

ANNUAL REPORT

2018 FISCAL YEAR

JULY 1, 2017 THROUGH JUNE 30, 2018



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

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COMMISSIONERS AND STAFF MEMBERS

COMMISSIONERS

Chairperson: John B. Susa, Ph.D.
Alberto Aponte Cardona, Esq.
Angelyne E. Cooper, Esq.
Cynthia M. Hiatt, Esq.
Rochelle Bates Lee
Tolulope Kevin Olasanoye, Esq.
Iraida Diaz Williams

STAFF

Executive Director: Michael D. Évora, Esq.

Staff Attorney: Francis A. Gaschen, Esq.

Staff Attorney: Marissa Janton, Esq.

HUD Project Director: Angie V. Lovegrove

EEOC Project Director: Marlene Colón Toribio

Sr. Compliance Officer: Glenn Cardozo

Sr. Compliance Officer: Tina M. Christy

Sr. Compliance Officer: Allison G. Coté

Sr. Compliance Officer: Jason Flanders

Sr. Compliance Officer: VACANT *

Investigator: John Bogue

Investigator: Yvonne S. Yu

Chief Clerk: Betsy A. Ross

Administrative Aide: Zaida Rivera

Administrative Aide: Lynn Soccio

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

FY 2018 HIGHLIGHTS

INTAKE

The Commission took in **388 charges of discrimination**, representing a 4.2% decrease from FY 2017. Of the new charges, 77.6% were in the area of employment, 13.4% in housing and 2.6% in public accommodations. Charges of disability discrimination in delivery of services (unrelated to employment, housing or public accommodations) accounted for 6.4% of intake.

Claims of disability discrimination predominated, with **41.8%** of cases taken in (162 cases), containing an allegation of disability discrimination. **Retaliation-based claims** followed in number, with **37.9%** of cases (147 cases), containing an allegation of retaliation for protected activity such as having opposed unlawful practices. **Sex-based claims** (including pregnancy and sexual harassment claims) and **race-based claims** followed at **25.8%** (100 cases) and **19.8%** (77 cases), respectively. An allegation of **ancestral origin** discrimination was raised in **18.6%** (72 cases) of total cases.

INVESTIGATIONS/DISPOSITIONS

- **Probable Cause** was found in approximately **11.9%** of total cases processed, representing a decrease from FY 2017 (12.4%);
- **No Probable Cause** was found in approximately **29.5%** of total cases processed, representing a decrease from FY 2017 (34%); a substantial number of these cases resulted from a complainant's failure to pursue their charge;
- Approximately **19.1%** of cases taken in **settled prior to a determination of Probable Cause or No Probable Cause**, representing an increase from FY 2017 (16.5%).

DECREASED CASE PROCESSING TIME

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 2018 was 305 days (down from 315 days in FY 2017).

ADMINISTRATIVE HEARINGS

The Commission held administrative hearings in five cases. A Decision and Order was issued in one case, finding that a complainant failed to prove by a preponderance of the evidence that his employer subjected him to discriminatory terms and conditions of employment, sexual harassment and termination of employment because of his sex and sexual orientation, as alleged.

THE COMMISSION AT THE COURTS

Among its court activities, the Commission: moved for dismissal of an appeal from a Commission Decision and Order where the plaintiff failed to prosecute the case for six years; commenced a court action in a case in which the Commission had found probable cause to believe that the respondent refused to rent an available unit to the complainant on the bases of race, color and perceived disability; intervened in a court proceeding initiated by a complainant in respect to the issuance of a Notice of Right to Sue; commenced and settled a court action in a housing case in which the Commission had found probable cause to believe that the respondents denied the complainants' requests for reasonable accommodations and retaliated against them following their accommodation requests.

LEGISLATIVE UPDATE

The Commission presented testimony supporting bills seeking to expand protections in the laws it enforces, as well as bills related to issues such as equal pay, sexual harassment and expungement of criminal records.

OUTREACH

Commission staff members conducted **55 outreach/education sessions** in the community, reaching **over 2,300 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. All of the laws enforced by the Commission also prohibit retaliation against an individual for protected activity such as having opposed unlawful practices.

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.*)

AGENCY OVERVIEW

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 the **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**.

COMMISSION WORKFORCE PROFILE

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

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.

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

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.

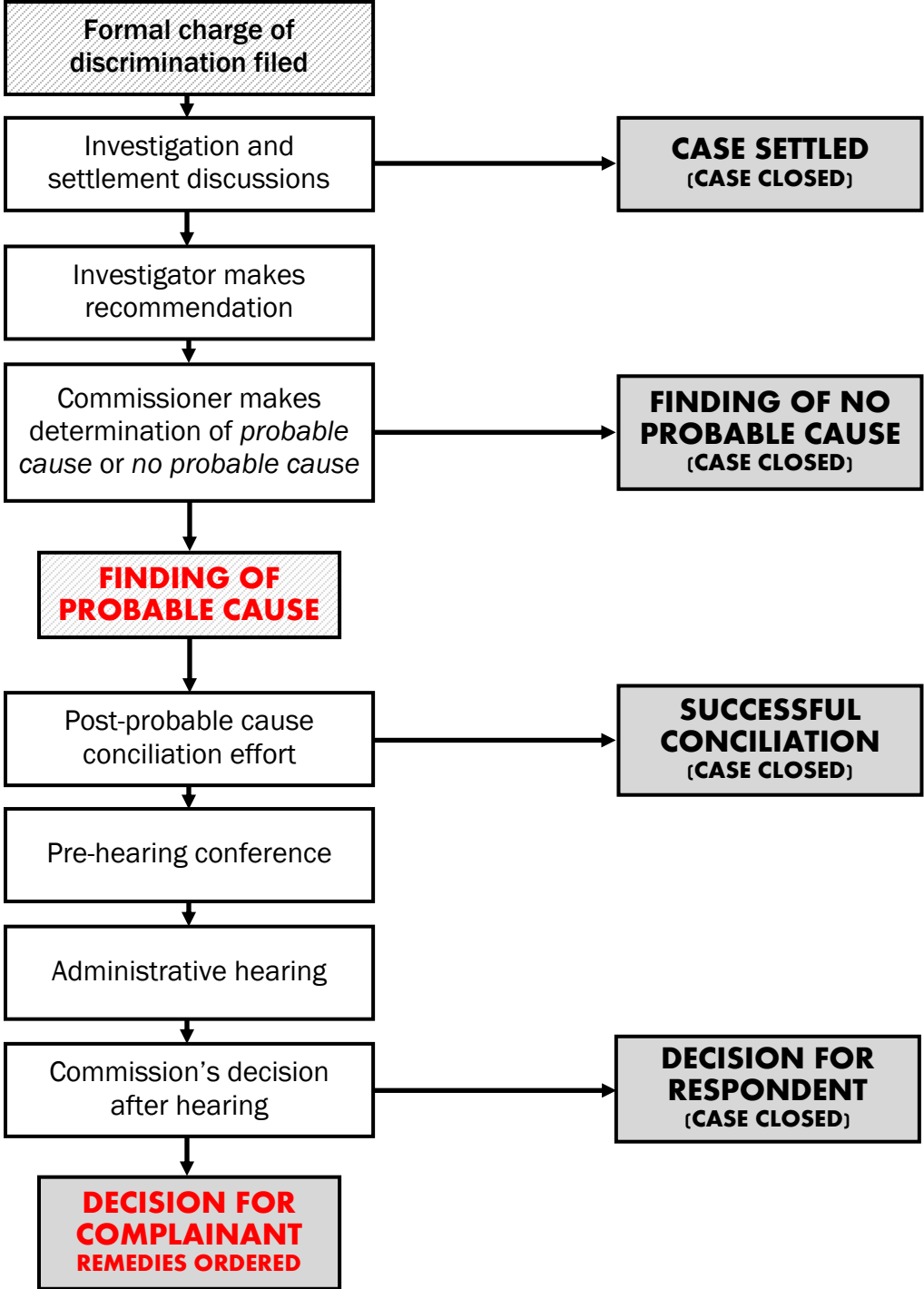
5 Includes an individual’s actual or perceived gender, as well as an individual’s gender identity, gender-related self-image, gender-related appearance, or gender-related expression, whether or not that gender identity, gender-related self-image, appearance or expression is different from that traditionally 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.

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.

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. As such, 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 EEOC guidelines.

This year, the Commission met its initial contractual obligation by closing 218 co-filed cases, and received two upward modifications for an additional 65 case closures.

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

The Commission has been certified by the U.S. Department of Housing and Urban Development (HUD) as a “substantially equivalent” agency pursuant to the federal Fair Housing Act. 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.

This year, the Commission took in 52 charges of alleged housing discrimination, 48 of which were co-filed with HUD, and processed 71 charges, 68 of which were co-filed with HUD.

FEDERAL FUNDING FY 2018*		
EEOC	Case Processing	\$198,100
	Training/Transportation	\$1,700
	FEPA Engagement Funds	\$1,000
	TOTAL:	\$200,800
HUD	Case Processing	\$201,600
	Administrative Costs	\$66,501
	Training/Transportation	\$17,600
	Special Enforcement Effort Funds	\$8,940
	TOTAL:	\$294,641
TOTAL (ALL FEDERAL FUNDS):		\$495,441
<small>* EEOC’s contract year was October 1, 2017 to September 30, 2018. HUD’s contract year was July 1, 2017 to June 30, 2018.</small>		

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, or to the agency website. Each year the agency receives thousands of 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.

CASES TAKEN IN

The Commission took in a total of **388 cases** in the fiscal year, representing a 4.2 percent decrease from FY 2017 (405 cases).

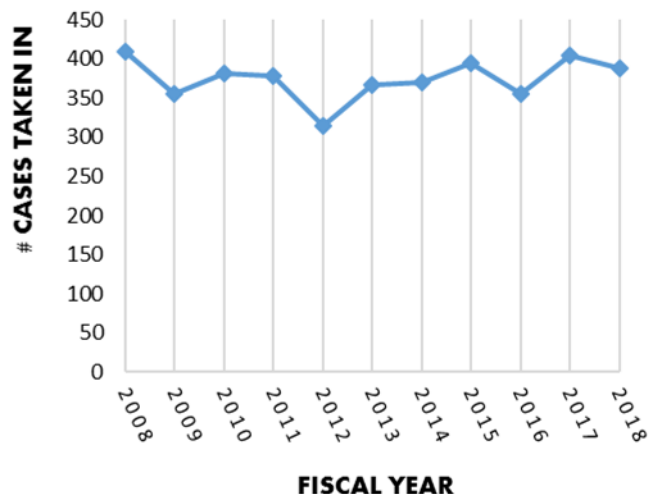
- **Disability claims predominated**, with a total of 162 new cases (41.8% of total cases) containing an allegation of disability discrimination.
- **Retaliation-based claims** followed, with 147 cases (37.9% of total cases) containing an allegation of retaliation for having engaged in protected activity.
- **Sex-based claims** (including pregnancy and sexual harassment claims) were made in 100 cases (25.8% of total cases). Of these, an allegation of **sexual harassment** was made in 45 cases (11.6% of total cases).
- **Race-based claims** were raised in 77 cases (19.8% of total cases).
- **Ancestral origin-based claims** were raised in 72 cases (18.6% of total cases).

FY 2018 INTAKE BY AREA

	Number of Cases	Percent of Total
Employment	301	77.6%
Housing	52	13.4%
Public Accommodations	10	2.6%
Delivery of Services*	25	6.4%
Credit	0	0%
TOTALS:	388	100

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

INTAKE BY FISCAL YEAR



INTAKE

FY 2018 INTAKE BY BASIS AND AREA^[1]

	Employ.	Housing	Public Accom.	Indiv. With Disability ^[2]	Credit	TOTALS:
Age	67	0	0	N/A	0	67
Ancestral Origin	64	6	2	N/A	0	72
Color	65	9	3	N/A	0	77
Disability	103	34	1	24	0	162
Familial Status	N/A	5	N/A	N/A	0	5
Gender Identity or Expression	4	0	2	N/A	0	6
Housing Status	N/A	1	N/A	N/A	N/A	1
Marital Status	N/A	1	N/A	N/A	0	1
Military Status	N/A	0	N/A	N/A	0	0
Race	74	8	3	N/A	0	85
Religion	7	0	0	N/A	0	7
Retaliation	139	7	0	1	0	147
Sex^[3]	94	3	3	N/A	0	100
<i>Sexual Harassment</i>	43	2	0	N/A	0	45
Sexual Orientation	4	0	1	N/A	0	5
Status as Victim of Domestic Abuse	N/A	0	N/A	N/A	N/A	0
Unlawful Questioning	0	N/A	N/A	N/A	N/A	0

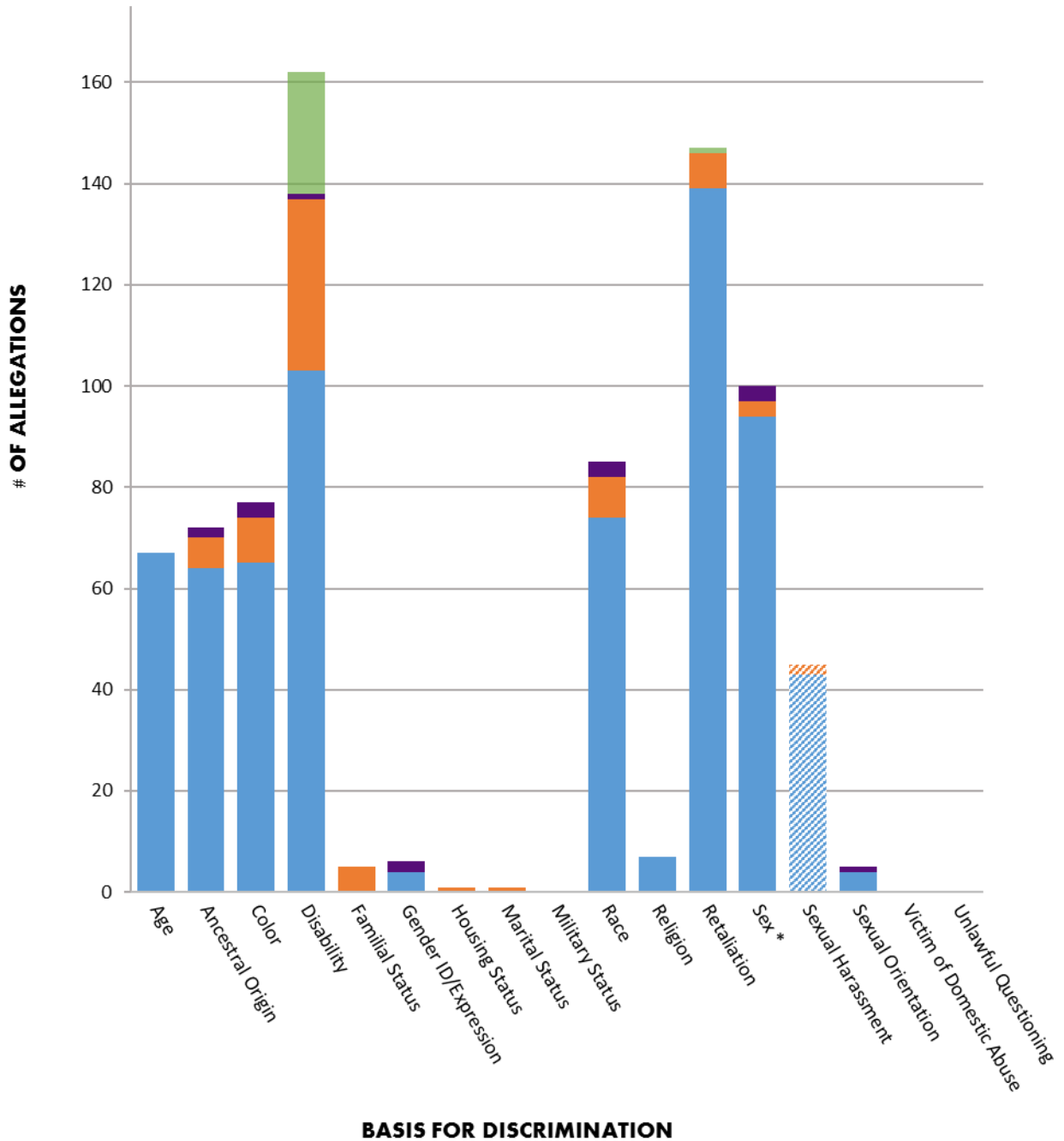
[1] Figures reflect the fact that most charges filed allege more than one basis of discrimination. Example: if a given charge alleged discrimination on the bases of age, race and color, it is reflected in the figures for all three categories.

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

[3] Includes allegations of pregnancy discrimination and sexual harassment.

INTAKE

FY 2018 INTAKE BY BASIS



* Includes allegations of pregnancy and sexual harassment.

INVESTIGATIONS/DISPOSITIONS

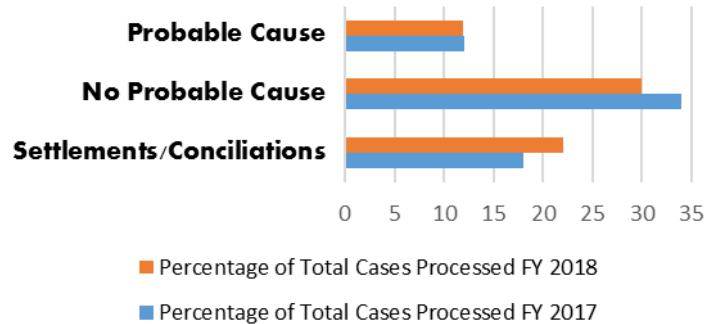
Upon assignment, an investigator conducts an impartial investigation of the allegations and, after analyzing all elements of the case, makes a recommendation to a Preliminary Investigating Commissioner.

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 **21.7% of case closures in FY 2018 resulted from settlements or conciliations**, representing an increase from FY 2017 (18%).

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 2018, a determination of **Probable Cause** was rendered in **approximately 11.9% of total processed cases**, reflecting a decrease from FY 2017 (12.4%). 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

CASE DISPOSITIONS FY 2018 vs. FY 2017



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 88 cases (19.1% of total cases processed) prior to a determination as to whether Probable Cause existed.**

A No Probable Cause determination was rendered in approximately 29.5% of total processed cases, reflecting a decrease from FY 2017 (34%). A significant number of these No Cause findings resulted from a complainant's failure to pursue their charge by failing to respond to requests for information.

For the twentieth consecutive year, the Commission processed more cases than it took in (461 vs. 388), 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.

INVESTIGATIONS/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.

CASE DISPOSITIONS FY 2018

TYPE OF DISPOSITION	# OF CASES
Probable Cause	55
No Probable Cause	136
Conciliation*	12
Negotiated Settlement	24
Withdrawal with Settlement	64
Right to Sue	160
Decision and Order	1
Administrative Closure	9
TOTAL:	461

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

STATUS OF FY 2018 PROBABLE CAUSE CASES

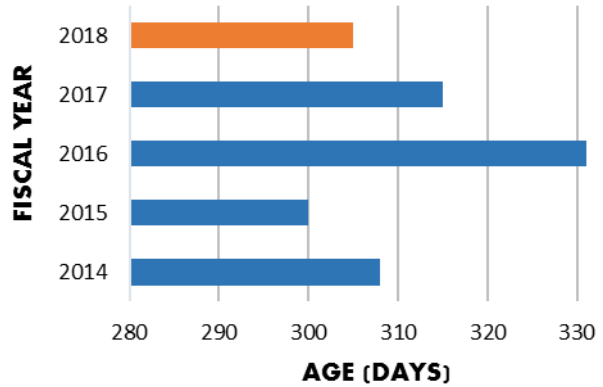
Probable Cause Rulings	55
Respondent's Election to Superior Court for Trial	27
Complainant's Request for Right to Sue	2
Joint Election	2
Conciliation	3
Open as of 6/30/18 [pending right to sue, administrative hearing, conciliation or other action]	21

CASELOAD STATISTICS

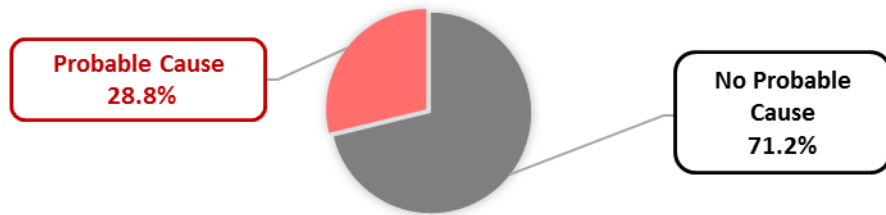
CASE PROCESSING TIME

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 2018, the average age of a case at closure was 305 days.**

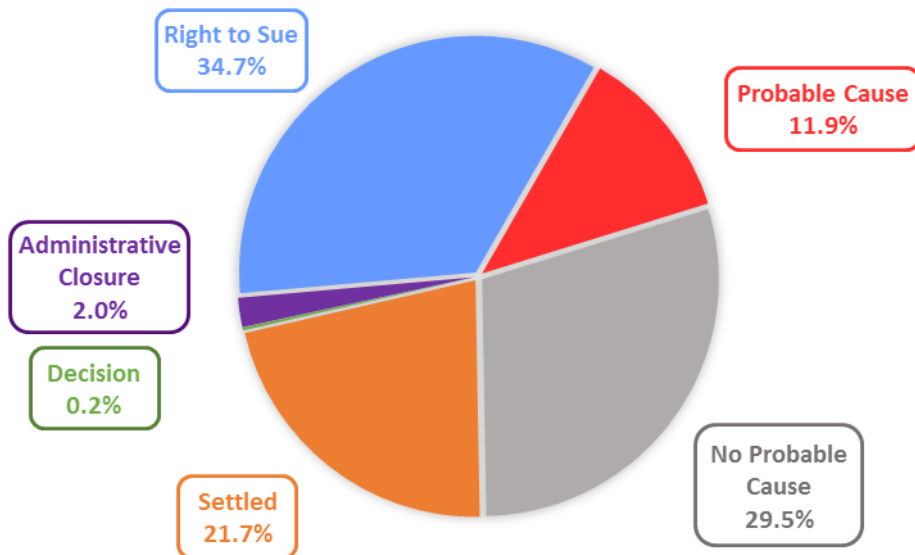
AVERAGE CASE AGE AT CLOSURE



INVESTIGATIVE RULINGS 2018



TOTAL DISPOSITIONS BY TYPE



ADMINISTRATIVE HEARINGS

After a Probable Cause ruling, a Commissioner may conduct 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 a Staff Attorney. 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 a Decision and 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 hold hearings.

In FY 2018, the Commission issued the following Decision and Order:

- **Juan F. Alfaro v. Bukana’s Sport Bar, Inc.** (June 7, 2018)

The complainant, a former employee of the respondent, alleged that the respondent discriminated against him with respect to terms and conditions of employment, sexual harassment and termination because of his sex and sexual orientation. Specifically, the complainant alleged that the respondent owner mistreated him and used “bad words” against him.

The Commission found that it was beyond dispute that the prohibitions against sexual harassment apply to both men and women. However, the Commission found that the complainant did not establish that he was subjected to sexual harassment, as he did not present evidence as to any sexual conduct to which he was subjected. The complainant testified that a female employee was treated in the same way that he was treated, thereby ne-

HEARINGS AND CLOSURES FY 2018	
Cases in which Hearings were Held	5
Number of Hearing Days	5
CLOSURES OF CASES IN HEARINGS	
Total Decision and Orders	1*
Decision for Complainant	0
Decision for Respondent	1
Mixed Ruling	0

* Hearing conducted in prior fiscal year.

ADMINISTRATIVE HEARINGS

gating his claim of a hostile environment based on gender.

The Commission further found that the complainant did not establish that the respondent took adverse actions against him because of his sexual orientation. The complainant presented only vague, general evidence that the respondent treated him in a manner that he deemed unfair and did not testify that the owner or any other employee knew of his sexual orientation. There was no evidence of the use of slurs or hostile remarks about the complainant's sexual orientation.

There was no evidence that the complainant was treated differently than other employees with respect to his wages, as he had alleged. The complainant did not produce evidence that he was terminated or that he left respondent's employment due to the respondent's treatment of him. In summary, the Commission found that the complainant failed to prove his allegations by a preponderance of the evidence and dismissed his complaint.

THE COMMISSION AT THE COURTS

The Commission initiates court actions to enforce agency Decisions and Orders and initiates or intervenes in court proceedings in which the public interest is implicated.

HIGHLIGHTS FROM FY 2018:

- **Benitez v. Pyramid Case Co., et al.** (PC-2012-6637)

In this case, following an administrative hearing, the Commission issued a Decision and Order in December of 2012 finding that Benitez, the complainant, did not prove by a preponderance of the evidence that she was discriminated against by Pyramid Case Company based on her ancestral origin or in retaliation for protected activity. Benitez filed a timely administrative appeal from the Commission's Decision and Order. However, after six years of inactivity, Pyramid filed a motion to dismiss for lack of prosecution. The Commission joined this motion, but the motion was denied. The parties have all submitted memoranda of law in support of their position and the case has been conferenced and assigned to a trial justice for a decision.

- **City of Providence, et al. v. RICHR and Hortencia Zabala** (PC-2014-5371)

In this case, the City of Providence appealed a Commission Decision and Order finding that the City had discriminated against Zabala, a Providence teacher, on the basis of ancestral origin. The parties filed memoranda of law in support of their positions. The Court reviewed the record and found that it did not support a finding of discrimination

because the comparator was not similarly situated in all relevant respects and because the respondents were not motivated by racial animus. The Court reversed the Commission's decision.

- **RICHR (Muhammad) v. Carol Baker** (PC-2018-3923)

In this housing case, the Commission had found probable cause to believe that the respondent refused to rent an available unit to the complainant based on his race, color and perceived mental disability. After the Commission was unable to settle the matter, the Commission issued a Complaint. Upon receipt of the Complaint, the respondent elected to have the matter heard and decided in Superior Court. The Commission thereafter commenced a Superior Court action, which is pending.

- **Mokwenyei v. Rhode Island Hospital et al.**, 198 A.3d 17 (R.I. 2018)

In this case, following a finding of no probable cause, the plaintiff/complainant (Mokwenyei) asked the Commission to issue a Notice of Right to Sue, enabling plaintiff to take the matter to Superior Court. The complainant failed to timely return the Request for Issuance of Notice of Right to Sue form which had been sent by the Commission. The plaintiff subsequently commenced court proceedings against her former employer, defendant Rhode Island Hos-

THE COMMISSION AT THE COURTS

pital, and the Commission intervened. A hearing justice of the Superior Court granted the defendant's and the Commission's motions to dismiss the complaint because, among other things, plaintiff had failed to timely return the form sent by the Commission. The plaintiff appealed from the dismissal of her complaint and claimed that she timely requested the right to sue letter. The Supreme Court held that, even though the plaintiff had not submitted the Commission's preferred form for requesting the issuance of a Notice of Right to Sue, the plaintiff complied with the formal requirements for commencing a Fair Employment Practices Act violation action in Superior Court. Accordingly, the Supreme Court vacated the Superior Court's judgment and remanded the case for further proceedings.

• **RICHR (Figgs/Larrimore) v. Clarence R. Snead, Jr.** (PC-2018-3272)

In this housing case, the Commission had found probable cause to believe that the respondent discriminated against the complainants with respect to denial of reasonable accommodations, discriminatory terms and conditions of rental, and retaliation. Specifically, the Commission found probable cause to believe that the respondent denied the complainants' request to utilize a portable ramp to enable one of the complainants, who was wheelchair dependent, to enter and exit her unit in her wheelchair, denied the complainants' request that visiting CNAs be allowed to park in one of the complainants' designated parking

spaces, and sent the complainants both a notice of termination of tenancy and increase in rent. After the Commission was unable to settle the matter, the Commission issued a Complaint. Upon receipt of the Complaint, the respondent elected to have the matter heard and decided in Superior Court. The Commission thereafter commenced a Superior Court action. The matter subsequently settled, with the respondent agreeing to pay the complainants the sum of \$3,000.00 and attend a training session on state and federal fair housing laws.

FAIR HOUSING OVERVIEW

HOUSING CASELOAD

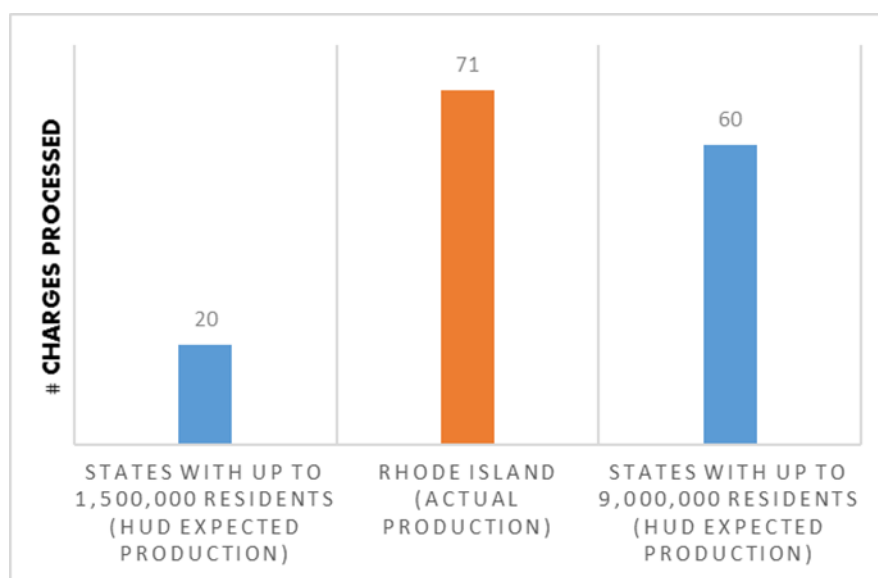
Under guidelines established by the U.S. Department of Housing and Urban Development (HUD), a state having a population of up to 1,500,000 residents should, on average, receive and process up to 20 fair housing charges per year. (The U.S. Census Bureau estimated the population of Rhode Island in 2016 at 1,056,426 residents.) **The Commission received 52 charges and processed 71 charges in FY 2018, which exceeds HUD’s estimated average workload of a state having a population of 9,000,000 residents.**

INTAKE AND DISPOSITIONS FIVE-YEAR VIEW

FY	INTAKE	PROCESSED
2018	52	71
2017	81	72
2016	68	99
2015*	101	94
2014	49	51

* 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.

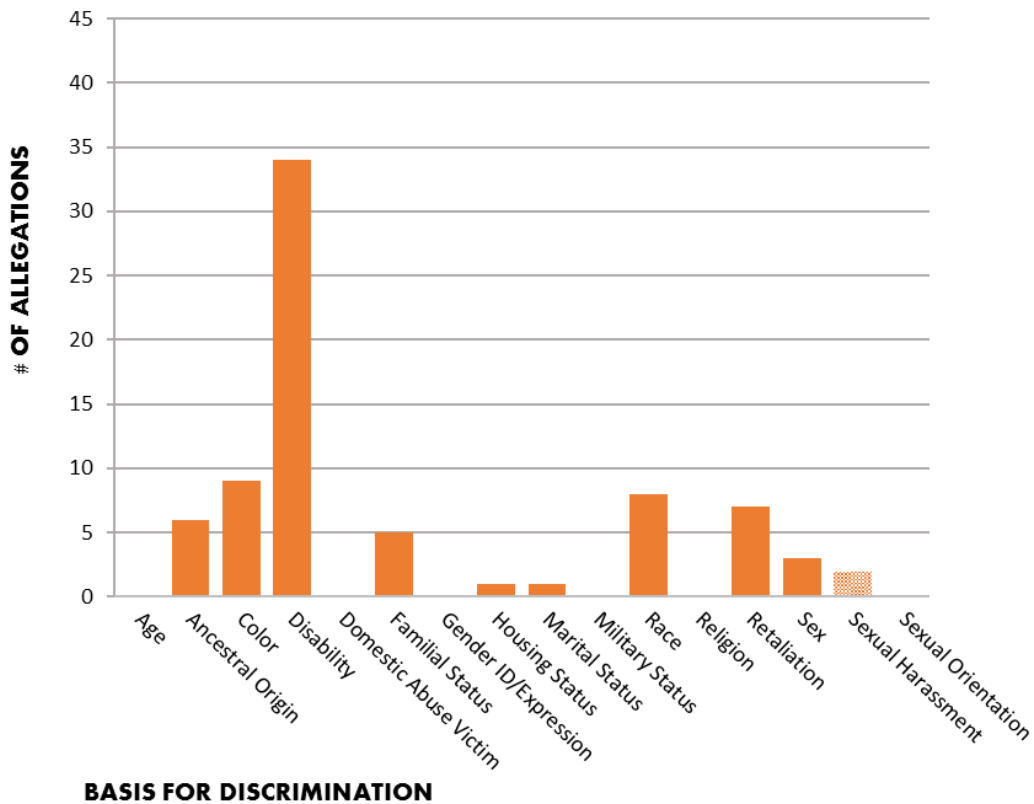
COMMISSION ACTUAL PRODUCTION COMPARED TO HUD EXPECTED WORKLOAD



* Population of Rhode Island as of July 1, 2017: 1,059,639 residents (from U.S. Census Bureau)

FAIR HOUSING OVERVIEW

FY 2018 HOUSING INTAKE BY BASIS



CHARGE DISPOSITIONS

The Commission processed 71 housing charges in FY 2018:

- **Eight** cases (11.3%) resulted in a finding of **Probable Cause**.
- **23** cases (32.4%) resulted in a **No Probable Cause** finding.
- **One** case (1.4%) resulted in a **split ruling**.
- A **settlement** was achieved in **28** cases (39.4%) during the investigative phase.
- **One** case (1.4%) was **withdrawn** by the complainant.
- **One** case (1.4%) was closed after the complainant requested a **Right to Sue**.
- **Seven** case closures (9.9%) were **post-Probable Cause conciliations**.
- **Two** cases (2.8%) closed upon the **filing of suit in Superior Court after a finding of Probable Cause** in a prior fiscal year.

FAIR HOUSING OVERVIEW

POST-PROBABLE CAUSE DISPOSITIONS

Of the **nine** cases in which the Commission found **probable cause** or issued a **split ruling** in the fiscal year:

- **Two** cases (22.2%) were successfully **settled** (see details below).
- The remaining **seven** cases (77.8%) **remained open** at the end of the fiscal year, pending a settlement, issuance of a complaint followed by an agency administrative hearing or a court trial, or other disposition.

Of the two successfully settled post-probable cause cases, one was a case in which the Commission had found probable cause to believe that the complainant had been subjected to disparate treatment and harassment in retaliation for having filed a previous charge of discrimination against the respondent housing authority. The matter was settled with respondent agreeing, among other things, to grant the complainant a Section 8 voucher and pay for her moving costs.

In the second case, the Commission had found probable cause to believe that the respondents subjected the complainant couple to disability discrimination in the form of refusal to make a reasonable accommodation and retaliation (including threat of eviction), because one of the complainants had an emotional support animal (dog) prescribed by her physician to alleviate the symptoms of her mental disabilities. The matter was settled with the respondents agreeing to pay the complainants \$1,000.00, issue a letter of apology to the complainants and attend a training on their responsibilities

as housing providers under state and federal law.

COURT ACTIONS

See discussions of **Muhammad** and **Figgs/Larrimore** cases on **pages 16-17**.

FAIR HOUSING EVENT

In April 2018, the Commission utilized a portion of HUD Partnership Grant funds to hold an event entitled **Fair Housing for Elders: Equal Access while Aging**, in commemoration of the 50th anniversary of the passage of the federal Fair Housing Act. The event, in partnership with SouthCoast Fair Housing, was open to the public, free of charge, and consisted of a panel discussion, informational booths and networking sessions. It was attended by over sixty housing providers, professionals and members of the general public. In addition to representatives from the Commission, the panel included speakers from HousingWorks RI, SouthCoast Fair Housing, the RI Minority Elder Task Force, the RI Department of Health and Ocean State Independent Living.

LEGISLATIVE UPDATE

The Commission annually reviews all bills before the General Assembly and identifies and monitors those which either affect the agency directly or have an impact in the area of civil rights.

During the 2018 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:

- amend the state Fair Housing Practices Act to prohibit discrimination on the basis of “lawful source of income”
- amend the state Fair Employment Practices Act to prohibit an employer from inquiring into an applicant’s wage and salary history until an offer of employment has been made and compensation has been negotiated
- amend the state Fair Employment Practices Act to clarify that its provisions on individual liability include individual respondent employees
- prohibit landlords from inquiring about the immigration or citizenship status of a tenant or prospective tenant of residential rental property
- expand the equal pay provisions under the jurisdiction of the Department of Labor and Training
- create a special legislative commission to study the effects of sexual harassment in the workplace and report findings and recommendations to the state House of Representatives **(PASSED)**
- require that driver’s education courses and driver’s license exams include information on drivers’ rights during a traffic stop under the Comprehensive Community-Police Relationship Act **(PASSED; NOW LAW)**

- repeal the state’s voter ID law
- amend existing law to mandate, rather than “encourage”, employers of 50 or more to provide training on sexual harassment to all employees
- require movie theatres of a certain size to provide at least two showings per week with open captioning
- entitle veterans who received a less than honorable discharge based solely on their sexual orientation to municipal and state veterans’ benefits to which they otherwise would have been entitled had the discharge been honorable
- amend various state laws to provide greater opportunities for expungement of criminal records
- provide that persons convicted of offenses which are later decriminalized may petition the court for expungement of their record **(PASSED: NOW LAW)**

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

- exempt existing residential dwelling units which provide sleeping accommodations for less than 30 days from accessibility laws **(DEFEATED)**
- require applicants for certain licenses to undergo national criminal background checks **(DEFEATED)**

OUTREACH

Upon request, the Commission provides free outreach/training to the public. In FY 2018, the Commission’s efforts reached over 2,300 employers, housing providers and individuals, educating them about their rights and responsibilities under state and federal law.

DATE	TOPIC	TYPE	GROUP/LOCATION
7/20/17	Fair Housing	Presentation	Narragansett Town Hall, Narragansett
7/25/17	Fair Housing	Presentation	RI Minority Elder Task Force, Riverside
8/29/17	Fair Housing	Presentation	RI Minority Elder Task Force, Riverside
9/9/17	Fair Housing	Training	Commissioners of Providence Human Relations Commission, Quaker Meeting House, Providence
9/14/17	General Overview/Disability Discrimination/Fair Housing	Presentation	Ocean State Center for Independent Living Conference, Warwick
9/26/17	Fair Housing	Presentation	RI Minority Elder Task Force, Riverside
10/3/17	Fair Housing	Presentation	RI Minority Elder Task Force, Riverside
10/23/17	General Overview/Employment Discrimination	Training	YearUp Professional Development Series, YearUp, Providence
10/30/17	Fair Housing	Presentation	RI Minority Elder Task Force, Riverside
11/2/17	General Overview	Presentation	“Tell Newport” story-telling event, Newport
11/2/17	General Information	Presentation	RI Minority Elder Task Force, “Everyday Heroes” Award Ceremony, East Providence
12/4/17	General Overview/Sexual Harassment	Training	Staff of RI Senate, Providence
12/7/17	General Overview/Sexual Harassment—Group 1	Training	Staff of Day One, Providence
12/7/17	General Overview/Sexual Harassment—Group 2	Training	Staff of Day One, Providence

OUTREACH

DATE	TOPIC	TYPE	GROUP/LOCATION
12/12/17	Fair Housing (<i>Joint outreach with SouthCoast Fair Housing</i>)	Training	Public Housing Authorities, Providence Pubic Library, Providence
12/13/17	General Overview/Disability Discrimination	Presentation	Studio Hop, Providence
12/18/17	Sexual Harassment—Employment	Article	<i>Providence Journal</i>
12/19/17	General Overview/Sexual Harassment	Training	Rep. Teresa Tanzi and members of RI House staff, Providence
1/11/18	General Overview/Sexual Harassment	Training	PEG Studios (Cable Access Station), Providence
1/17/18	General Overview/Sexual Harassment	Training	General Assembly—Senators, Providence
1/18/18	Fair Housing	Presentation	Students of Swearer Center’s “Winter Break Providence” Program, RICHR, Providence
1/20/18	General Information	Information Table	Women’s Solidarity Rally, RI State House, Providence
1/25/18	General Overview/Sexual Harassment	Training	RI League of Cities and Towns, Warwick
1/29/18	General Overview	Presentation	East Providence Affirmative Action Committee, East Providence
2/9/18	Sexual Harassment	Article	<i>Cranston Herald</i>
2/9/18	Commission Overview/Practice Before the Commission	Presentation	City Solicitor’s Office, Providence
2/10/18	Sexual Harassment	Live radio segment	Latina 100.3 FM Radio (including Facebook Live)
2/12/18	General Overview/Fair Housing	Presentation	East Providence Black History Month Celebration, City Hall, East Providence
2/14/18	General Overview/Sexual Harassment	Training	Senators and Senate staff, RI State House, Providence
2/22/18	Sexual Harassment	Training	PACE Organization of RI, Westerly

OUTREACH

DATE	TOPIC	TYPE	GROUP/LOCATION
2/26/18	General Overview	Presentation	East Providence Affirmative Action Committee, East Providence
2/27/18	General Overview/Sexual Harassment	Presentation	RI House Legislative Commission to Study the Effects of Sexual Harassment in the Workplace, RI State House, Providence
3/6/18	General Overview/Sexual Harassment	Training	City Department Heads, Cranston City Hall, Cranston
3/6/18	General Overview/RICHR Internship	Presentation	Met School students, Met School, Providence
3/14/18	Public Accommodations Discrimination	Presentation	Cape Verdean Progressive Center Board Meeting, East Providence
3/20/18	General Overview/Public Accommodations—Service Animals	Presentation	Stagecoach Inn, Richmond
4/3/18	General Overview/Sexual Harassment	Presentation	RI House Legislative Commission to Study the Effects of Sexual Harassment in the Workplace, State House, Providence
4/4/18	Fair Housing/Sexual Harassment	Roundtable	Department of Justice Fair Housing Roundtable, Providence
4/6/18	General Overview	Presentation (Career Panel)	Roger Williams University School of Law, Bristol
4/7/18	General Overview	Presentation	Honors Class, Roger Williams University School of Law, Bristol
4/12/18	Fair Housing Testing and Enforcement	Panelist	MA Commission Against Discrimination—Fair Housing & Civil Rights Conference, Springfield, MA
4/25/18	Fair Housing for Elders	Panelist	RI Foundation, Providence
4/26/18	General Overview/Americans with Disabilities Act/Sexual Harassment	Presentation	RI Chiropractic Society, Barrington
4/28/18	General Information	Information Table	Informational Fair for Refugees (sponsored by Puerto Rican Professional Association of RI), Providence

OUTREACH

DATE	TOPIC	TYPE	GROUP/LOCATION
5/11/18	General Information/Fair Housing	Information Table	RI Minority Elder Task Force Health Fair, East Providence
5/15/18	Recent Developments in Labor Law	Training	Littler Breakfast Forum, Providence
5/17/18	General Overview/Sexual Harassment	Training	Charlestown Parks & Recreation Department, Charlestown
5/17/18	General Information	Information Table	RI Commission on the Deaf & Hard of Hearing Annual Expo, Department of Administration, Providence
5/18/18	General Overview/Employment Discrimination	Training	YearUp Professional Development Series, YearUp, Providence
6/7/18	Fair Housing	Presentation and Panelist	Members of Greater Providence Board of Realtors, Northern RI Board and RI Commercial & Appraisal Board, Warwick
6/8/18	General Overview/Sexual Harassment	Training	RI Recreation & Parks Association, Providence
6/12/18	Legal Update—Employment Discrimination Law	Training	Labor Law Committee, RI Bar Association, Cranston
6/14/18	General Overview/Sexual Harassment	Training	Cranston Public Library, Cranston
6/16/18	General Information	Information Table	RI Pride Festival, Providence
6/25/18	General Overview/Sexual Harassment	Training	Institute for Labor Studies & Research, “Train the Trainers” series, Cranston

INTERNS

Each year, high school, undergraduate and graduate students, as well as recent graduates, receive first-hand experience in the Commission's primary functions through the agency's 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.

FALL 2017

Erin Gallagher	Brown University
Emily Pavao	The Met School
Natairy Rodriguez-Olea	Community College of Rhode Island

SPRING 2018

Leonella Acevedo	Johnson & Wales University
Travis Ambrose	Rhode Island College
Francelly Brito	University of Rhode Island
Rachel DaCosta	Tolman High School
Kimberly Davila	Brown University
Alana Ereio	Johnson & Wales University
Connor Gregory	Brown University
Caroline Oliveira	Providence College
Emily Pavao	The Met School
Kathleen Scheibal	Brown University
Samantha Urbaz	Classical High School

SUMMER 2018

William Ayers	Community College of Rhode Island
Trevis Busted	Hofstra Law School
Miguel Cuevas	Roger Williams Univ. School of Law
Jessica DeYoung	Roger Williams Univ. School of Law
Claire Fishman	Brown University
Maxx Forti	Marquette University Law School
Shantel Francis	Roger Williams Univ. School of Law
Hillary Futch	Roger Williams Univ. School of Law
Laila Mirza	The Wheeler School
Nick Moore	The Masters School
Henry X. Nickerson	Salve Regina University
Nicholas Reynolds	Roger Williams Univ. School of Law

RECOGNITIONS

The Commission recognizes the following Commissioners and staff members for milestones achieved in FY 2018.

Cynthia M. Hiatt, Esq.



On November 2, 2017, Commissioner Cynthia M. Hiatt received the *Everyday Hero Award* from the Rhode Island Minority Elder Task Force, in recognition of her nearly four decades of service promoting fairness and equal opportunity for all Rhode Islanders. Cynthia, former Legal Counsel to the Commission, retired in July 2016 after 37 years of service. In June 2017, she was appointed as a Commissioner by Governor Gina M. Raimondo. The award was given at a ceremony held at the Cape Verdean Progressive Center in East Providence.

Glenn Cardozo



On February 9, 2018, Glenn Cardozo, Senior Compliance Officer, retired from state service after 22 years with the Commission. Glenn was hired by the Commission in 1996; he came to the agency from the state Treasury Department.

While Glenn never sought to draw attention to himself, he would help the Commission, his fellow employees, and the public whenever they were in need -- and without hesitation. During his tenure at the Commission, Glenn was

active in his union's Local, including serving as an Executive Board member. He also was deployed to Iraq (2004-2005) as part of the Army National Guard, 103rd Field Artillery Brigade.

One thing is for certain -- Glenn's heartfelt care and consideration for all of us at the Commission will never be replaced. In the darkest days, Glenn could, and would, restore you to good cheer. The Commission honors him for his exemplary years of service on behalf of both the agency and the people throughout the state, and congratulates him on his retirement.

Jason Flanders



In February 2018, Jason Flanders was promoted to the position of Senior Compliance Officer. Jason, a graduate of the University of Rhode Island with a B.A. in Political Science, began working for the Commission as an Investigative/Technical Intern in 2001. He was hired as an Investigator in April 2005. In addition to performing his investigative duties, Jason serves as the Commission's Internship Coordinator, overseeing the hiring and placement of seasonal student interns; he also performs IT-related duties and routinely engages in outreach and training activities.

RECOGNITIONS

John C. Bogue, Jr.



In June 2018, John Bogue was promoted to the position of Senior Compliance Officer. John is a graduate of the University of Rhode Island with a B.A. in Philosophy/Psychology; he earned his law degree from the University

of Connecticut School of Law. He served as a Legal Intern at the Commission in the summer of 2009 and was hired as an Investigator in March 2017. In addition to performing his investigative duties, John engages in outreach and training activities; he also assists the Commission with the tracking of legislation before the General Assembly, and the preparation and delivery of oral and written testimony in respect to bills of interest to the Commission.

Find current updates on work the Commission is doing, information on our public outreach sessions, and timely news postings of discrimination-related current events on our official Facebook page: the Rhode Island Commission for Human Rights. Follow us to stay informed!



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

WWW.RICHR.RI.GOV