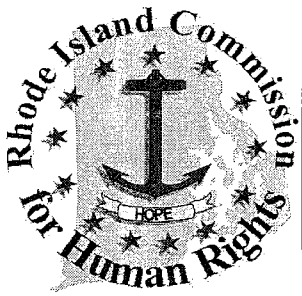

Frequently Asked Questions

REVISED JULY 2015

WHAT IS THE COMMISSION?

The Commission, created in 1949 by an act of the General Assembly, is the state agency which enforces the state's anti-discrimination laws in the areas of *employment, housing, public accommodations, credit* and *delivery of services*.

WHAT ARE THE LAWS THE COMMISSION ENFORCES?

The Commission enforces the following state civil rights laws:

Chapter 28-5	The Fair Employment Practices Act;
Chapter 34-37	The Fair Housing Practices Act;
Sections 23-6.3-11 and 23-6.3-12	The law regarding HIV/AIDS discrimination;
Chapter 11-24	The law regarding public accommodations discrimination;
Chapter 42-87	Civil Rights of People with Disabilities Act;
Section 34-37-4.3	The law regarding credit discrimination;
Chapter 40-9.1	Equal Rights of Blind and Deaf Persons to Public Facilities Act

WHAT IS THE FAIR EMPLOYMENT PRACTICES ACT?

This act makes it illegal to discriminate against an employee or potential employee because of their race, color, sex (including pregnancy status and sexual harassment), religion, ancestral origin, disability, age (40+), sexual orientation or gender identity/expression. The act covers such issues as hiring, promotion, salary, terms and conditions, termination and harassment. Companies of four (4) or more employees are covered by this act; the act covers both private and public sector employees. The act also prohibits retaliation against people who bring charges, assist in investigations or oppose unlawful employment practices, and prohibits employers from asking about an applicant's arrest record (except for employers seeking to fill positions related to law enforcement). The act also expressly prohibits employers from asking about an applicant's conviction record, with certain exceptions, until at or after an initial interview.

WHAT IS THE FAIR HOUSING PRACTICES ACT?

This act makes it illegal to discriminate against a tenant or homeseeker because of their race, color, sex (including pregnancy status and sexual harassment), religion, ancestral origin, disability, age (18+), marital status, familial status (presence of minor children), sexual orientation, gender identity/expression, status as a victim of domestic abuse, housing status (having or not having a fixed or regular residence) or military status (status as a service member in the Armed Forces, or as a veteran with an honorable discharge or an honorable or

general administrative discharge). It also prohibits discrimination against individuals because of their association with members of protected groups. The act covers such issues as denial of rental or sale, terms and conditions of tenancy and eviction. Most landlords, property managers, and real estate agents/brokers are covered by this act. The act also prohibits retaliation against people who bring charges, assist in investigations or oppose unlawful housing practices.

WHAT IS THE LAW REGARDING HIV/AIDS DISCRIMINATION?

This law makes it illegal to deny services to persons who are either HIV-positive or believed to be HIV-positive. This law covers persons, agencies, organizations and corporate bodies, and makes it illegal for them to discriminate in housing, employment, public accommodations, credit, education or delivery of services.

WHAT IS THE LAW REGARDING PUBLIC ACCOMMODATIONS DISCRIMINATION?

This law makes it illegal to discriminate against a person because of their race, color, sex (including pregnancy status and sexual harassment), religion, ancestral origin, disability, age (18+), sexual orientation or gender identity/expression. The law covers places of public accommodation such as restaurants, theaters, public transportation, hotels, stores, gyms, hospitals, and any other establishment open to the public. Accommodations which are distinctly private in nature are not covered by this act.

WHAT IS THE CIVIL RIGHTS OF PEOPLE WITH DISABILITIES ACT?

This act protects persons with either physical or mental disabilities. This act makes it illegal for any person or entity regulated by the state, receiving financial assistance from the state, or doing business in the state to discriminate against a qualified disabled person in employment, housing or any program, activity or service.

WHAT IS THE LAW REGARDING CREDIT DISCRIMINATION?

This law makes it illegal to deny credit or set different credit terms because of a person's race, color, sex (including pregnancy status and sexual harassment), religion, ancestral origin, disability, age (18+), marital status, familial status (presence of minor children), sexual orientation, gender identity/expression or military status.

WHAT IS THE EQUAL RIGHTS OF BLIND AND DEAF PERSONS TO PUBLIC FACILITIES ACT?

This act makes it illegal to discriminate against persons with disabilities in housing, public accommodations and public conveyances. The law also spells out the protections for persons using or training assistive animals.

WHEN MUST A CHARGE BE FILED?

Individuals who feel they have been discriminated against have one year from the date of alleged harm to file their state-law charge with the Commission. The time period for filing an employment discrimination charge under federal law with the U.S. Equal Employment Opportunity Commission (EEOC) is shorter. The Commission encourages individuals to contact the Commission as soon as they believe they are victims of discrimination.

WILL A CHARGE ALSO BE FILED WITH THE FEDERAL GOVERNMENT?

Many of the charges filed with the Commission are automatically filed with the federal agency responsible for enforcing the federal anti-discrimination laws. The EEOC enforces the federal fair employment laws and the U.S. Department of Housing and Urban Development (HUD) enforces the federal fair housing laws.

WHAT HAPPENS AFTER A CHARGE IS FILED?

Once the Commission accepts a charge, the charge is assigned to a staff investigator and an impartial investigation takes place. The investigator gathers evidence to determine whether or not a violation of the law likely has been committed and also attempts to settle the matter. After the investigation is completed (if a charge is not settled), a Commissioner makes a preliminary ruling based on the evidence presented. If the Commissioner rules "No Probable Cause", the charge is dismissed. If the Commissioner rules "Probable Cause", the Commission again attempts to settle the matter. If the settlement effort fails, the case goes to a public hearing. Under certain circumstances, the case may be brought to state Superior Court or federal District Court for a trial there instead of a hearing before the Commission.

WHO ARE THE COMMISSIONERS?

The Commission has seven Commissioners who are appointed by the Governor with the advice and consent of the Senate. The Commissioners serve for five years and their terms are staggered. They may be reappointed.

WHAT CAN THE COMMISSION DO IF DISCRIMINATION IS FOUND?

If, after a public hearing, the Commission issues a decision finding that discrimination occurred, the Commission has the authority to award damages to a victim of discrimination. The damages vary based on each particular case. The Commission can award backpay, compensation for pain and suffering, the next available job or apartment, reasonable attorney's fees and civil penalties (housing cases only; paid to State Treasury).

CAN A CASE GO TO COURT?

In most cases, individuals filing charges can seek a "Right to Sue" in state court if their case has been filed with the Commission for at least 120 days and not more than two years. In addition, in cases in which the Commission has found "Probable Cause", either party may elect to terminate Commission proceedings and have the matter heard in state Superior Court. Under certain circumstances, a party may bring suit in federal District Court.

DOES THE COMMISSION CHARGE FOR ITS SERVICES?

There is no charge for the services the Commission provides.

DOES THE COMMISSION PROVIDE LEGAL REPRESENTATION?

No. The Commission is not an advocacy agency and takes an impartial/neutral role in respect to the investigation of charges filed before it. The Commission cannot provide legal representation or advice to those who file charges or those against whom charges are filed.

HOW LONG DOES THE COMMISSION PROCESS TAKE?

Each charge takes a different amount of time to investigate based on the complexity of the issues and the cooperation of the parties. While it is impossible to estimate the time for an investigation to be completed, most investigations are completed within one year of the filing of the charge. The Commission does have subpoena powers and can compel the production of documents and the appearance of witnesses.

THIS INFORMATION IS ONLY A SUMMARY OF THE DUTIES AND RESPONSIBILITIES OF THE COMMISSION. FOR FURTHER INFORMATION, PLEASE CONTACT US AT ONE OF THE NUMBERS LISTED BELOW.

IF YOU HAVE A DISABILITY AND NEED AN ACCOMMODATION RELATIVE TO OUR SERVICES, PLEASE NOTIFY THE COMMISSION.

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YOU ALSO MAY VISIT THE COMMISSION'S WEBSITE AT:
www.richr.ri.gov

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