

Akron Civil Rights Commission (“Commission”) Rules of Organization and Operation

Authority: The Commission may create and modify rules regarding its meetings and procedures, pursuant to section 38.07(E) of the Codified Ordinances of the City of Akron, and pursuant to Section 141(D) of the Charter of the City of Akron and Ord. No. 150-2021, the Commission is authorized to establish procedures and rules related to meeting in person or by teleconference, videoconference, or by any other similar electronic technology.

1. Amendment Rule

These Rules of Organization and Operation (“Rules”) arise out of the inherent power of the Commission to order its internal business. The Commission may amend these Rules by a majority vote of its members.

2. Quorum Rule; Authority of Members

(A) A Quorum must be present for any resolution, rule, or formal action of any kind to be given effect by the Commission.

(B) The Commission is composed of seven members.

(C) A Quorum requires a minimum of four members.

(D) Minimum Quorum Absolute Consensus Rule

(1) Four members are the minimum number of members required to pass a resolution, rule, or formal action, except as described in Rule 18.

3. The Commission is a Public Body; The Commission may Meet In Person or Remotely

(A) State and local public records laws require the Commission to conduct meetings open to the public. As a public body, the Commission is subject to the Ohio Open Meetings Act, O.R.C. 121.22, and Section 141 of the Charter of the City of Akron.

(B) Regularly scheduled meetings shall take place monthly, with the date, time, and location set by the Chair.

(C) Special meetings may be called by the Chair or any three members of the Commission. Notice of the meeting shall state the subject(s) to be considered at the special meeting. Only the subjects stated in the notice shall be discussed and/or acted upon.

(D) Members are required to be present in person at meetings unless the Chair determines the meeting shall be held virtually by teleconference, videoconference, or by similar electronic technology.

(E) Meetings of the Commission may be held virtually by teleconference, videoconference, or by similar electronic technology as determined by the Chair. Notice of a virtual meeting shall be provided in accordance with the procedures set forth in section (G) of this Rule.

Any member that is connected to a meeting of the Commission both visually and audibly through videoconference, or audibly through teleconference, or by similar electronic technology is deemed present for purposes of attendance and deliberation and voting. Members shall deliberate and vote orally.

(F) Commission meeting minutes shall be made available for public inspection upon request.

(G) Notice of all Commission meetings will be published on the bulletin boards on the 1st and 3rd floors of the Municipal Building at 166 South High Street, Akron, OH 44308. Notice will include the date, time, and place of regularly scheduled meetings and all special meetings. Notice shall also be made via email to all parties requesting notification in such a manner. Notice of all regularly scheduled meetings shall be made one week in advance. Notice of all special meetings shall be made at least 24 hours in advance. The Chair shall cause members to be notified by phone and email for special meetings.

(H) Remote meetings may be held by the public body provided that technology is available to conduct the meetings remotely and public access to the meetings are provided pursuant to Akron City Charter section 141.

(I) Any action taken in a remote meeting shall have the same effect as if it had occurred during an in person meeting provided that the meeting complies with the provisions of Ordinance No. 150-2021, Akron Codified Ordinance 31.05, Akron Charter section 141, and these Rules.

(J) If the Commission meets remotely, all votes shall be made by roll call vote.

(K) If the Commission meets remotely, minutes must be created and maintained according to the same requirements as if the meeting were held in person.

(L) In order to ensure that all speakers at remote meetings are properly recorded and heard, all speakers at the remote meetings must be recognized by the Chair prior to speaking, and no more than one person shall speak at the same time.

4. Role of Officers

(A) Chair – The Chair will direct meetings.

(B) Vice Chair – The Vice Chair will serve as Chair when the Chair is not present.

(C) Secretary – The Secretary will record and reduce the business of the Commission to writing, and such minutes will be sent to the members within 10 days after a meeting.

5. Selection of Officers; Temporary Absence; Term

(A) Order of Selection from the members of the Commission:

- (1) The Chair shall be the first officer selected;
- (2) The Vice Chair shall be the second officer selected;
- (3) The Secretary shall be the third officer selected; and
- (4) No member may hold two officer roles.

(B) Selection procedure:

- (1) The members of the Commission shall select officers at the July meeting each year, or when an officer position becomes vacant. The selection process shall take place in open session.
- (2) Members may nominate other members or themselves for an officer role requiring selection.
- (3) Once nominees are established a round of voting will be conducted among the members.
- (4) A nominee receiving at least four votes is confirmed.
- (5) A nominee may withdraw from the selection process at any point prior to selection.

(C) Temporary Officer Absence:

If an officer is absent from a meeting then the Quorum shall proceed through the selection process to select a temporary officer for that meeting, as necessary.

(D) Term of Officers

- (1) Each officer shall be selected to serve in their position for a term of one year (July to July) or until their successor officer is selected in accordance with this Rule 5.
- (2) An officer can resign from their officer position by notifying the Commission members of their desire to resign, at which time the officer position will become vacant and a new officer shall be selected in accordance with this Rule 5.

(3) It shall be in order for any member to make a motion to remove an officer, for cause, at any time. Such motion shall require a majority vote of the members of the Commission to pass, at which time the officer position will become vacant and a new officer shall be selected in accordance with this Rule 5.

6. Resignation and Removal of Members

- (A) All members shall be residents of the City of Akron.
- (B) Members may resign by giving notice to the Mayor and the Commission.
- (C) A member may, in effect, resign by moving out of the City of Akron.
- (D) Removal of a member shall take place in accordance with Section 54 of the Charter of the City of Akron.

7. Duty to be Fair and Impartial

- (A) A member shall uphold and promote the independence, integrity, and impartiality of the Commission, and shall avoid impropriety and the appearance of impropriety.
- (B) A member shall perform the duties of Commissioner impartially and diligently.

8. Recusal

(A) A member personally involved in a matter before the Commission, or who determines that such involvement could be reasonably imputed to them, who has a personal bias or prejudice concerning a party or the party's attorney, or who otherwise identifies a conflict:

(1) Shall announce such involvement, bias, prejudice, or conflict to the Chair;
and

(2) Shall recuse themselves.

(B) Any member who takes part in investigation or conciliation regarding a matter before the Commission shall recuse themselves from any subsequent decision-making involvement in the matter.

(C) In other matters, the recused member serves as normal.

9. Attendance Rule

(A) It is critical to the Commission's business that each member be available to personally attend.

(B) Any member unable to attend a meeting shall endeavor to inform the Chair and Vice Chair as soon as practicable prior to the meeting.

10. Ad Hoc Roles

- (A) The Commission may appoint members as required to carry out specific functions.
- (B) Any such appointment requires the member's acquiescence.
- (C) These roles are temporary roles and are not officer roles.
- (D) Any ad hoc appointment the Commission shall designate terminates at the expiration of the shortest serving member's time on the Commission.

Example:

- (1) A member is appointed to an ad hoc role.
- (2) A member's term as a member expires in six months. This is the shortest term remaining from among the members who voted to establish the ad hoc role.
- (3) This ad hoc appointment terminates in six months.

11. Role of Spokesperson

To effectively function, the Commission shall endeavor to speak with one voice. All members shall be free to speak publicly in their capacity as members to promote civil rights and equality. No one member, including the Chair, may comment on any specific, ongoing complaint or matter.

12. Executive Session

(A) The Commission may hold an executive session only after a majority of the Quorum determines, by roll call vote, to hold an executive session and only at a regular or special meeting for the sole purpose of the consideration of any of the following:

- (1) Conferences with an attorney for the Commission concerning disputes involving the Commission that are the subject of pending or imminent court action;
- (2) Matters required to be kept confidential by federal law or regulations or state statutes; or
- (3) Any other matter permitted by R.C. 121.22(G), Section 141 of the Charter of the City of Akron, and/or Chapter 38 of the Codified Ordinances of the City of Akron .

(B) If the Commission holds an executive session to consider any of the matters listed in Rule 12(A), the motion and vote to hold that executive session shall state which one or more of the approved matters listed in Rule 12(A) are to be considered at the executive session.

13. Remuneration of Members

A member who participates in a Commission meeting, hearing, conference, or conciliation shall be compensated One Hundred Dollars (\$100.00) per event.

14. Conduct of Commission Business

(A) Standard Procedure

- (1) These rules predict a conciliatory and contributory attitude of respect and collegiality among the members.
- (2) The Chair shall control the conduct of the meeting. They shall endeavor to allow all members an opportunity to share their views, to present resolutions, and to Motion the Commission to put an action into effect.

(B) Appearance by Members of the Public

- (1) Meetings of the Commission are open to the public, as required by law.
- (2) One purpose of the Commission is to educate the public on civil rights issues.
- (3) The Chair may recognize a present member of the public who would like to speak at a Commission meeting for a period of three minutes, with extension at the discretion of the Chair.
- (4) The Chair may approve virtual participation of any member of the public through videoconference, teleconference, or by similar electronic technology.
- (5) Any member of the public may submit a written statement to be read at the comment period of the next meeting of the Commission by submitting it to acrccomments@akronohio.gov, and the notice required by Rule 3(G) of these Rules shall so state.

15. Complaint and Answer

(A) Complaints shall be filed with the City of Akron Law Department, Civil Division. Complaints shall be made using the most current form approved by the Commission or in a separate written document.

(B) At the next regular meeting of the Commission following receipt of a complaint, the Commission shall review the complaint. If the complaint was properly filed and is

deemed complete, the Commission shall commence an investigation and ensure that appropriate notices are sent to the Complainant and the Respondent. If the complaint was not properly filed or is deemed incomplete, the Commission shall ensure that the Complainant is informed.

(C) A complaint may be initiated by any aggrieved entity or on the independent authority of the Commission. In circumstances in which the Commission is a complaining party, the Chair shall designate one member to serve as the Complainant for the purposes of the matter, and shall ensure that the process is conducted in a fair, impartial, and respectful manner.

(D) A complaint may be amended at any time prior to a hearing on the complaint or an order by the Commission dismissing the complaint. Any amendment must be in writing, and signed, and should be filed in-person or by mail with the City of Akron Law Department, Civil Division. The Commission shall ensure that the Respondent is noticed with a copy of any amendment.

(E) A Complainant may withdraw a complaint in writing at any time prior to a hearing on the complaint or an order by the Commission dismissing the complaint. In the event that the Complainant withdraws a complaint, the Commission may substitute itself as the complaining party. The Chair shall then designate one member, which may be the investigator, to serve as the Complainant for the purposes of the matter and shall ensure that the process is conducted in a fair, impartial, and respectful manner.

(F) An answer to a complaint shall be filed with the City of Akron Law Department, Civil Division. The Commission shall ensure that the Complainant is provided with a copy of the answer.

16. Investigations

(A) Upon initiation of an investigation of a complaint, the Chair shall designate one person to serve as an investigator for the purposes of that complaint. The Chair shall also ensure that the Commission remains updated about ongoing investigations as they proceed.

(B) An investigator shall conduct investigations in a fair, impartial, and respectful manner.

(C) At the outset of an investigation, an investigator shall create an investigation plan specifying the following:

(1) A description of allegations and issues

(2) A list of people to be interviewed

- (3) A list of records and documents to be requested
- (4) A list of sites to be visited
- (5) An estimated timeframe for completion of each step of the investigation

(D) Organization and documentation of records

(1) An investigator shall strive to keep a thorough and accurate account of each stage of the investigation process. All information gathered during an investigation should be placed in a specified case file that is updated on an ongoing basis. At the conclusion of an investigation, the case file shall be kept by the City of Akron Department of Law, Civil Division. Investigation records may not be made available to the Complainant or Respondent prior to a notice of a hearing by the Commission. During the time period in which a complaint is being considered by the Commission, records shall be considered investigatory records of an ongoing administrative matter under Section 149.43(A)(1)(h) and (A)(2)(c) of the Ohio Revised Code.

(E) An investigator has the authority to interview any person who has relevant information regarding a complaint.

(F) Requests for information

(1) An investigator may require any person or other entity to produce documents or other information, relevant to an investigation. An investigator may also issue interrogatories to any person by mail, or by email if agreed to by the person to whom the interrogatories are issued.

(2) A person who has received a request for documents, information, or interrogatories must provide the requested material within 21 days of receiving an investigator's request. If unable to respond within 21 days, the person receiving the request must notify the investigator within 7 days of the request. An extension may be granted by the investigator upon a showing of good cause.

(3) The Commission may issue any order or take any lawful action to obtain information sought under this Rule 16.

(G) An investigator shall present to the Commission a report offering a recommended finding as to whether there is reasonable cause to believe that the Respondent has engaged in a discriminatory practice. Upon receiving such a report, the Commission shall either make a finding as to reasonable cause or direct the investigator to continue their investigation, upon a vote by the members. Prior to the completion of an investigation, the Chair may seek status summaries from the investigator and may set a deadline for

completion of the investigation. In addition, the Chair may, at their discretion, replace an investigator with another person. Such replacement may be overruled by a majority of the Commission.

(H) If the Commission finds reasonable cause to believe that a Respondent has engaged in a discriminatory practice, the Chair shall ensure that a letter of determination is sent to the Complainant, the Respondent, and any other relevant persons, stating the basis for the finding and informing the parties as to the procedures for optional conciliation. In addition, upon such a finding, the Chair shall designate a commission member to serve as a conciliation facilitator, who shall not be the commission member who served as the investigator for the matter. If the Commission does not find reasonable cause to believe that a Respondent has engaged in a discriminatory practice, the Chair shall ensure that an order is sent to the Complainant, the Respondent, and any other relevant persons dismissing the complaint.

(I) Prior to a finding by the Commission as to reasonable cause, an investigator, with the approval of the Commission, may facilitate a voluntary conference between the Complainant and Respondent to resolve the complaint in a fair, impartial, and respectful manner. Such a resolution shall be conducted pursuant to the rules for conciliation described in Rule 17, with the understanding that the Commission has not yet made a determination as to reasonable cause to believe that the Respondent has engaged in a discriminatory practice.

17. Conciliation

(A) A conciliation facilitator designated by the Commission shall endeavor to engage the Complainant and the Respondent in conciliation in order to eliminate the alleged discriminatory practices. A conciliation facilitator shall seek to assist in the fair resolution of the matter, in light of the Commission's finding of reasonable cause to believe that the Respondent has engaged in a discriminatory practice.

(B) If the Complainant and Respondent agree as to terms of a conciliation agreement, said terms shall be reduced to writing and shall be considered by the Commission at their next regular meeting, where it shall be approved or rejected at the discretion of the Commission. Any conciliation agreement must be approved by the Commission prior to execution by the parties.

(C) In the event that a conciliation agreement is not agreed to or executed, nothing said or done during the conciliation process in this Rule 17 or in a voluntary conference under Rule 16 shall be introduced as evidence in a hearing under Rule 18.

(D) If a conciliation agreement is not executed within 90 days of a finding of reasonable cause to believe that Respondent has engaged in a discriminatory practice, or if, prior to

the expiration the 90 days, the Commission determines that conciliation will be unsuccessful, the Commission shall conclude the conciliation process.

(E) Upon request of the conciliation facilitator, the Commission may grant additional time for the parties to reach a conciliation agreement beyond the time allotted in this Rule 17.

18. Hearings

(A) If an agreement is not reached upon conclusion of the conciliation process, the Commission shall serve upon the Respondent a notice, together with the complaint and the letter of determination. The notice shall require the Respondent to file an answer to the complaint with the Commission by the date established by the Commission and stated in the notice, and to appear for a hearing at a date designated in the notice. Upon a showing of good cause, the Commission may extend either or both of the deadlines for the Respondent's answer and the date of the hearing.

(B) If the Respondent fails to properly file an answer by the required deadline or otherwise fails to appear for the hearing at the date set by the Commission, the hearing shall proceed on the evidence offered by the Complainant.

(C) The Chair shall designate three members of the Commission as presiding members to conduct the hearing and make a final determination as to whether the Respondent engaged in a discriminatory practice.

(D) At a hearing, the Complainant, the Respondent, presiding members, and their legal representatives, may examine and cross-examine witnesses under oath or affirmation and present relevant evidence. Time limits for examination, cross-examination, and presentation of evidence shall be at the discretion of the presiding members. Upon a challenge to the introduction of evidence, the presiding members, by a majority vote, shall pass upon the relevance and acceptance of the challenged evidence.

(E) The Chair may approve virtual participation of any parties and participants of a hearing through videoconference, teleconference, or by similar electronic technology.

(F) All hearings shall be audio-recorded, in order to facilitate the subsequent creation of a transcription of all or part of the record, if necessary. The costs of such a transcription shall be borne by the requesting party.

(G) When required, speakers will be sworn in prior to offering testimony and/or comments. Speakers are not required to be physically present to be sworn in and may be sworn in remotely.

19. Orders and Remedies

(A) After a hearing, the presiding members shall deliberate to the extent required, and shall make a determination by a majority vote as to whether the Respondent has engaged in a discriminatory practice, stating their findings of fact and conclusions of law in a post-hearing order under the authority of the Commission. As appropriate, the post-hearing order shall either dismiss the complaint or order the Respondent to cease and desist, as well as provide such remedies, described in Section 38.13 of the City of Akron Codified Ordinances, as the presiding members deem appropriate.

(B) If a Respondent fails to abide by an initial post-hearing order, the presiding members may further issue additional orders, with the authority of the Commission, which may include penalties as described in Section 38.15 of the City of Akron Codified Ordinances.

(C) The Commission shall provide all post-hearing orders to the Complainant, the Respondent, the Mayor of the City of Akron, and such other public officers as the Commission deems proper.

19. Appeals

Any order of the Commission, including a letter of determination or a post-hearing order, may be appealed by an aggrieved Complainant or Respondent through the Summit County Court of Common Pleas as provided in Chapter 2506 of the Ohio Revised Code or through the Akron Municipal Court.

20. Representation by Counsel

At all points in the complaint process, including during any investigation, conference, conciliation, or hearing, the Complainant, the Respondent, and any witness may be represented by an attorney lawfully permitted to practice in the State of Ohio.

21. Notice

In all instances in which the Commission is required to provide notice under these rules, notice shall be served on the relevant party personally or by certified mail and regular mail to the person's residence, regular place of business, or last known address. If the certified or regular mail is returned undelivered, a copy shall be posted in a conspicuous place in or on the person's residence, regular place of business, last known address, or the location where the discrimination allegedly took place. Refusal of delivery by mail or personal service shall not constitute failure of delivery.

22. Designation of Commission Functions by the Chair

In all instances in which the Chair designates an investigator, a conciliation facilitator, or a Complainant on behalf of the Commission as described in subsection (5) of Rule 15,

such designation shall be made from all available Commission members. With respect to the designation of presiding members, the Chair may select from available Commission members. In all cases of designation, the Chair shall except any members who are unavailable under Rule 8 or who have been previously designated with a role in regards to the same matter.

23. Deadlines

In instances in which deadlines under these Rules fall on a Saturday, Sunday, Federal holiday, or a legal holiday for the City of Akron, the deadline shall be extended until the next calendar day that is not one of the aforementioned days.

24. Settlement Agreements between the Complainant and Respondent

In all instances in which the Complainant and Respondent have entered into an agreement that each is satisfied has resolved the Complaint, and have so advised the Commission, the Commission may inquire of the reason for their satisfaction in evaluating whether such agreement should result in the Complaint being dismissed.

25. Technology Requirements for Remote Meetings

(A) The communications systems utilized in the provision of teleconference, videoconference, or similar electronic technology shall reliably permit all persons attending, whether they are attending in-person or remotely, to be seen and/or heard by others and to see and/or hear the audio and visual content of the meeting.

(B) Any member that is connected to a meeting of the Commission remotely visually and/or audibly using the designated teleconference, videoconference, or similar electronic technology shall be deemed present as if in person at the meeting, counted for purposes of determining that a quorum is present at the meeting, and permitted to vote.

(C) The Chair must enter a “ServiceNow” ticket request and/or notify the appropriate department of his or her intention to hold a remote meeting no later than fourteen (14) days before the meeting to insure the member designated by the Chair is adequately trained and able to proficiently operate the technology prior to the remote meeting..

(D) If there are technical difficulties during a remote meeting that cannot be resolved within a half hour, the meeting shall be considered to be adjourned. Any agenda items that were being considered at the time of the technical difficulty or were outstanding on the meeting agenda shall be rescheduled for the next meeting. Any matters that had already been considered and voted upon, if required, will be considered to be complete.

(E) Systems used in the course of Executive Sessions shall be reasonably secure from unauthorized access. When executive session is held in accordance with Akron

Charter Section 141, the remote broadcast shall be stayed or paused, with appropriate notice to viewers or listeners, and the broadcast shall be reinitiated as the public body returns to an open session.