CITY OF BOSTON

CORI RULES

Adopted June 3, 2014

Office of Fair Housing and Equity

One City Hall Plaza, Room 966 Boston, Massachusetts 02201

SECTION 1

GENERAL PROVISIONS

1.01 Authority

These Rules are promulgated pursuant to City of Boston Code, Chapter 4, Section 7.7.

1.02 Purpose

These Rules are intended to establish standardized procedures for the City of Boston's regulation of City vendors' compliance with the City's CORI Ordinance, Chapter 4, Section 7, City of Boston Code. These Rules create a reporting, investigation, and sanctioning process for vendors that violate the City's CORI Ordinance, in the context of vendors' contractual performance.

1.03 Definitions

- (a) The definitions found in City of Boston Code, Chapter 4, Section 7.2, are incorporated herein.
- (b) "Complainant" means the person who files a complaint alleging a vendor does not comply with the City's CORI Ordinance.
- (c) "CORI" means Criminal Offender Record Information.
- (d) "Sensitive position" includes, but is not limited to, positions which have unsupervised contact with children 18 years of age or less, the disabled, or the elderly, or where a good faith determination is made that the position is of such sensitivity that a CORI report is warranted.

1.04 Persons Covered

(a) These Rules shall apply to any vendor that supplies goods or services to the City of Boston.

SECTION 2

POWERS AND DUTIES OF THE OFFICE OF FAIR HOUSING AND EQUITY

2.01 Powers and Duties

(a) The Office of Fair Housing and Equity (formerly known as the Office of Civil Rights) shall have the authority to investigate complaints alleging that vendors have not

- complied with the City's CORI Ordinance.
- (b) The Office of Fair Housing and Equity shall have the authority to issue publications, results of investigations, and educational materials that promote vendors' compliance with the City's CORI Ordinance.
- (c) The Office of Fair Housing and Equity shall have the authority to require any vendor to provide the Office with a list of sensitive versus non-sensitive positions based on their past CORI screenings, and the rationale for such classifications.
- (d) The Office of Fair Housing and Equity shall have the authority to require any vendor to provide the Office with a copy of their written CORI policies.

SECTION 3

PRACTICE AND PROCEDURE BEFORE THE OFFICE OF FAIR HOUSING AND EQUITY

3.01 Complaints

- (a) Who may file:
 - (1) Any person aggrieved by a vendor's alleged practices in violation of the City's CORI Ordinance;
 - (2) Any duly authorized representative of a person aggrieved by a vendor's alleged practices in violation of the City's CORI Ordinance; or
 - (3) Any interested person with knowledge of a vendor's alleged practices in violation of the City's CORI Ordinance.
- (b) Forms and Filing
 - (1) All complaints must be in writing and shall name and be signed by the complainant.
 - (2) The complaint shall contain the following information:
 - (i) The name and address of the complainant;
 - (ii) The name and address of the vendor alleged to have committed the CORI Ordinance violation;
 - (iii) A concise statement of the alleged CORI screening practices that do not comply with the City of Boston CORI Ordinance,
 - (iv) The dates on which the alleged acts occurred, or, where such acts are of a continuing nature, the period of time during which such acts occurred.

(3) The original complaint shall be filed with the Office of Fair Housing and Equity.

(c) Time of Filing

No complaint shall be considered unless it is filed with the Office of Fair Housing and Equity within one hundred eighty (180) days after the occurrence of the alleged CORI Ordinance violation.

(d) Manner of Filing

The complaint may be filed in person, via the Office of Fair Housing and Equity website, or sent by mail, addressed to the Office of Fair Housing and Equity. The complaint shall be submitted pursuant to the procedures or forms established by the Office of Fair Housing and Equity for filing complaints.

(e) Screening

The Office of Fair Housing and Equity shall screen all complaints to determine whether there is sufficient information and basis to initiate a complaint investigation. Within thirty (30) days of receipt of a properly filed complaint, the Office of Fair Housing and Equity, in its sole discretion, shall determine whether a complaint investigation is warranted.

(f) Notice to Vendor

Within fourteen (14) days of the determination to investigate a complaint, the Office of Fair Housing and Equity shall provide a copy of the complaint to the vendor by certified mail, at the vendor's last known address or place of business or by personal service, and shall provide the Awarding Authority with a copy of the complaint.

(g) Vendor Reply

Vendor may, within fourteen (14) days of receiving a copy of the complaint, file a response to the complaint that in short and plain terms states the vendor's response to each claim asserted.

(h) Extension of Time Periods

When an act is required or permitted within a specified time period under these Rules, the Executive Director of the Office of Fair Housing and Equity may extend the time period for good cause.

3.02 Investigation

(a) Commencement of Investigation

Upon receipt of a properly filed complaint and a determination that an investigation is warranted, the Executive Director of the Office of Fair Housing and Equity shall cause an investigation to be made in connection therewith.

(b) Length of Investigation

- The investigation shall be completed within six (6) months. In the conduct of any investigation, the Office of Fair Housing and Equity may call upon not only the members and staff of the Office of Fair Housing and Equity, but to the extent practicable, any City department or agency.
- (c) Both the complainant and the vendor shall have the opportunity to present their position to the Office of Fair Housing and Equity, at such time as the Office of Fair Housing and Equity determines in the course of its investigation.
- (d) The Office of Fair Housing and Equity shall make a recommendation to the Awarding Authority regarding the vendor's compliance with the City's CORI Ordinance.
- (e) The Office of Fair Housing and Equity shall prepare a written report of its findings and recommendations and provide a copy to the vendor, the complainant, the Corporation Counsel, and the Awarding Authority.

SECTION 4 SANCTIONS

4.01 Sanctions

- (a) The Office of Fair Housing and Equity may recommend, but is not limited to the following sanctions:
 - (1) Upon finding a vendor violated the City of Boston's CORI Ordinance for the first time, the vendor may be directed to attend a CORI Ordinance education workshop conducted by the City of Boston or any other organization approved by the City.
 - (2) Upon finding a vendor violated the City of Boston's CORI Ordinance for the second time within a 2 year period, the Office of Fair Housing and Equity may recommend to the Awarding Authority that the offending vendor be found non-responsible in any future City procurement for a period of one year. The Awarding Authority shall exercise its discretion in accordance with Massachusetts law to determine if the vendor is non-responsible and ineligible for a contract award during the one year period.

(3) Upon finding a vendor violated the City of Boston's CORI Ordinance for the third time within a 3 year period, the Office of Fair Housing and Equity may recommend to the Awarding Authority that the City of Boston terminate any existing contracts with the vendor and find the vendor non-responsible in any future City procurement for a period of two years. The Awarding Authority shall exercise its discretion in accordance with Massachusetts law to terminate such contracts in the best interests of the City and to determine if the vendor is non-responsible and ineligible for a contract award during the two year period.

4.02 Severability

(a) If any provision of these Rules shall be held to be invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions, which shall remain in full force and effect.

4.03 <u>Implementation</u>

(a) The provisions of these Rules shall be effective on June 3, 2014