

GREATER SHREVEPORT HUMAN RELATIONS COMMISSION
RULES OF PRACTICE AND PROCEDURE

1. Definitions.

The following terms shall have the meanings below, unless the context clearly indicates otherwise:

- 1.1. Commission means the Greater Shreveport Human Relations Commission (as defined in Chapter 39 of the City Code, as amended.)
- 1.2. Panel means a Panel of five members of the Commission appointed by the Chair of the Commission as provided in Rule 4.1.
- 1.3. Complaint means a complaint filed under Chapter 39 of the City Code which falls within the authority of the Commission.
- 1.4. Day as used in these rules is a calendar day unless otherwise defined.
- 1.5. Protected class is any individual or group discriminated against based on race, color, sex, disability, age, ancestry, national origin, sexual orientation, gender identity, or political or religious affiliations.
- 1.6. Complainant is the individual or group who alleges discrimination against a protected class.
- 1.7. Respondent is the individual, agency, organization, business owner, controlling interest, manager, employer, agent, contractor who has allegedly committed or allowed the act of discrimination so complained.

2. Commission; Quorum and Voting.

- 2.1. As provided in Section 39-10 of the Code of Ordinances, the Commission shall consist of nine members. A quorum of the Commission shall be five members. Decisions of the Commission shall be made by a majority of those present and voting.
- 2.2. The Commission shall elect a Chair and a Vice-Chair from among its membership, each of whom shall serve in that capacity for one year. Both the Chair and Vice-Chair may succeed themselves for any number of consecutive terms.
- 2.3. Duties of the Chair. The Chair shall preside at all Commission meetings and shall be responsible for the orderly conduct of meetings. He or she shall decide all questions of order and procedure subject, however, to an appeal to the Commission. No person may address the Commission unless recognized by the Chair.
- 2.4. Duties of the Vice Chair. In the absence of the Chair, the Vice-Chair shall exercise all the duties of the Chair. He or she shall perform such other duties as are determined by the Commission.
- 2.5. Vacancy. If a vacancy occurs in the office of the Chair or Vice-Chair the vacancy shall be filled by the election of another member of the Commission to the office. If both the Chair and the Vice-Chair are absent from a meeting, the member who most recently served as Chair shall be temporary Chair for that meeting. If no member has served as Chair, the member who most recently served as Vice-Chair shall be temporary Chair for that meeting. If no member has previously served as Chair or Vice-Chair, the members present shall elect a temporary Chair for that meeting.

3. Administrative matters.

3.1. In accordance with Section 39-14 of the Code of Ordinances, the person designated by the Mayor (hereinafter referred to as the administrative assistant) shall collect complaints which are filed in the office of the Mayor and assign a number to each complaint. The number assigned shall consist of the year the complaint is filed, and then a number assigned in numerical order during that year. For example, the first complaint filed in 2015 would be assigned Case No. 2015-01.

3.2. The administrative assistant shall notify the Chair of the Commission and the City Attorney when such complaints are received, and shall mail such notices of complaints, hearing dates and findings as directed by the City Attorney or the Chair in accordance with these rules.

3.3. The administrative assistant shall prepare and post notices of meetings as directed by the Chair in accordance with these rules.

3.4. In accordance with Section 39-14 of the Code of Ordinances, the City Attorney will provide legal advice to the Commission, but shall not be responsible for presenting to the Commission the case or complaint on behalf of persons who have filed a complaint. Such legal advice will include, though is not limited to, drafting the form of notices, letters, and findings as required by these rules.

4. Appointment of Panel; Appeal.

4.1. The Chair of the Commission shall appoint five members to serve on a Panel for each hearing on a complaint, and shall appoint one of those members as Panel Chair. A quorum of the Panel shall be three members, and decisions shall be made by a majority of those present and voting. In the event the Panel Chair is not present at a Panel hearing, the members present shall elect a Chair for the Panel for that hearing.

4.2. The Panel Chair shall preside at meetings of that Panel and shall be responsible for the orderly conduct of meetings. He or she shall decide all questions of order and procedure subject, however, to an appeal to the Panel. No person may address the Panel unless recognized by the Chair.

5. Meetings; minutes.

5.1. Notice of meetings of the Commission or any Panel appointed by the Chair shall be posted no later than twenty-four hours, exclusive of Saturdays, Sundays, and legal holidays, before the meeting. Such notice shall include the agenda, date, time, and place of the meeting. In accordance with Section 39-14 of the Code of Ordinances, the Commission designates the Office of the Mayor as the location of its principal office for purposes of La. R.S. 42:19(A)(2), and therefore notices of meetings shall be posted at the Office of the Mayor.

5.2. Minutes of each meeting shall be prepared by the person delegated by the Mayor to do so. The minutes shall include but need not be limited to:

- 1) The date, time, and place of the meeting.
- 2) The members of the Commission or Panel recorded as either present or absent.
- 3) The substance of all matters decided, and, at the request of any member, a record, by individual member, of any votes taken.
- 4) Any other information that the Commission or Panel requests be included or reflected in the

minutes.

6. Oral Communications From The Public.

6.1. Generally. Oral Communications from the public and from parties to the proceedings will be accepted under the following terms:

1) No person shall be permitted to address the Commission or a Panel except in the manner and at the times specified herein, nor until the Commission or Panel shall have voted to approve said person's request to speak. If a request to address the Commission or Panel is approved, the person making the request shall, after recognition by the Chair, limit his/her remarks to not more than three minutes. Any extension of time beyond three minutes will require additional Commission or Panel approval.

2) Any person wishing to speak at a meeting of the Commission shall so inform the Chair in writing before the fixed time for the meeting. The request shall contain the person's name, address, and the specific subject(s) to be discussed.

6.2. Commission meetings. Persons wishing to speak on a matter which is on the Commission agenda for a vote, including appeals from Panel hearings and other Commission agenda items, shall be heard, before the vote, under Public Comments – Agenda Items. Persons wishing to speak on a matter which is generally under the jurisdiction of the Commission but not on the agenda for a vote shall be heard under Public Comments – Non-agenda Items on the Commission's agenda.

6.3. Panel hearings. Persons wishing to speak on a matter which is the subject of a filed complaint shall be heard at such time during the Panel hearing on the complaint as determined appropriate by the Panel Chair. No public comments will be allowed at Panel hearings on matters which are not on the agenda.

7. Disposition and Adjudication of Complaints

7.1. Complaints.

The following persons may file a complaint with the Human Relations Commission:

1) Any person aggrieved by an unlawful discriminatory practice within the jurisdiction of the Commission on the basis of the individual's race, color, sex, disability, age, ancestry, national origin, sexual orientation, gender identity, or political or religious affiliations.

2) An attorney-at-law representing a person so aggrieved;

3) Any member of the Human Relations Commission.

7.2. Complaints shall be filed with the Commission. A complaint shall meet the following requirements:

1) shall be in writing;

2) shall be verified and signed by the complaining party;

3) shall state the name, address and telephone number of the Complainant;

4) shall state the name, address and telephone number of the person alleged to have committed the unlawful discriminatory practice or act;

5) shall set forth the particulars of the unlawful practice or act complained of, including to the extent applicable, the date, place and time;

6) shall state whether or not the Respondent has been informed that the complaining party considers the practice or act complained of to be an unlawful discriminatory practice or act, and if so, shall set forth the date and time at which the information was given, the name of the person to whom it was provided, the response of the Respondent, if any, and whether the

information was given orally or in writing.

7.3. Complaints must be filed with the Commission within six months of the alleged act of discrimination. In accordance with City Code Section 39-14(1), the Mayor's Office shall be the location in which complaints shall be filed with the Commission.

7.4. The complaint may be filed in person at the Office of the Mayor, or by mail addressed to the Human Relations Commission. At the time of filing or as soon thereafter as possible, the Complainant shall be given and asked to sign a form informing the Complainant of the limited scope and authority of the Commission and informing them that there may be other authorities which may have jurisdiction and authority to provide other remedies.

7.5. The Commission shall, within 30 days from the date of its receipt of the filed complaint and the signed form required under Section 7.4, deliver a copy of the complaint to both the Respondent and the Complainant by hand or by certified mail return receipt requested, and request a response from each party as to whether he or she is amenable to mediation of the complaint.

7.6. Withdrawal. A complaint or charge of discrimination may be withdrawn by the complaining party. A request to withdraw a complaint shall be in writing and signed by the Complainant. In the event a request to withdraw a complaint has been granted, all parties shall be notified by regular mail.

7.7. Administrative Closure. The Commission may close a complaint or charge of discrimination (so stating the closure within the Commission's agenda) if the complaining party does not provide the Commission with requested documentation or if the complaining party does not answer the Commission's attempt to communicate during an investigation within 30 days of the third attempt by the Commission.

8. Negotiation/Mediation.

8.1. The Commission may at any time, through its members, or by use of other individuals, agencies, or organizations, attempt reconciliation or accommodation between the parties by means of negotiation or mediation. The Chair shall appoint a mediator to conduct the negotiation or mediation in cases in which the Chair deems such negotiation or mediation to be appropriate.

8.2. Endeavors at negotiation or mediation shall not be received into evidence by the Commission, except on the consent of the Complainant, the Respondent, and the negotiator who participated in such endeavors.

8.3. If the parties have reached agreement that there has been a prohibited act or practice, the Commission may attempt conciliation. Such conciliation agreement shall include a provision requiring the Respondent to refrain in the future from commission of such unlawful practices, and such other terms as may be agreed upon by the parties and the Commission.

9. Setting of Hearings on Complaints.

9.1. After the filing of a complaint and the receipt of the form executed by the Complainant required in Section 7.4, the Commission shall within 45 days place the matter on the agenda of a meeting of a Panel for an initial hearing.

9.2. The Commission may issue notices to appear at a hearing of the Commission or a Panel.

9.3. If the Complainant does not appear at the initial hearing, the Panel may in its discretion, dismiss the complaint or continue the hearing to a later date.

9.4. If the Respondent does not appear at the initial hearing, the Panel may, in its discretion, hear the complaint without the Respondent, or may continue the hearing to a later date.

10. Hearing on Discriminatory Act or Practice.

10.1. When a hearing has been set on a complaint, the Commission, in accordance with Section 3, shall cause to be issued, not less than 15 days before the hearing, a written notice of the date, time and place of the hearing, together with a copy of the complaint, requiring the Respondent(s) to respond to the charges in the complaint at a hearing before a Panel, as defined herein. The Commission shall include a copy of these rules in said notice.

10.2. The notice shall include the names and addresses of the parties, the names and addresses of representatives of the parties if these are known to the Commission, a statement in short plain terms of the allegations, including the sections of the ordinance that the Respondent is alleged to have violated.

10.3. Any notice, complaint or response shall, except as otherwise provided, be served on the parties by regular mail or personal delivery by hand.

10.4. The Respondent and Complainant may appear at the hearing with or without counsel; and may submit testimony, witnesses, and/or other evidence. If either party does not appear or is not represented at the hearing, any written documentation received by the Panel to date may be considered as that party's evidence and the Panel may make findings as to such documentation.

11. Procedure; Hearing.

11.1. The Panel shall have the duty to conduct a fair hearing and to take all necessary action to avoid delay and maintain order. To that end the Panel shall have all powers necessary; including, but not limited to the ability to:

- (1) Hold conferences to settle, simplify, or establish issues in a proceeding, or consider other matters that may aid in expeditious disposition of the proceedings;
- (2) Require the parties to state their positions with respect to various issues in connection with the proceedings;
- (3) Upon due notice to the parties, change the date, time or place of any previously scheduled hearing;
- (4) Administer oaths or affirmations;
- (5) Regulate the course of the hearing and the conduct of the parties, their representatives, witnesses, and others in attendance;
- (6) Examine witnesses and direct witnesses to testify;
- (7) Issue decisions;
- (8) Take other actions necessary in carrying out its authority.

12. Settlement of a Complaint.

12.1 A complaint may be settled between the parties at any time before a decision by the Panel. Upon notice of settlement in writing to the Commission, signed by each party or its legal representative, and approved by the Panel Chair, the complaint is considered dismissed.

13. Evidence on the Complaint.

13.1. Testimony in the hearing shall be under oath or affirmation. The Panel Chair shall administer the oath or affirmation.

13.2. The Panel shall not be bound by the strict rules of evidence prevailing in courts of law or equity; and may admit and give probative effect to evidence which possesses probative value commonly accepted by a reasonably prudent person in the conduct of his or her affairs.

13.3. The case in support of the complaint shall be presented before the Panel by the Complainant or the representative of the Complainant.

13.4. The Respondent shall be given an opportunity to respond to the complaint and to present information supporting his or her position.

13.5. Endeavors at negotiation, mediation, and/or conciliation shall not be received in evidence, except on the consent of the Complainant, the Respondent, and the negotiator who participated in such endeavors.

13.6. The proceedings shall be recorded electronically. Any party may cause the hearing to be recorded by a certified court reporter on arrangement by, and at the expense of, that party. Any transcription of the proceedings made at the expense of any party shall be made available at reasonable cost to any person on written request.

14. Findings on the Complaint.

14.1. If upon all the evidence, the Panel finds that the Respondent has engaged in any discriminatory practice prohibited by ordinance, the Panel shall issue a decision and may impose such fine as it deems appropriate, up to \$500.00 for the first such violation and up to \$1,000.00 for each such subsequent violation, as provided in Section 39-5 of the Code of Ordinances.

14.2. If upon all the evidence, the Panel finds that the Respondent has not engaged in any discriminatory practice prohibited by ordinance, the Panel shall issue a decision dismissing the complaint.

14.3. After issuing the decision, the Panel shall cause to be served on the Complainant and the Respondent by certified mail, return receipt requested, an order notifying the parties of the decision. Said notice shall also inform the parties of the right and time frame for appeal.

15. Appeal Before Commission.

15.1. Any Complainant or Respondent aggrieved by a decision of a Panel may, within ten (10) days of the receipt of the decision, file an appeal to be heard by a quorum of the Commission.

15.2. The rules above stated for hearings, notifications and decisions before the Panel shall also apply to appeals before the Commission, with the Chair of the Commission presiding. The appeal shall be a *de novo* appeal, which means that a new hearing will be held, and each party must submit testimony, witnesses, and/or other evidence in support of his or her position on the complaint.