

# **RULES OF PROCEDURE**

**Of the**



**Human Rights Commission**

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**RULES OF PROCEDURE  
HOWARD COUNTY HUMAN RIGHTS  
COMMISSION**

**1.100 GENERAL**

These Rules of Procedure are adopted pursuant to the authority of Sec. 12.200, et seq., of the Howard County Code, and the definitions used therein are controlling.

**1.101 ORGANIZATION**

- A. The Commission shall be composed of eleven (11), members who shall be appointed for a five (5) year term. A quorum consists of a simple majority of the current membership of the Commission. A quorum is necessary to formally transact business, make resolutions, and conduct hearings. Any business transacted absent a quorum will not be binding on the Commission unless later ratified by a quorum at a subsequent meeting. The Administrator of the Office of Human Rights, as defined by Section 12.201 of the Act, shall serve as the Executive Secretary to the Commission, shall attend all meetings and hearings of the Commission, and shall perform such duties, in addition to those specified in this Act, as may be prescribed by the Commission.
- B. The Commission, at its first meeting in December of each year, shall elect from the membership a Chairperson and a Vice Chairperson.
- C. The Chairperson shall preside over all meetings of the Commission; call additional meetings, provided three (3) days' written notice is provided Commission members, the Administrator of the Office of Human Rights and the Office of Law; determine the time and place of all additional meetings; determine that the Commission's functions have been carried out with thoroughness and completeness; interpret these Rules of Procedure as they shall apply to the conduct of the Commission upon the advice of the Office of Law to the Commission; designate member Commissioners to perform various functions of the Commission and, in general, to preside over the proper conduct and decorum of the Commission at any time, while the Commission is in session.
- D. The Vice Chairperson shall have all the powers and responsibilities of the Chairperson in the Chairperson's absence.
- E. The legal advisor shall be the County Solicitor or a member of his/her staff. The legal advisor shall attend all meetings of the Commission and shall be present at other times, as the Chairperson may request, and shall represent the Commission in all hearings or judicial proceedings where it is a party. The County Solicitor shall provide separate legal representation for the Administrator.

## **1.102 MEETINGS**

- A. The Commission shall meet at least once a month; and such meetings shall be conducted according to the Commission's Rules of Procedure.
- B. Additional meetings of the Commission shall be called by the Chairperson when, in his/her opinion, it is important to consider a matter immediately. Three (3) day's written notice to all Commission members, the Administrator of the Office of Human Rights and the legal advisor is required prior to an additional meeting.
- C. All meetings, either regular or additional, must be open to the public and the press in accordance with the requirements of law. The public and press, however, will be excluded from that portion of any meeting during which there is discussion of the specifics of a complaint of discrimination, which is active with the Office of Human Rights, including the discussion or handling of conciliation agreements and reconsideration applications. Normally, these items will be scheduled at the end of the meeting agenda.
- D. All Commissioners are asked to be punctual for all meetings and hearings, and to notify the Chairperson or the Office of Human Rights in advance if they expect to be late or absent.
- E. The absence from three (3) consecutive regular monthly meetings of the Commission shall automatically terminate such individual's membership in the Commission except in extenuating circumstances. Following such termination, the County Executive will be notified in writing and requested to appoint a replacement.

## **1.103 FUNCTIONS AND DUTIES**

### **A. Investigatory**

The Commission has the responsibility to recommend general human rights policy in Howard County.

1. Pursuant to this responsibility, the Commission may conduct surveys and studies concerning human rights conditions and problems and may publish same as appropriate.
2. The Commission may advise Howard County citizens concerning any patterns of discrimination, which may be, violate of human rights as defined in Sec. 12.200, et seq, of the Howard County Code.
3. The Commission has the authority to make recommendations, based on its investigations, concerning human rights in Howard County.

## **B. Complaints**

The Commission or an individual commissioner shall have authority to file a complaint when there is reasonable cause to believe a pattern or practice of discrimination exists, which is made unlawful by Sec. 12.200, et seq., of the Howard County Code.

## **C. Informal Hearings**

In situations covered by Sec. 12.203 V of the Howard County Code, the Commission may immediately hold an informal hearing whenever it believes a pattern of discrimination has arisen.

1. The Chairperson shall establish the general procedures and order of presentation of such hearings. Among the Chairperson's responsibilities will be calling the hearing to order; calling witnesses to testify; limiting the scope of testimony to matters relevant to the hearing; limiting the length of testimony, if desirable; and adjourning or recessing the hearing. Any member, upon recognition by the Chairperson, may ask the witnesses questions.
2. Hearings shall be held only upon reasonable notice to all parties, Commission members, the Administrator of the Office of Human Rights and the Office of Law.
3. The purpose of the hearing shall be to resolve the problem promptly by the gathering of all facts from all available sources and to make such recommendations to appropriate persons as may be necessary. The recommendations of the Commission do not constitute any binding order upon any person.

## **D. Reports**

The Commission shall make reports of its activities to the County Council and the County Executive.

1. An annual report, outlining its activities for the year for the betterment of human rights in Howard County, and other matters relevant to the authorized activities of the Commission, shall be submitted on or before the twenty-eighth (28<sup>th</sup>) day of February of each year.
2. The Commission may make such further reports as it deems desirable.
3. The Commission may be required to provide the County Executive or County Council with interim reports.

## **E. Miscellaneous**

1. The Commission shall be consulted by the County Executive concerning the appointment of the Administrator of the Office of Human Rights.
2. The Commission shall review annual budget requirements submitted by the Office of Human Rights.

## **1.104 DETERMINATION OF JURISDICTION**

Within fifteen (15) days after the filing of a complaint, the Administrator shall decide whether to dismiss the complaint or authorize the complaint for investigation in accordance with the procedure provided in Section 12.212 III (b) (4) of the Human Rights Law.

## **1.105 ADMINISTRATIVE HEARINGS**

### **A. Reasonable Cause**

If the Administrator finds there is reasonable cause to believe a violation of Title 12, Subtitle 2 of the Howard County Code has occurred, and if the Administrator is unable to conciliate, the Administrator shall so certify same by written findings, and the matter shall automatically be referred to the Commission for a public hearing. These written findings shall be sent to all parties by certified mail.

### **B. No Reasonable Cause**

1. If the Administrator finds there is no reasonable cause to believe a violation of Title 12, Subtitle 2 has occurred, the Administrator shall so certify same by a written Decision and Order.
2. The Written Decision and Order shall advise the complainant and respondent that they may, within twenty (20) days, request in writing an administrative appeal before the Human Rights Commission. The Decision and Order shall also detail the method for requesting the hearing and shall inform the parties of the requirement that reasons for appeal be listed in the request for appeal.
3. All respondents and complainants eligible to file appeals shall be notified in the written Decision and Order to file such appeals with the Chairperson of the Human Rights Commission and shall be provided with appropriate addresses.
4. The Chairperson of the Human Rights Commission, immediately upon receiving a request for hearing, shall convene a special meeting of the Commission. The Commission shall determine, after meeting and reviewing any written statements filed by any party, whether the Commission will hold a hearing.
5. The Commission may decide to hear an appeal after good cause is shown, and if it determines that such an appeal is in the public interest.
6. If the Commission decides to hear an appeal, the Chairperson shall require that the entire case file be transmitted from the Office of Human Rights to the Human Rights Commission, and notify all parties of this decision in writing. If the Commission decides not to hear an appeal, the Chairperson shall so notify all parties in writing.

### **C. Pre-Hearing Procedure**

1. At any time prior to the hearing, the complainant and the respondent, or their designated representatives, may be allowed to review the investigator's file compiled by the Office of Human Rights.

2. (a). At least 60 days prior to the date scheduled for the administrative hearing on the matter, any party requesting the Commission to summons witnesses or subpoena documents, shall submit to the Commission a list of names and addresses of any persons requested to be summoned and any documents requested to be subpoenaed for the hearing, together with a showing of the relevance, need and reasonable scope of the evidence sought with supporting citations of law, if any. The party requesting the summons and/or subpoena shall send a copy of the request to the adverse parties prior to its submission of the request to the Commission.  
  
(b). Within 15 days after receipt of the request for summons and/or subpoena, the adverse party shall send in writing to the Commission and the adverse party its response to the request for summons and/or subpoena.
3. Each party shall submit to the Commission at least 60 days prior to the scheduled hearing date the following pre-hearing submission information in regard to its case:
  - (a). A list of names and addresses of all its prospective witnesses, together with summaries of the expected testimony of those witnesses.
  - (b). All supporting documents or reports which will be relied upon at the hearing, including investigative reports, or portions thereof. The Commission may, in its discretion, exclude from evidence any materials or documents not included in the pre-hearing submission.
  - (c). Estimate of time to present case.
4. The original of the pre-hearing submission shall be filed with the Commission and a copy thereof served upon parties and/or counsel of record.
5. Any objections to pre-hearing submission items shall be made, in writing by an objecting party within 15 days after receipt of the pre-hearing submission.
6. The Commission shall rule on all objections to summons and subpoena requests, objections to pre-hearing submissions and any other preliminary motions filed within 15 days after filing. Any order granting a request for a subpoena shall require the complying party to supply the requested documents at least 10 days prior to the scheduled hearing.
7. The information submitted in compliance with this section shall be construed as an intent only to submit such information or witnesses and no party shall be bound to introduce the same at the hearing.
8. Motions for permission at the time of the hearing or prior thereto to submit new witnesses or new supplemental material, not contained in a pre-hearing statement and subsequent to the time limits herein specified, may be granted by the hearing panel only postponement or continuance of the hearing. Nothing herein shall interfere with the right to offer rebuttal evidence.
9. Any motion seeking a determination by the hearing panel of any preliminary matter including, but not limited to, motions for continuance, motions to submit additional or

supplemental testimony or material not included in its pre-hearing submittal, and any other preliminary motions may be submitted to the Hearing Panel at the scheduled hearing.

10. The Administrator of the Office of Human Rights shall continue conciliation efforts prior to the hearing date, unless the Administrator determines that such efforts would be futile considering the circumstances of the case and position of the parties, and shall report to the hearing panel immediately any consent or conciliation agreement reached. The hearing panel shall keep confidential the identities of the Complainant and Respondent until after the pre-hearing session(s). Following the pre-hearing session(s), the names of the Complainant and Respondent may be made public after disclosure to the parties that such action may be taken prior to the public hearings. The hearing panel shall notify all parties and witnesses to the proceedings of the disposition of the complaint.

#### **D. General Hearing Requirement**

1. The Chairperson shall schedule all hearings as expeditiously as possible and shall immediately contact other commissioners, the Office of Law and the parties to coordinate.
  - a. Two week's notice is required for all parties prior to the hearing.
  - b. All notices shall be sent by certified mail, return receipt requested.
2. At least three (3) Commission members must comprise the Hearing Panel. The Chairperson of the Commission shall appoint a Chairperson of the Hearing Panel for each case. All Commission members are eligible to participate in an administrative hearing unless they filed the complaint, which is the subject of the case. If more than four (4) Commissioners filed the complaint, which is the subject of the case, the Chairperson shall, in conjunction with the Executive Secretary of the Human Rights Commission and the Office of Law, transmit the case to the Board of Appeals.
3. Upon request by any party, the Chairperson shall arrange with the Executive Secretary for the issuance of subpoenas.

#### **E. Conduct of Administrative Hearings**

1. A representative of the Office of Law shall serve as the legal advisor to the Hearing Panel. Additionally, another member of the Office of Law will present the case of the Office of Human Rights.
2. At the beginning of the hearing, the Chairperson of the Hearing Panel shall call the docket. In the Chairperson's discretion, all preliminary matters may be heard and disposed of first in accordance with the pre-hearing procedures.
3. The Human Rights Commission shall cause to be prepared an official record of its proceedings in each case, which shall include all testimony and exhibits, but it shall not be necessary to transcribe the testimony unless requested for court review, or when requested by any party in interest. The party requesting the transcript shall address such request to the

Executive Secretary of the Commission, and shall pay the reporter in advance, the cost of transcribing the record. The reporter shall certify the accuracy of the transcript.

4. All persons testifying shall be required to take the following oath: “Do you solemnly promise to speak truthfully in the testimony you are about to give?”
5. The hearing shall be conducted in accordance with these Rules of Procedure and the rules and procedures contained in the Howard County Administrative Procedure Act (Section 2.100, et seq., of the Howard County Code). All matters raised by any party requiring a ruling shall be ruled on by the Chairperson of the Hearing Panel, who is subject to being overruled by majority vote of the Hearing Panel.
6. The Complainant and the respondent shall have the right to appear in person or with counsel or other duly qualified representative and shall have the right to participate fully in the hearing. The right to participate shall include but shall not be limited to the right to examine and cross-examine witnesses, and to introduce evidence into the hearings.
7. At any point in the proceeding, any member of the Panel may ask questions, after obtaining the recognition of the Chairperson of the Hearing Panel.
8. Questions shall be brief, shall pertain only to statements made by the witness, shall be interrogatory in nature and not argumentative. Questions shall not be preceded by statements nor shall they contain allusions to personality or motives. In the discretion of the Chair, questions on cross-examination shall be reduced to writing and asked by the legal advisor to the Hearing Panel.
9. If a hearing cannot be completed on its original date, the Panel may, for proper reasons shown, recess its hearing and continue consideration of the pending matter to the nearest available future hearing date. If the time and place to which the hearing is to be continued is publicly announced at the time of the recess, no further notice shall be required; otherwise, at least two weeks’ notice of the time, place, and subject of the continued hearing shall be issued to the parties. The Panel may not consider any additional evidence from any party after the hearing is concluded, except in a recessed case and then in open hearing. Any further attempt by either side to influence the decision of the panel after the hearing is not permitted. Any communications of any kind concerning the subject matter of the hearing shall not be considered.

## **F. Order of Presentation**

1. Introduction of official documents including the complaint and the Decision and Order or findings of the Office of Human Rights.
2. If the Commission hears a case after a finding that there is reasonable cause to believe a violation of the act has occurred, evidence shall be presented in the following order, unless the parties by mutual agreement stipulate otherwise, or unless the Hearing Panel determines that sufficient legal or factual reasons exist which require otherwise.
  - a. Opening statements by the Office of Human Rights, the Complainant, and the Respondent in that order.
  - b. Presentation of the Office of Human Rights' case followed by the Complainant's case and then the Respondent's case with direct and cross examination of witnesses by parties and Panel members during each presentation.
  - c. Rebuttal by the Office of Human Rights and complainant and surrebuttal by Respondent.
  - d. Closing arguments by the Complainant, Office of Human Rights, and the Respondent.
3. If an appeal is taken after a finding that there is no reasonable cause to believe a violation of the act has occurred and the Commission has granted a hearing, evidence shall be presented in the following order, unless the parties by mutual agreement stipulate otherwise or unless the Hearing Panel determines that sufficient legal or factual reasons exist which require otherwise.
  - a. Opening statements by the Complainant, the Office of Human Rights, and the Respondent in that order.
  - b. Presentation of the Complainant's case followed by the Office of Human Rights' case, and then the Respondent's case with direct and cross-examination of witnesses by parties and Panel members during each presentation.
  - c. Rebuttal by the Complainant and surrebuttal of the Respondent. During rebuttal, evidence may be presented to rebut any evidence introduced by the Respondent but otherwise no new evidence may be introduced at this time.
  - d. Closing arguments by the Complainant, the Office of Human Rights, and the Respondent in that order.

**G. Hearing Panel Action**

1. Following the administrative hearing, the Hearing Panel will take the matter under advisement.
2. Within thirty (30) days of the hearing, unless extended by the Panel on its own motion for good cause for a period no longer than ninety (90) days from the end of the hearing date, the Commission’s Hearing Panel shall render a decision in the form of a written Decision and Order. The decision of the Hearing Panel by majority vote shall constitute the final decision of the entire Human Rights Commission. That Decision and Order shall recite the facts, and evidence presented, and shall contain findings of fact and conclusions of law. The Hearing Panel shall decide whether a violation of the Human Rights Law has occurred and shall impose any necessary remedies as provided by law. They may further remand the matter, with specific instruction, to the Office of Human Rights for further investigation.
3. The Decision and Order shall also state that any aggrieved party, including the Office of Human Rights, may appeal the decision to the Circuit Court for Howard County.

**1.106 AMENDMENTS**

Any proposed amendments in these Rules of Procedure may be presented at any meeting or hearing of the Commission. Amendments, other than ones concerning mere form, may be adopted using the following procedures:

**A. Recommendation**

The adoption of an amendment may be recommended at the same meeting or hearing where it is initially proposed provided a quorum is present and the recommendation is approved unanimously by those present. If there is no unanimous vote, the proposed amendment may be approved by a majority vote at the next regularly scheduled meeting where a quorum is present.

**B. Notice**

Prior to the adoption of any amendments to these Rules of Procedure, notice must be published in at least two (2) newspapers of general circulation in Howard County on at least two (2) occasions. The notice must state that copies of the Rules of Procedure and any proposed changes are available for inspection by the public and that a public hearing will be held at a fixed date to discuss the recommended changes in the Rules of Procedure.

**C. Adoption**

Following the public hearing on the recommended rule change the amendment may be adopted by a majority vote of the Commission at any properly constituted meeting or hearing.