

Red or Blue text indicates a link to an endnote or web link, move **b** to colored text and click to open.  
All forms references are available on line at [www.disabilities.ri.gov](http://www.disabilities.ri.gov)

## **Chapter M Assuring That People With Disabilities Are Afforded The Opportunities To Exercise All Of The Rights And Responsibilities Accorded To Citizens Of This State<sup>1</sup>**

Chapter M Assuring That People With Disabilities Are Afforded The Opportunities To Exercise All Of The Rights And Responsibilities Accorded To Citizens Of This State...	1
I. STATUTORY AUTHORITY .....	1
II. DEFINITIONS .....	1
III. INVESTIGATION AND PERSUASION.....	1
IV. THE COMMISSION AS AGGRIEVED PARTY AND/OR PRESENTS TESTIMONY BEFORE OTHER REGULATORY BODIES .....	2
V. PROCEDURE FOR INITIATING LEGAL ACTION .....	2
VI. FORMS.....	3
VII. ENDNOTES .....	3

### ***I. STATUTORY AUTHORITY***

RI GL 42-51-6 (1) Governor’s Commission on Disabilities – Duties<sup>2</sup> and RIGL 42-51-9 (6) -Definitions<sup>3</sup>

### ***II. DEFINITIONS***

- A. “The Commission” shall mean the [Governor’s Commission on Disabilities](#)<sup>4</sup>.
- B. “Commission’s investigator” means the Commission Chairperson, Executive Secretary or the designated staff and / or Commissioner(s)<sup>5</sup> assigned to conduct the investigation and persuasion of the alleged action or pending action.
- C. “Non-state agency” means any public and private agencies, businesses, and citizens other than any department, division, agency, commission, board, office, bureau, council, or authority, either branch of the Rhode Island general assembly or any agency or any committee thereof, or any other agency that is in any branch of Rhode Island state government and which exercises governmental functions.
- D. “Respondent” means the entity(ies) alleged responsible for denying people with disabilities are afforded the opportunities to exercise all of the rights and responsibilities accorded to citizens of this state.

### ***III. INVESTIGATION AND PERSUASION***

- A. The Commission’s investigator shall investigate alleged action(s) or pending action(s), by a non-state agency<sup>6</sup> that would deny or is denying people with disabilities the opportunities to exercise all of the legal rights and responsibilities accorded to citizens of this state.

B. The Commission's investigator shall attempt to establish a prompt and equitable resolution of this issue through informal methods of conference, conciliation, and persuasion.

#### **IV. THE COMMISSION AS AGGRIEVED PARTY AND/OR PRESENTS TESTIMONY BEFORE OTHER REGULATORY BODIES**

A. The Commission was created by the RI General Assembly and assigned the duties of:

1. Promoting on behalf of the people with disabilities and assuring, on behalf of the state, that people with disabilities are afforded the opportunities to exercise all of the rights and responsibilities accorded to citizens of this state <sup>7</sup>; and

2. Arousing community interest in the concerns of people with disabilities through the utilization of whatever community and state resources the commission may deem necessary to accomplish the maximum in independent living and human development <sup>8</sup>.

B. The Commission and or its Executive Committee may authorize and designate the Commission Chairperson, Executive Secretary, staff and / or Commission member(s) to represent the Commission as an aggrieved party when a matter pending before a regulatory body might deny people with disabilities the opportunities to exercise all of the legal rights and responsibilities accorded to citizens of this state.

C. The Commission's (or Executive Committee's) authorization may be for:

1. A specific matter pending before a specific regulatory body; or

2. A blanket authorization encompassing a specific set of circumstances whenever those are pending before the regulatory body of competent jurisdiction.

#### **V. PROCEDURE FOR INITIATING LEGAL ACTION**

A. The Commission's investigator shall refer a charge to the Commission, when:

1. The investigator has probable cause to believe that the respondent has taken or plans to take actions that are denying or will deny people with disabilities the opportunities to exercise all of the legal rights and responsibilities accorded to citizens of this state; and

2. Attempts at persuasion have not provided the restoration of the opportunities to exercise all of the legal rights and responsibilities accorded to citizens of this state by people with disabilities.

B. The charge shall state:

1. The nature of the actions taken or planned that are alleged to deny or will deny people with disabilities the opportunities to exercise all of the legal rights and responsibilities accorded to citizens of this state;

2. The results of the investigation of those actions;
3. A description of the efforts taken to forestall those actions; and
4. All responses from the respondents explaining their actions and any steps taken or proposed to overcome the affects of those actions.

C. The respondent shall be sent a copy of the charge and invited to make a presentation at the Commission's hearing. The charge must be mailed to the respondent and to each Commissioner at least fifteen (15) business days prior to the hearing, and a notice of the hearing posted in accordance with the Open Meetings law.

D. The Commission shall convene a hearing in accordance with RIGL 42-35, When a quorum is present:

1. The charge shall be read;
2. The respondent's representative given an opportunity to respond to the charge;
3. The Commissioners may question both the respondent's representative and the Commission's investigator.

E. The Commission may, at the completion of testimony at the hearing, by majority vote of the members present, initiate a complaint, on behalf of the state the against respondent if the Commission finds:

1. Probable cause that a violation of state or federal laws protecting the rights of an individual(s) with disabilities has occurred or will be the result of pending action and
2. The violation has not been corrected nor has the respondent presented a credible plan to resolve the charge.

F. The power of the Commission's Executive Committee to develop policy between meetings does not extend to the initiation of complaints against respondents.

## **VI. FORMS**

The Commission's staff shall prepare and revise any forms, as necessary.

## **VII. ENDNOTES**

These endnotes are the text of several general laws and are provided for clarification and are not part of the regulation. They are subject to revision, as amended by the General Assembly.

---

<sup>1</sup> History: Advertised October 21, 1999 Public Hearing November 22, 1999 Amendment adopted November 22, 1999  
Effective December 27, 1999 Technical Amendments Adopted September 13, 2003

<sup>2</sup> RIGL 42-51-6. Governor's Commission on Disabilities – Duties.

(1) Promoting on behalf of the people with disabilities and assuring, on behalf of the state, that people with disabilities are afforded the opportunities to exercise all of the rights and responsibilities accorded to citizens of this state;

---

<sup>3</sup> RIGL 42-51-9(6) Governor's Commission on Disabilities – Definitions.

(2) "Federal and state laws protecting the rights of individuals with disabilities" means, but is not limited to, the Americans with Disabilities Act of 1990, 42 USC § 12101 et seq.; title V of the Rehabilitation Act of 1973, 29 USC § 794; R.I. Const., art. I, § 2; the provisions of chapter 87 of title 42 and §§ 23-6-22, 37-8-15, 37-8-15.1 and 42-46-13.

(3) "State agency" means any department, division, agency, commission, board, office, bureau, council, or authority, either branch of the Rhode Island general assembly or any agency or any committee thereof, or any other agency that is in any branch of Rhode Island state government and which exercises governmental functions.

(4) "Coordinating compliance" means the authority to:

(i) Issue guidelines, directives, or instructions that are necessary to effectuate compliance with federal and state laws protecting the rights of individuals with disabilities;

(ii) Establish a grievance procedure to promptly and equitably resolve complaints of noncompliance with federal and state laws protecting the rights of individuals with disabilities involving state agencies, including the power to investigate possible discrimination and eliminate unlawful practices by informal methods of conference, conciliation, and persuasion;

(iii) Initiate complaints against any state agency that willfully fails to comply with federal and state laws protecting the rights of individuals with disabilities to the appropriate state or federal agency; and

(iv) Develop, make periodic revisions to, and oversee the implementation of a transition plan for the removal of environmental and communication barriers in state-owned facilities.

(6) "Promoting on behalf of the people with disabilities and assuring, on behalf of the state, that people with disabilities are afforded the opportunities to exercise all of the rights and responsibilities accorded to citizens of this state" means the authority to act and appear on behalf of the people with disabilities to present evidence and make arguments before any federal, state or local agency or public body regarding matters pending before that agency or public body that may have an adverse effect on persons with disabilities.

<sup>4</sup> Governor's Commission on Disabilities

John O. Pastore Center - 41 Cherry Dale Court

Cranston, RI 02920-3049

401-462-0100 (voice); 462-0101 (tty) and 462-0106 (fax)

[disabilities@gcd.ri.gov](mailto:disabilities@gcd.ri.gov) (e-mail) and

<http://www.disabilities.ri.gov> (website)

<sup>5</sup> 42-51-6.2. Governor's Commission on Disabilities – Committees and mediation teams. –

(1) The commission is authorized to create advisory committees and mediation teams to perform tasks within the jurisdiction of the commission.

(2) The commission may itself, or it may empower these committees and mediation teams to:

(i) Study the concerns of people with disabilities in reaching the maximum in independent living and human development and exercising all of the rights and responsibilities accorded to citizens of this state;

(ii) Arouse community interest in the concerns of people with disabilities;

(iii) Foster through community effort or otherwise good will among the groups and elements of the population of the state towards people with disabilities; and

(iv) Attempt by informal methods of conference, persuasion, and conciliation, to induce compliance with matters within the jurisdiction of the commission.

(3) The committees and teams may make recommendations to the commission for the development of policies and procedures in general.

(4) Advisory committees and mediation teams created by the commission shall be composed of representative citizens serving without pay, but with reimbursement for actual and necessary traveling expenses.

(5) Three (3) members of a committee constitutes a quorum for the purpose of conducting the business of that committee.

<sup>6</sup> Alleged discriminatory actions taken by a state agency are investigated under Commission Regulation Chapter E.

<sup>7</sup> see notes 2 & 3 above

<sup>8</sup> see note 2 & 3 above