Origin	√	√	√	√	√	√
Sex[1]	√	√	√	√	√	√
Disability[2]	√	√	√	√	√	√
Age[3]	√	√	√		√	√
Sexual Orientation[4]	√	*	√	*	√	√
Gender Identity or Expression[5]	√	√	√	*	√	√
Familial Status			√	√		√
Marital Status			√	*		√
Status as a Victim of Domestic Abuse			√	*		
Housing Status[6]			√			
Conviction Status[7] (“Ban the Box”)	√					
Military Status[8]			√			√
Retaliation	√	√	√	√	√	√

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

2 Includes physical and mental disabilities.

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

4 Protects individuals who are heterosexual, homosexual or bisexual.

5 Includes an individual’s actual or perceived gender, as well as an individual’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 that individual’s sex at birth.

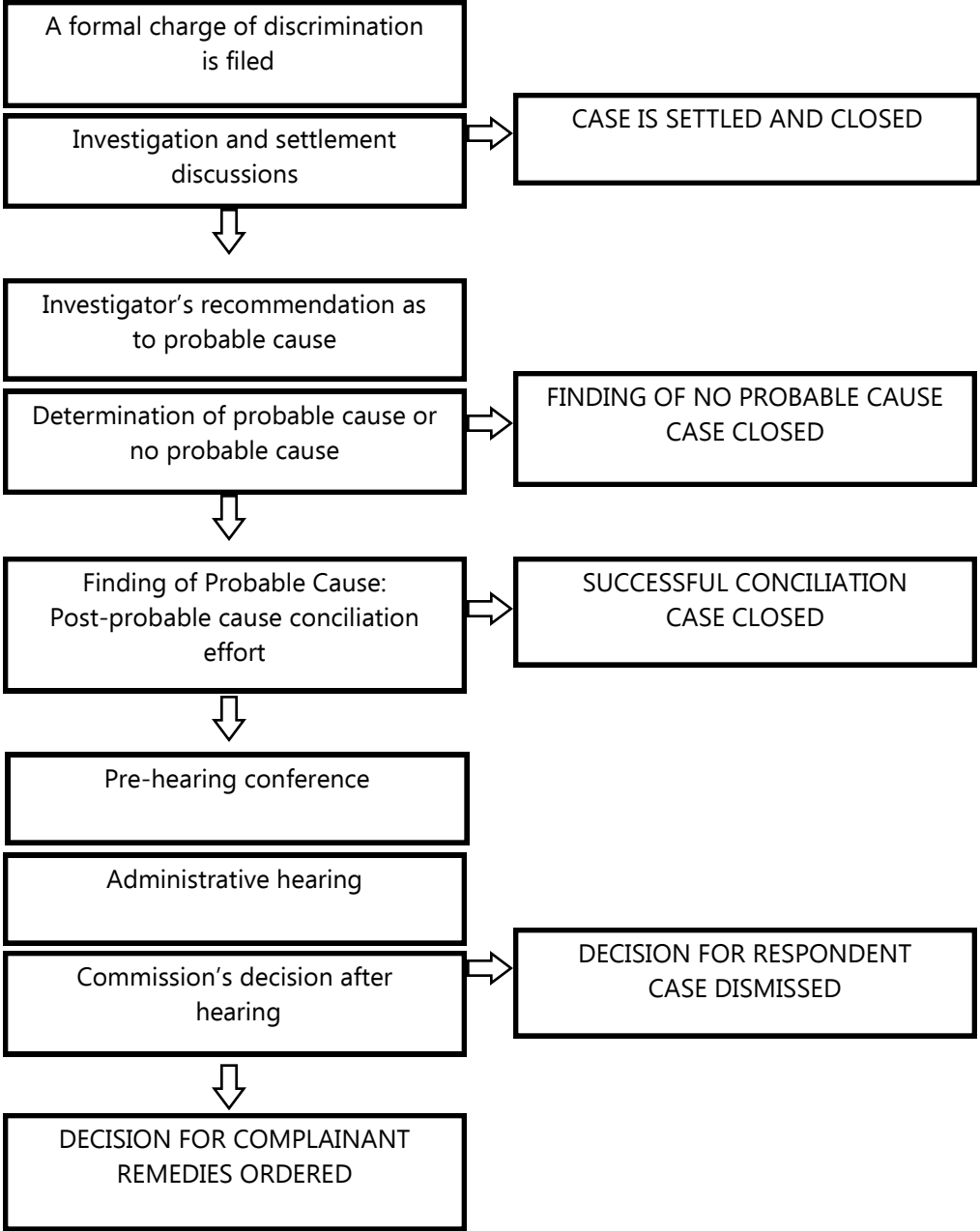
6 “Housing Status” means the status of having or not having a fixed or regular residence, including the status of living on the streets or in a homeless shelter or similar temporary residence.

7 Prohibits employers from inquiring before a first interview, either via an employment application or otherwise, whether an applicant has been convicted of a crime. Certain exceptions apply.

8 “Military Status” means status as a service member in the Armed Forces, or status as a veteran with an honorable discharge or an honorable or general administrative discharge.

* Federal law prohibits discrimination on this basis in certain instances.

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.

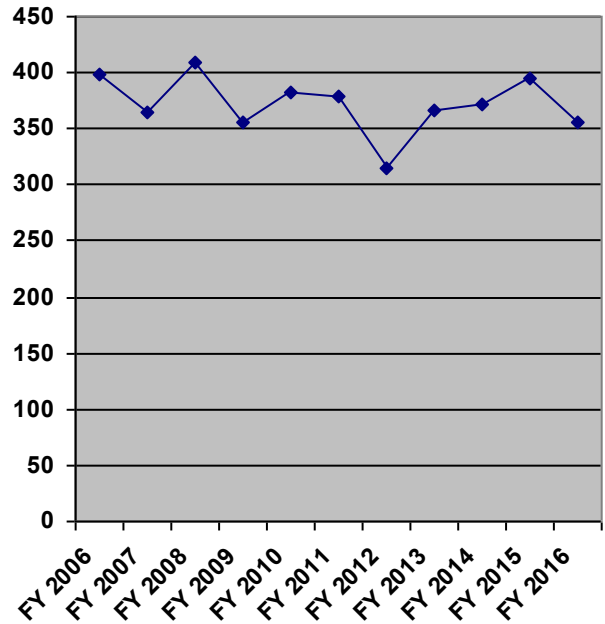
Intake

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

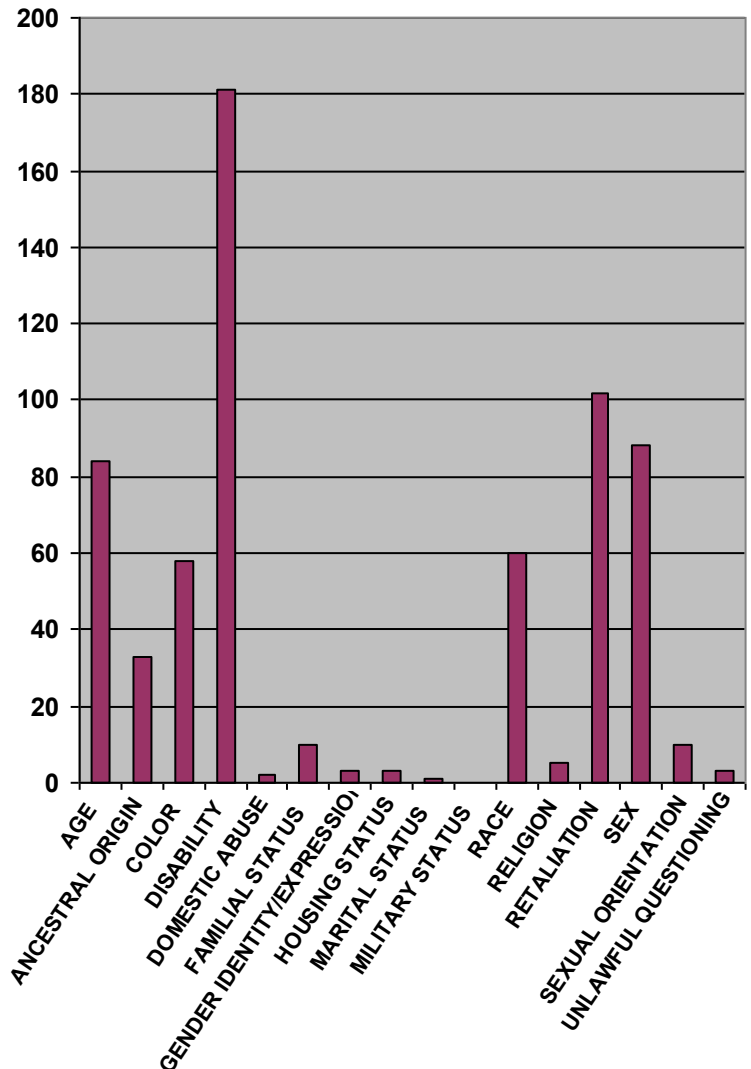
The intake process usually begins with a telephone call or visit to the Commission. Each year the agency receives thousands of telephone and walk-in inquiries from individuals requesting information or wanting to pursue a charge of discrimination. The majority of these inquiries do not come within the 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.

The Commission took in a total of 356 cases in the fiscal year, representing a 9.7 percent decrease from FY 2015 (394). As in past years, disability claims predominated in this year's intake, with a total of 181 new cases, or 50.8% of total cases, containing an allegation of disability discrimination. Retaliation-based claims followed in number, with a total of 102 cases, or 28.7%, containing an allegation of retaliation for having opposed unlawful practices. Sex-based claims (including pregnancy and sexual harassment claims) and age-based claims followed at 88 and 84 (24.7% and 23.6%), respectively. An allegation of race discrimination was raised in 60 cases, or 16.9% of total cases.

INTAKE BY FISCAL YEAR



FY 16 INTAKE BY BASIS



FY 2016 INTAKE BY AREA

	Number	Percent of Total
Employment	273	76.7
Housing	68	19.1
Public Accommodations	4	1.1
Delivery of Services*	11	3.1
Credit	0	0
TOTALS	356	100

FY 2016 INTAKE BY BASIS AND AREA **

	Employment	Housing	Public Accom.	Indiv. with Disab.*	Credit	Totals
Age	83	1	0	NA	0	84
Ancestral Origin	28	3	2	NA	0	33
Color	48	8	2	NA	0	58
Disability	130	40	0	11	0	181
Familial Status	NA	10	NA	NA	0	10
Gender Identity or Expression	3	0	0	NA	0	3
Housing Status	NA	3	NA	NA	NA	3
Marital Status	NA	1	NA	NA	0	1
Military Status	NA	0	NA	NA	0	0
Race	50	8	2	NA	0	60
Religion	4	1	0	NA	0	5
Retaliation	98	4	0	0	0	102
Sex***	81	6	1	NA	0	88
Sexual Orientation	7	3	0	NA	0	10
Status as Victim of Domestic Abuse	NA	2	NA	NA	NA	2
Unlawful Questioning	3	NA	NA	NA	NA	3

*Figures reflect charges of disability discrimination in delivery of services (unrelated to employment, housing, public accommodations or credit).

**Figures reflect the fact that most charges filed allege more than one basis of discrimination. Example: if a given charge alleged discrimination on the bases of age, race and color, it is reflected in the figures for all three categories.

***Includes allegations of pregnancy discrimination and 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 was six weeks or less. Most of the Commission's personnel resources are devoted to the investigation process. **Approximately 27.6% of case closures in FY 2016 resulted from settlements or conciliations, representing an increase from FY 2015 (23.5%).**

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

Commission issued multiple subpoenas in the fiscal year to compel the production of documents and witness testimony.

In FY 2016, a determination of "Probable Cause" was rendered in approximately 11.1% of total processed cases, reflecting a decrease from FY 2015 (12.5%) 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 complainant requests a right to sue may be Probable Cause cases. **During the fiscal year, the Commission settled 93 cases (21.4% of total cases processed) prior to a determination as to whether Probable Cause existed.**

A "No Probable Cause" determination was rendered in approximately 32.7% of total processed cases, reflecting a decrease from FY 2015 (33.2%). A significant number of these No Cause findings resulted from a complainant's failure to pursue her/his charge by failing to respond to requests for information.

For the eighteenth consecutive year, the Commission processed more cases than it took in (434 vs. 356), 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.

Case Dispositions

TERMS AND DEFINITIONS

Administrative Closures	Includes cases closed for failure to locate a complainant, complainant's failure to cooperate, no jurisdiction, charges withdrawn without benefits, receiverships, and bankruptcies.
Conciliation	Case settled after a finding of probable cause.
Decision and Order	Commission makes a finding after a hearing before the agency. If the decision is for the complainant, remedies are ordered. If it is for the respondent, the case is dismissed.
Negotiated Settlement	Case formally settled prior to a finding of Probable Cause or No Probable Cause.
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 with Settlement	Complainant withdraws the case upon receiving a settlement from the respondent.

Status of Probable Cause Cases FY 2016

Probable Cause cases	48
Respondent's Election to Superior Court for Trial	28
Complainant's Request for Right to Sue	3
Joint Election	1
Conciliation	4
Reversal of Probable Cause finding	1
Open as of 6/30/16 [pending conciliation, administrative hearing or other action]	11

Case Dispositions FY 2016

Type of Disposition	Number
Decision and Order	4
Probable Cause	48
No Probable Cause	142
Conciliation*	27
Negotiated Settlement	29
Withdrawal with Settlement	64
Right to Sue	101
Administrative Closure	19
Total	434

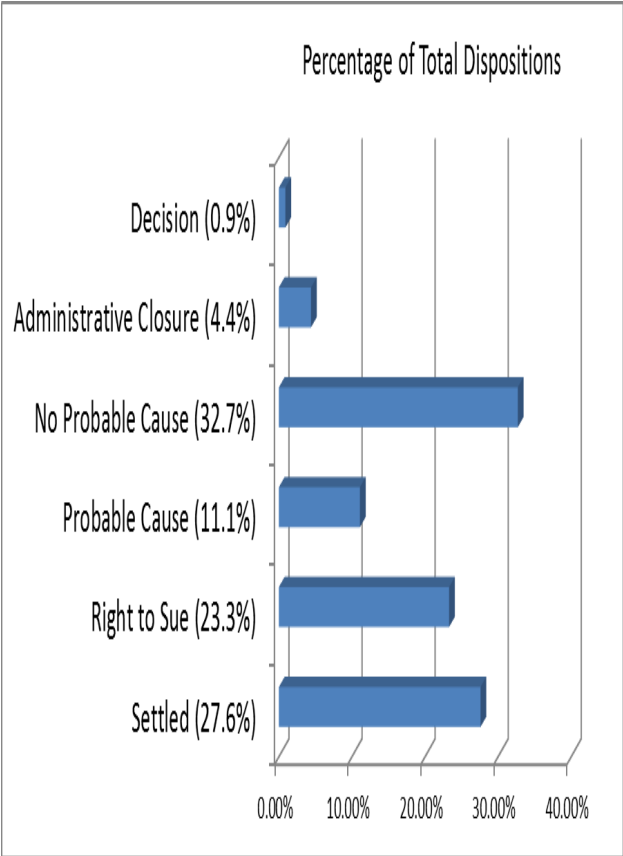
*Includes conciliation of cases in which probable cause was found in a prior fiscal year.

Caseload Statistics

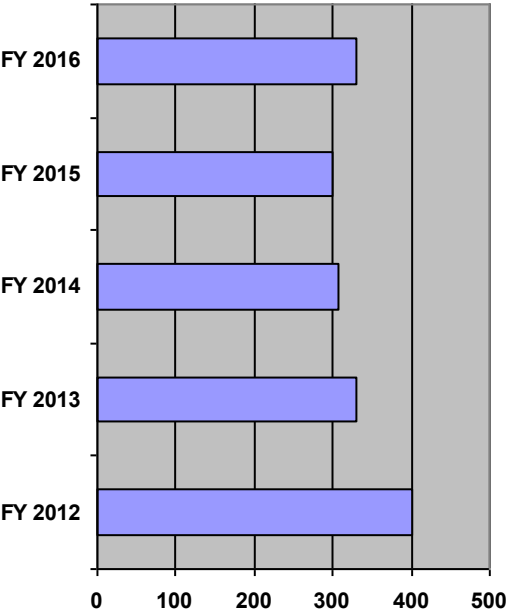
CASE PROCESSING TIME

In recent years, the Commission has labored to ensure more expeditious processing of cases. The “hands on” approach in caseload management taken by Director Évora, 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 2016, the average age of a case at closure was 331 days.**

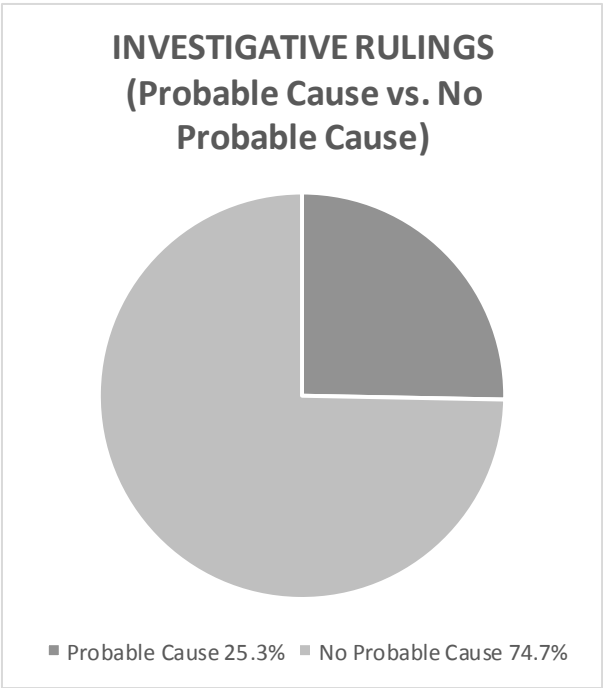
DISPOSITION OF CASES



AVERAGE CASE AGE (DAYS) AT CLOSURE BY FISCAL YEAR



INVESTIGATIVE RULINGS (Probable Cause vs. No Probable Cause)



Administrative Hearings

After a “probable cause” ruling, a Commissioner 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, three Commissioners decide the case 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 routinely held hearings.

Commission Hearings and Closures FY 2016

Cases in which Hearings were Held	3
Number of Hearing Days	3
Closures of Cases in Hearings	
Total Decision and Orders	4
Decision for Complainant	1
Decision for Respondent	3
Mixed Ruling	0
Written decisions on motions (These include motions to dismiss, discovery motions and motions on damages and attorney’s fees.)	8

The following are summaries of the Decisions issued by the Commission in FY 2016:

Tamaqua Thornton and on behalf of Heavenly Thornton v. Jollene Stoker and Carl Peckenham
(March 1, 2016)

The Complainants alleged that the Respondents discriminated against them with respect to harassment, intimidation and coercion because of their race and color (African American).

The Complainants rented a housing accommodation in Providence. The Respondents, who were white, resided in the same building. The Commission found that the Respondents deliberately disposed of the Complainants’ trash on the ground. The Respondents bred and housed up to eight dogs in their unit and allowed these dogs to roam the common areas of the building. When Complainant Tamaqua Thornton knocked on the Respondents’ door to discuss the dogs, Respondent

Stoker swore at her and told her to get away from the door. The Respondents deliberately harassed and intimidated the Complainants by continuing to allow their unleashed dogs to roam the common areas of the building despite the Complainants' repeated expressed fear of the dogs.

One of the Respondents' unleashed dogs jumped on Complainant Heavenly Thornton while she was assisting in doing laundry. The jumping caused scratches up and down the Complainant's legs and she required immediate medical attention. The Complainant was approximately six or seven years old at the time. The dog who had attacked the Complainant was removed from the premises for less than a month and the Respondents' practice of letting their unleashed dogs roam the common areas periodically resumed. The Complainants stopped doing their laundry in the laundry room and started using a laundromat.

Respondent Stoker frequently called Complainant Tamaqua Thornton a "black bitch" even when she was with her child, Complainant Heavenly Thornton. Complainant Tamaqua Thornton tried to shield her child from hearing these epithets but Complainant Heavenly Thornton asked her mother why the Respondents did not like them.

On one occasion, Respondent Stoker spit at Complainant Tamaqua Thornton. The Complainants decided that they could no longer tolerate the harassment and moved to an apartment that was less convenient for Complainant Tamaqua Thornton's work and Complainant Heavenly Thornton's activities. Complainant Tamaqua

Thornton testified that the Respondents' treatment left her feeling degraded and humiliated.

The Commission found that the Respondents' harassment of the Complainants was severe and pervasive and created an abusive housing environment. The Commission found that the Respondents committed violations of the Fair Housing Practices Act by threatening and intimidating the Complainants and interfering with their enjoyment of their dwelling because of their race and color.

The Commission ordered the Respondents to participate in fair housing training and to pay pecuniary damages (for the medical costs associated with the dog attack on Heavenly Thornton, the cost of using a laundromat and the costs of moving) and to pay damages for the Complainants' pain, suffering and humiliation. The total amount of compensatory damages awarded was \$5,000 plus statutory interest until paid.

Karisa Kenneally and on behalf of Lovell Kenneally v. Allan Simpson
(October 2, 2015)

This Decision related to two cases filed by the Complainants. In the first case, the Complainants alleged that the Respondent subjected them to discriminatory terms and conditions of rental because of Complainant Lovell Kenneally's color and because of Complainant Karisa Kenneally's (Lovell's mother's) association with a dark-skinned individual. In the second case, the Complainants alleged that the Respondent retaliated against the Complainants for filing a previous charge of discrimina-

tion.

The Complainants did not appear at the scheduled hearing on the merits. The Hearing Officer denied the request for a continuance. The request was made at the last minute and the Complainants had shown a lack of cooperation with Respondent's discovery requests. After allowing the parties to submit briefs on the question, the Commission granted the Respondent's motion to dismiss the cases on the condition that the Respondent attend fair housing training. The Commission stated that a party: "cannot presume that the Commission will allow the hearing process (and a respondent's right to depend on an orderly hearing process) to be derailed based on a last-minute plea on behalf of a disengaged complainant". The Respondent completed fair housing training.

Alexis M. Burton v. Jeffrey Roy
(February 1, 2016)

The Complainant alleged that the Respondent discriminated against the Complainant because of her sex by subjecting her to sexual harassment/hostile work environment. The Complainant, who was represented by counsel, did not attend on the scheduled hearing date. Complainant's Counsel requested a continuance, citing her inability to contact the Complainant. That request for a continuance was denied. The Complainant had been representing herself previously and had received a last-minute continuance of a previous hearing date. When the Hearing Officer granted that last-minute continuance of the previous hearing date, the Complainant was informed that no other continuances would be granted to

her.

The Commission dismissed the case based on failure of prosecution.

The Commission at the Courts

The Commission continued to take steps to enforce agency Decisions and Orders and to intervene in court proceedings in which the public interest was implicated. The following are highlights from Fiscal Year 2016:

City of Providence v. Rhode Island Commission for Human Rights and Matthieu Yangambi (Superior Court, C.A. Nos. PC 13-5757, 14-5223)

In October 2013, the Commission found that the City of Providence School Board violated the Fair Employment Practices Act. The Commission found that the City retaliated against teacher Matthieu Yangambi for protected conduct when it denied him four positions of Acting Assistant Principal. (The Commission found that Dr. Yangambi did not prove some of the other allegations in the complaint.) Dr. Yangambi met the basic qualifications to be considered for positions of Acting Assistant Principal. He had the certifications required for the positions, he had a Doctorate degree, he had been a teacher for the City for many years and his evaluations were excellent. He had engaged in protected activity – he filed previous charges of discrimination with the Commission and had filed an employment discrimination complaint in court and pursued that court complaint.

With respect to three of the Acting Assistant Principal positions, the City did not provide an explanation of its actions and the Commission found for Dr. Yangambi. With respect to another position, the City gave a reason for its action: that the selected candidate had experience in the building in question, knew the school community, and was known and respected by the school community based in part on his leadership as a football coach. The Commission found these reasons to be a pretext for retaliation based on the clearly superior objective qualifications of Dr. Yangambi compared to those of the selected candidate, the subjective nature of the selection process and the inconsistencies in the testimony of the City's witnesses.

The Commission ordered the City to train personnel involved in the process of recommendations for filling Acting Assistant Principal positions on the anti-retaliation provisions in state and federal law. It also ordered that the City post the Commission anti-discrimination poster prominently in its facilities. The Commission further ordered the City to pay Dr. Yangambi back pay, statutory interest and the costs of mediation. The Commission also ordered the City to consider Dr. Yangambi for every future open position of Acting Assistant Principal at Mt. Pleasant High School for the following three years and to provide a specific written reason for his non-selection if he was not selected. The City was also ordered to reduce the process and criteria for selecting Acting Assistant Principals to writing and to post and distribute the written policy to Human Resources and the relevant unions.

The City appealed the Commission decisions on liability and damages. Briefs were filed by all parties and the Commission. The appeal has been assigned to an Associate Justice for a decision.

RICHR (Grimes) v. Briarwood Meadows et al. (Rhode Island District Court, CA No. 13-445M)

In Fiscal Year 2015, the Commission won a summary judgment motion in the above-entitled case. The Commission's complaint had alleged that the Defendants had made unavailable or denied a dwelling to the Grimes Family and tester Allison Coté because of familial status. The Court found that the defendants' two-persons-per-bedroom occupancy policy had a substantial disparate impact on families with children, citing the report of the Commission's expert, Mr. Calvin Bradford. In Fiscal Year 2016, the parties entered into a consent agreement. The consent agreement provided for damages of \$12,000 for the Grimes family and a civil penalty pursuant to federal law. The Defendants agreed to change their policy, to notify the public of their non-discrimination policy and to be trained on state and federal fair housing laws.

Legislative Update

The Commission annually monitors all bills before the General Assembly and identifies those which either affect the agency directly or have an impact in the area of civil rights. During the 2016 legislative session, Commission staff members presented oral and/or written testimony on numerous bills.

Among the bills which the Commission **supported** were bills seeking to:

*require that all student suspensions are to be served in school unless the student presents a danger, and require each superintendent to conduct a study to assess racial/ethnic/disability disparities in student discipline
(*PASSED; NOW LAW*)

*prohibit domestic animals from the Rhode Island Veterans' Memorial Cemetery (the Commission successfully advocated for an amendment to the bill to ensure that service animals and personal assistive animals protected by state and federal law were exempted from the prohibition)
(*PASSED; NOW LAW*)

*require the sealing and destruction of all arrest records and indices of arrest for those persons who are wrongfully arrested or detained by any law enforcement agency, and provide that the arrest need not be disclosed for any purpose
(*PASSED; NOW LAW*)

*make persons who enter and complete a deferred sentence agreement immediately eligible for expungement of all ar-

rest records and indices of arrest provided that they have complied with all terms and conditions of the deferred sentence agreement and have paid all costs, fines, assessments and restitution ordered by the court
(*PASSED; NOW LAW*)

*amend the state Fair Housing Practices Act to prohibit discrimination on the basis of lawful source of income

*prohibit landlords from inquiring about immigration or citizenship status of a tenant, prospective tenant, occupant, or prospective occupant of residential rental property

*expand the equal pay provisions under the jurisdiction of the Department of Labor and Training

*increase health insurance coverage for hearing aids

*require movie theatres to provide at least two showings per week with open captioning and provide audio descriptions upon request

Among the bills which the Commission **opposed** were bills seeking to:

*allow municipalities to pass local ordinances limiting low-income housing once they have reached 10% low-income housing in the community

*allow religious organizations to require any applicant for employment or volunteer work to undergo a national background check to determine if they have ever been convicted of a crime (creating an exemption from the "Ban the Box" law passed in 2013)

Fair Housing Overview

HOUSING CASELOAD

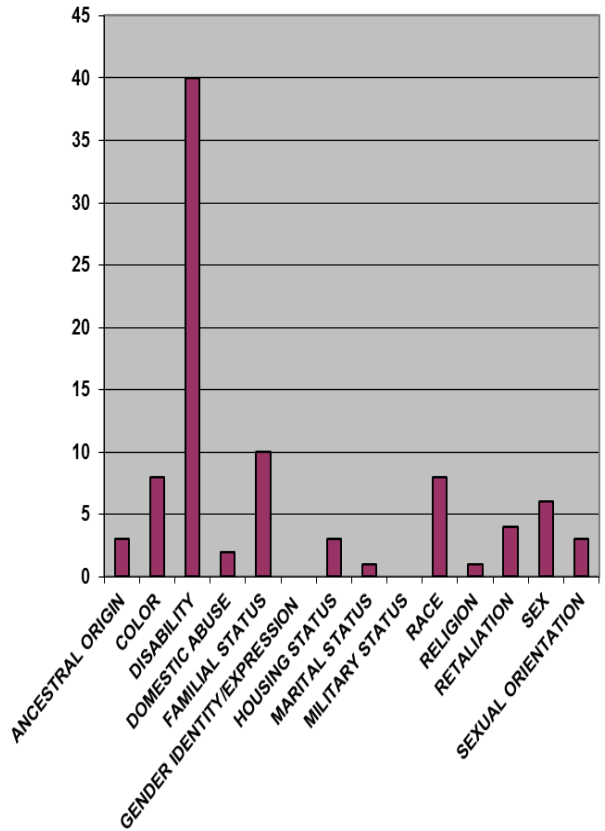
The U.S. Census Bureau estimated the population of Rhode Island in 2015 at 1,056,298. Under guidelines established by the U.S. Department of Housing and Urban Development (HUD), a state having a population of up to 1,500,000 residents should, on average, receive and process up to 15 fair housing charges per year. **The Commission received 68 charges and processed 99 charges in FY 2016, which is equivalent to HUD's estimated average workload of a state having a population of 10,000,000 residents.**

INTAKE AND DISPOSITIONS FIVE-YEAR VIEW

FY	INTAKE	PROCESSED
2016	68	99
2015*	101	94
2014	49	51
2013	51	50
2012	40	48

*The substantial increase in charges for FY 2015 was attributable to the intake of nearly four dozen Commission-initiated charges generated from a testing project conducted pursuant to a HUD Partnership Grant.

FY 16 HOUSING INTAKE BY BASIS



(see p. 7 for full statistics)

CHARGE DISPOSITIONS

The Commission processed 99 housing complaints in FY 2016. Four cases (4%) resulted in a finding of Probable Cause, while 31 cases (31.3%) resulted in a No Probable Cause finding. One case (1%) resulted in a split ruling. A settlement was achieved in 33 cases (33.3%) during the investigative phase. Four cases (4%) were withdrawn by the complainant. One case (1%) was closed after the complainant requested a Right to Sue. Twenty-five case closures were post-Probable Cause closures (including closures of cases in which Probable Cause was

found in a prior fiscal year).

Settlements: From the time a charge is filed and the investigation commences, the Commission seeks to amicably resolve all pending matters. **Thirty-three cases were successfully settled during the investigative phase.** Resolutions of these cases included respondents' agreement to: grant apartments; renew leases; provide monetary settlements; waive rental payments; return security deposits; permit emotional support animals; revise pet policies to accommodate assistive animals; grant reasonable accommodations for tenants with disabilities (including provision of wheelchair access); reinstate Section 8 vouchers; approve unit transfers; allow complainants to enter rental payment plans; provide a dog area; provide a tenant community room; pay civil penalties; and attend fair housing training seminars.

Post-Probable Cause Dispositions:

Of the 25 post-probable cause closures, one case was a decision finding for the complainants following an administrative hearing. (See discussion of *Thornton v. Stoker and Peckenham* at p. 11.) Two cases closed following the granting of respondents' motion to dismiss after the complainant failed to appear for a scheduled hearing. (See discussion of *Kenneally v. Simpson* at p. 12.) One case was withdrawn by the complainant, and one closed with a reversal of the Probable Cause finding following a motion to reconsider the original ruling.

Sixteen of the post-probable cause closures resulted from successful conciliations. The conciliations included respondents' agreement to: provide mon-

etary settlements; revise rental applications to remove unlawful questions; permit emotional support and assistive animals; revise pet policies to accommodate emotional support and assistive animals; install accessible passages to and from rental units; make contributions to charitable organizations in complainant's name; pay civil penalties; attend fair housing training seminars. Four of the post-probable cause closures resulted from consent orders executed following the filing of complaints in court. The consent orders included orders requiring respondents to: cease from enforcing discriminatory policies; implement and prominently post non-discrimination policies; submit compliance reports to the Commission; permit emotional support animals; pay civil penalties; attend fair housing training seminars.

**COMMISSION RECEIVES
HUD PARTNERSHIP AWARD**

In June of 2016, the U.S. Department of Housing and Urban Development (HUD) awarded the Commission a HUD Partnership Grant in the amount of \$12,400.00. HUD had solicited grant proposals from Fair Housing Assistance Program agencies (FHAPs) for projects proposing enhanced education and outreach efforts to persons and entities subject to the FHAP's fair housing laws. The Commission proposed the planning and execution of a Cooperative Testing Conference in Rhode Island, with the goal of training individuals to serve as fair housing testers. The conference is scheduled to be conducted in FY 2017.

Outreach

DATE	TOPIC	LOCATION/GROUP
9/10/15	General Overview and Sexual Harassment	Insure My Trip, Warwick
9/10/15	Chapter on RICHR/ Employment Discrimination in <i>A Practical Guide to Employment Law in Rhode Island</i>	
9/10/15	Fair Housing/Analysis of Impediments	Rhode Island Housing, Providence
9/30/15	Fair Housing	RI Minority Elder Taskforce, East Providence
10/15	Fair Housing advertisement	<i>The Providence American</i>
10/15	Fair Housing advertisement	<i>Options Magazine</i>
10/20/15 & 10/21/15	General Overview/Commission Process/Protected Categories/Racial Profiling Legislation	EEOC Regional FEPA Conference, Portsmouth, NH
10/27/15	General/Employment Discrimination	East Providence Affirmative Action Committee, East Providence
11/16/15	General Overview	Open World Delegates from Ukraine, facilitated by Scituate Rotary Club, Commission office, Providence
12/4/15	FAQ/Sexual Harassment materials	Johnston Police Dept., Johnston
12/15/15	General	The Islamic Center, Providence
12/15/15	General/Employment Discrimination	East Providence Affirmative Action Committee, East Providence
12/16/15	Letter/FAQ – Religious Discrimination	Masjid Al-Islam, North Smithfield
12/16/15	Letter/FAQ – Religious Discrimination	Refugee Dream Center, Providence
12/17/15	Fair Housing/Military Status protection	“Boot Camp Breakfast” for veterans and Veterans Service administrators, Warwick
12/29/15	Fair Housing/Familial Status/Disability/Assistive Animals	Hearing Room, Commission Office
1/12/16	General Overview/Sexual Harassment	Alliance Security, Cranston
1/12/16	General Overview/Sexual Harassment	Alliance Security, Cranston
1/12/16	General Overview/Sexual Harassment	Alliance Security, Cranston
1/14/16	General Overview/Sexual Harassment	Alliance Security, Cranston
1/14/16	General Overview/Sexual Harassment	Alliance Security, Cranston
1/14/16	General Overview/Sexual Harassment	Alliance Security, Cranston
1/18/16	Commission Overview; Racial Profiling – Comprehensive Community-Police Relationship Act of 2015	RI Civil Rights Roundtable MLK Event, Mathewson St. Church, Providence
1/20/16	General Overview/Sexual Harassment	Alliance Security, Cranston
1/20/16	General Overview/Sexual Harassment	Alliance Security, Cranston
1/20/16	General Overview/Sexual Harassment	Alliance Security, Cranston

Outreach

1/26/16	General/Employment Discrimination	East Providence Affirmative Action Committee, East Providence
1/27/16	General Overview/Sexual Harassment	Alliance Security, Cranston
1/27/16	General Overview/Sexual Harassment	Alliance Security, Cranston
1/27/16	General Overview/Sexual Harassment	Alliance Security, Cranston
2/22/16	General Overview	Women's Resource Center (staff), Portsmouth
2/23/16	Fair Housing/Familial Status/Disability/Assistive Animals	Hearing Room, Commission Office
2/23/16	General/Employment Discrimination	East Providence Affirmative Action Committee, East Providence
2/24/16	Fair Housing	RI Minority Elder Task Force, East Providence
2/25/16	General Overview	Feinstein Middle School, Coventry
3/1/16	General Overview/Sexual Harassment	Alliance Security, Cranston
3/1/16	General Overview/Sexual Harassment	Alliance Security, Cranston
3/30/16	Fair Housing/Source of Income Discrimination	<i>Providence Journal</i> article
4/12/16	Fair Housing/Disability Discrimination/Reasonable Accommodation	"Fair Housing Accessibility First Training" (Panel), Providence Public Library, Providence
4/21/16	Transgender Rights under State Antidiscrimination Law	"Issues Affecting the Transgender Community", Equity Action Forum, RI Foundation, Providence
4/30/16	Information Table at "Healthy Kids Day 2016" Fair	Roger Williams Park, Providence
5/3/16	Recent Developments in Employment Discrimination Law	Labor Law Committee, RI Bar Association, Cranston
5/18/16	General Overview/ Employment Discrimination	Dept. of Labor and Training (staff), Cranston
5/18/16	General Overview/ Employment Discrimination	Dept. of Labor and Training (management), Cranston
6/22/16	Public Accommodations - Testing	Providence Youth Student Movement (PrYSM), Providence, RI
6/28/16	Public Accommodations - Testing	Providence Youth Student Movement (PrYSM), Providence, RI

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 (co-filed). 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 219 co-filed cases.**

U.S. Department of Housing and Urban Development

The Commission continued 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. **The Commission took in 68 charges of alleged housing discrimination, 62 of which were co-filed with HUD, and processed 99 charges, 81 of which were co-filed with HUD.**

FEDERAL FUNDING, FY 2016

EEOC*	Case Processing	\$153,300
	Training/ Transportation	\$1,600
HUD*	Case Processing	\$200,500
	Administrative Costs	\$55,000
	Training/ Transportation	\$28,750
	Partnership Grant	\$12,400
TOTAL		\$451,550

*EEOC's fiscal contract year was October 1, 2015 to September 30, 2016. HUD's contract year was July 1, 2015 to June 30, 2016.

Equal Opportunity Commitment

The Commission's commitment to equal opportunity 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 and conferences that address equal opportunity as it relates to the Commission's work.

COMMISSION WORKFORCE PROFILE

	Employees	Percent
Total Staff	14	100
Women	9	64.3
Racial/Ethnic Minorities	7	50

Interns

Each year, high school, college, graduate students and recent graduates receive first-hand experience in the Commission'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/graduate school credits, stipends through work-study grants, and/or receive compensation from the state Government Internship Program.

SPRING 2016

Alexandra Alvarez	Community College of Rhode Island
Mark David	University of Rhode Island
Jennifer Dooley	Community College of Rhode Island
Alexis Galarza	Johnson & Wales University
Mark Gall	Providence Country Day School
Christine Mullen	Brown University
Kevin O'Neill	Providence College
Sam Potter	Community College of Rhode Island

FALL 2015

Lauren Aratani	Brown University
Elena Buchsbaum	Brown University
Miriam Contreras	Rhode Island College
Emily Doglio	Brown University
Milyena Karnaukh	Roger Williams University
Armani Madison	Brown University
Maranda McCormick	Roger Williams University
Simon Olayoe	Tolman High School
Kimberly Pognon	University of Rhode Island
Sam Potter	Community College of Rhode Island

SUMMER 2016

Anthony Berling	Bishop Hendricken High School
Robert Chartier	Salve Regina University
Mark Gall	Providence Country Day School
Lauren Hanna	Brown University
Vanessa Joseph	Salve Regina University
Alexis Koch	Roger Williams Univ. School of Law
Emma Meyer	Univ. of Minnesota Law School

Recognitions



Commissioner Iraida Diaz Williams continued her advocacy on behalf of individuals with hearing impairments. She worked with the Department of Education to address unsuitable placements of students with cochlear implants. She acclimated parents of children with hearing impairments to the legislative process in preparation for testimony on bills of importance. Commissioner Williams also continued her involvement with the Rhode Island Chapter of the A.G. Bell Association for the Deaf and Hard of Hearing and became an active member of the newly-formed Rhode Island Chapter of “Hear the Voices”. She also assisted Commissioner Camille Vella-Wilkinson in her efforts to coordinate an educational acoustical survey of the City Council Chambers of the City of Warwick to determine the proper assistive devices needed for those with hearing impairments attending City Council meetings.



Commissioner Camille Vella-Wilkinson, a Warwick City Councilwoman, continued her work in support of Rhode Island veterans by, among other endeavors: coordinating a “Boot Camp Breakfast” for the City of Warwick to educate veterans on housing issues, including just cause evictions; working with State Representative Robert Lancia to coordinate a Veterans’ Call to Action at the State House to engage veterans on issues in respect to government, employment, housing and other matters; working on a grant to assist in the training of veterans. She also served

as a keynote speaker at the following events: Salute to Veterans at the Holliman Elementary School; Warwick Women Warriors Luncheon for female veterans; Regional Student Veterans Conference for the City of Warwick. Commissioner Vella-Wilkinson also attended a statewide Disabled Veterans Conference where she was voted “Legislator of the Year”. She also participated in a demonstration at the Public Utilities Commission to protest the shutting off of power to medically fragile consumers and worked with the General Assembly on legislation to prohibit such shutoffs.



In July of 2015, Executive Director Michael Évora was appointed by Governor Raimondo to serve on the Justice Reinvestment Working Group. The JRWG was charged by Executive Order to identify ways to improve Rhode Island’s criminal justice system with the overarching goals of protecting public safety, reducing recidivism, analyzing racial disparities, promoting stronger/healthier communities and reducing costs. In October of 2015, he was one of the recipients of Rhode Island for Community and Justice’s RICJ Award for his work on the Comprehensive Community-Police Relationship Act of 2015.

Connect
with the
Commission



The Commission has joined the Facebook community, with its own page as a governmental organization named “Rhode Island Commission for Human Rights”. Explanation of work the Commission is doing, as well as information pertaining to public outreach sessions is posted. Become our friend and be in the know!



For general information on the Commission, as well as access to intake questionnaires, Rules and Regulations and Decisions and Orders, visit our website:

<http://www.richr.ri.gov>