

US Virgin Islands Code
Title 10 - Civil Rights
Chapter 5 - Virgin Islands Civil Rights Commission

§ 61. Construction

The provisions of this chapter shall be deemed an exercise of the police power of the territory for the protection of the public welfare, health and peace of the people of this territory and in fulfillment of the provisions of the Revised Organic Act of this territory concerning Civil Rights.

The Legislature hereby finds and declares that the territory has the responsibility to act to assure that every individual within this territory is afforded an equal opportunity to enjoy a full and productive life and that failure to provide such equal opportunity, whether because of discrimination, prejudice, intolerance or inadequate education, training, housing or health care not only threatens the rights and proper privileges of its inhabitants but menaces the institutions and foundation of a free democratic state and threatens the peace, order, health, safety and general welfare of the territory and its inhabitants. A Virgin Islands Civil Rights Commission is hereby created to encourage programs designed to insure that every individual shall have an equal opportunity to participate fully in the economic, cultural and intellectual life of the territory; to encourage and promote the development and execution by all persons within the territory of such programs; to eliminate and prevent discrimination in employment, in places of public accommodation, resort or amusement, in educational institutions, in public services, in housing accommodations and in commercial space and to take other actions against discrimination as herein provided; and the Commission established hereunder is hereby given general jurisdiction and power for such purposes.

§ 62. Commission on Civil Rights—Establishment

(a) There is established, within the Department of Justice for budgetary purposes only, a Commission to be known as the Virgin Islands Civil Rights Commission.

(b) The Commission shall be composed of seven members who shall be appointed by the Governor, by and with the advice and consent of the Legislature. Membership on the Commission shall represent the pluralistic nature of United States Virgin Islands society. There shall be appointed as members of the Commission individuals of both sexes, residents of the three islands, representatives from the three major political parties, and members of all ethnic groupings residing in the United States Virgin Islands.

(c) A vacancy in the Commission shall not impair the right of the remaining members to exercise all the powers of the Commission, and shall be filled in the same manner, and subject to the same limitation with respect to party affiliations as the original appointment was made.

(d) Four members of the Commission shall constitute a quorum.

§ 63. Powers and duties of the Commission

The Commission shall have the following powers and duties:

(a) Enforce the provisions of this title;

(b) Investigate allegations in writing under oath or affirmation that citizens of the United States, otherwise qualified to vote, are being deprived of their right to vote and have that vote counted by reason of their color, race, religion, national origin, sex and/or political affiliation; which writing under oath or affirmation, shall set forth the facts upon which such beliefs are based;

(c) Investigate allegations in writing, under oath, or affirmation, on the complaint of any person constituting the denials of equal protection or of the laws because of race, color, religion, national origin, age, sex and/or political affiliation including but not limited to the fields of education, housing, real estate, employment, the uses of public facilities and transportation, the service by public utilities, or in the administration of justice;

(d) Study and collect information concerning legal developments constituting a denial of equal protection of the laws of the United States Virgin Islands because of race, color, religion, national origin, sex and/or political affiliation, or in the administration of justice;

(e) Appraise the laws and policies of the United States Virgin Islands with respect to denials of equal protection of the laws of race, color, religion, national origin, sex and/or political affiliation, or in the administration of justice;

(f) Establish and maintain a central repository and develop a procedure to monitor, record, classify and analyze information relating to crimes committed under Title 14 of this code and other incidents directed against persons or groups based upon their race, religion, color, national origin, sex, ethnicity, handicap or political affiliation. The Commission shall summarize and analyze the information received and file an annual report with the Governor and the Legislature of the United States Virgin Islands and shall make it available to the Virgin Islands Police Department to the extent that such information is reasonably necessary or useful in carrying out its duties.

(g) Hold fact-finding hearings, conduct major investigations and research projects, and sponsor conferences to gather and disseminate information relating to human rights, and human rights problems;

(h) The Commission shall have the power to impose sanctions or to provide specific remedies in individual cases.

§ 64. Unlawful discriminatory practices

(1) It shall be an unlawful discriminatory practice:

(a) For an employer, because of age, race, creed, color, national origin, place of birth, sex, disability and/or political affiliation of any individual, to refuse to hire or employ or to bar or to discharge from employment such individual or to discriminate against such individual in compensation or in terms, conditions or privileges of employment.

(b) For an employment agency to discriminate against any individual because of his age, race, creed, color, national origin, sex, disability and/or political affiliation, in receiving, classifying, disposing or otherwise acting upon applications for its services or in referring an applicant or applicants to an employer or employers.

(c) For a labor organization, because of the age, race, creed, color, national origin, sex, disability and/or political affiliation of any individual, to exclude or to expel from its membership such individual or to

discriminate in any way against any of its members or against any employer or any individual employed by an employer.

(d) For any employer or employment agency to print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for employment or to make an inquiry in connection with prospective employment, which expresses, directly or indirectly, any limitation, specification or discrimination as to age, race, creed, color, national origin, sex, disability and/or political affiliation, or any intent to make any such limitation, specification or discrimination, unless based upon a bona fide occupational qualification.

(e) For any employer, labor organization, or employment agency to discharge, expel or otherwise discriminate against any person because he has complained or opposed any practices forbidden under this title or because he has filed a complaint, testified or assisted in any proceeding under this title.

(2) It shall be an unlawful discriminatory practice for any employer, labor organization, employment agency or any joint labor-management committee controlling apprentice training programs:

(a) To select persons for an apprentice training program registered with the Territory of the United States Virgin Islands on any basis other than their qualifications, as determined by objective criteria which permit review;

(b) To deny to or withhold from any person because of his race, creed, age, color, national origin, sex, disability and/or political affiliation the right to be admitted to or participate in a guidance program, an apprenticeship training program, on-the-job training program, executive training program, or other occupational training or retraining program;

(c) To discriminate against any person in his pursuit of such programs or to discriminate against such a person in the terms, conditions or privileges of such programs because of race, creed, age, color, national origin, sex, disability and/or political affiliation;

(d) To print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for such programs or to make any inquiry in connection with such program which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, age, color, national origin, sex, disability and/or political affiliation, or any intent to make any such limitation, specification or discrimination, unless based on a bona fide occupational qualification.

(3) It shall be an unlawful discriminatory practice for any person, being the owner, lessor, proprietor, manager, superintendent, agent or employee of any place of public accommodation, resort or amusement, because of the race, creed, age, color, national origin, sex, disability and/or political affiliation of any person, directly or indirectly, to refuse, withhold from or deny to such person any of the accommodations, advantages, facilities or privileges thereof, or, directly or indirectly, to publish, circulate, issue, display, post or mail any written or printed communication, notice or advertisement, to the effect that any of the accommodations, advantages, facilities and privileges of any such place shall be refused, withheld from or denied to any person on account of race, creed, age, color, national origin, sex, disability and/or political affiliation, or that the patronage or custom thereof of any person of or purporting to be of any particular race, creed, age, color, national origin, sex, disability and/or political affiliation is unwelcome, objectionable or not acceptable, desired or solicited.

This subdivision shall not apply to the rental of rooms in a housing accommodation which restricts such rental to individuals of one sex.

(4) It shall be an unlawful discriminatory practice for the owner, lessor, sublessor, assignor, or managing agent of publicly-assisted housing accommodations or other person having the right of ownership or possession of or the right to rent or lease such accommodations:

(a) To refuse to rent or lease or otherwise to deny to or withhold from any person or group of persons such housing accommodations because of the race, creed, age, color, national origin, sex, disability and/or political affiliation of such person or persons.

(b) To discriminate against any person because of his race, creed, age, color, national origin, sex, disability and/or political affiliation in the terms, conditions or privileges of any publicly-assisted housing accommodations or in the furnishing of facilities or services in connection therewith.

(c) To cause to be made any written or oral inquiry or record concerning the race, creed, age, color, national origin, sex, disability and/or political affiliation of a person seeking to rent or lease any publicly-assisted housing accommodation.

(5) It shall be an unlawful discriminatory practice for any real estate broker, real estate salesman or employee or agent thereof or any other individual, corporation, partnership or organization for the purpose of inducing a real estate transaction from which any such person or any of its stockholders or members may benefit financially, to represent that a change has occurred or will or may occur in the composition with respect to race, creed, age, color, national origin, sex, disability and/or political affiliation of the owners or occupants in the block, neighborhood or area in which the real property is located, and to represent, directly or indirectly, that this change will or may result in undesirable consequences in the block, neighborhood or area in which the real property is located, including but not limited to the lowering of property values, an increase in criminal or antisocial behavior, or a decline in the quality of schools or other facilities.

(6) It shall be an unlawful discriminatory practice:

(a) For an employer or licensing agency, because an individual is over the age of 40, to refuse to hire, or employ or license or to bar or to terminate from employment such individual, or to discriminate against such individual in promotion, compensation or in terms, conditions or privileges of employment.

(b) For any employer, licensing agency or employment agency to print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for employment or to make any inquiry in connection with prospective employment, which expresses, directly or indirectly, any limitation, specification or discrimination respecting individuals over the age of 40, or any intent to make such limitation, specification or discrimination.

(c) For any employer, licensing agency or employment agency to discharge or otherwise discriminate against any person because he has opposed any practices forbidden under this title or because he has filed a complaint, testified or assisted in any proceeding under this title.

But nothing contained in this subdivision or in subdivision (1) of this section shall be construed to prevent the termination of the employment of any person who is unable to perform his duties or to affect the retirement policy or system of any employer where such policy or system is not merely a subterfuge to evade the purpose of said subdivisions; nor shall anything in said subdivisions be deemed to preclude the varying of insurance coverages according to any employee's age.

(7) It shall be unlawful discriminatory practice for an education corporation or association which holds itself out to the public to be nonsectarian and exempt from taxation pursuant to the provisions of Title 33 of the Code, to deny the use of its facilities to any person otherwise qualified, by reason of his race, age, color, religion, national origin, sex, disability and/or political affiliation.

(8)

(a) It shall be an unlawful discriminatory practice for the owner, lessor, sublessor, assignor, or managing agent of, or other person having the right to sell, rent or lease any housing accommodation, constructed or to be constructed, or any agent or employee thereof:

(i) To refuse to sell, rent, lease or otherwise to deny to or withhold from any person or group of persons such a housing accommodation because of the race, creed, age, color, national origin, sex, disability and/or political affiliation of such person or persons.

(ii) To discriminate against any person because of his race, creed, age, color, national origin, sex, disability and/or political affiliation in the terms, conditions or privileges of the sale, rental or lease of any such housing accommodations or in the furnishing of facilities or services in connection therewith.

(iii) To print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for the purchase, rental or lease of such a housing accommodation or to make any record or inquiry in connection with the prospective purchase, rental or lease of such a housing accommodation which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, age, color, national origin, sex, disability and/or political affiliation, or any intent to make any such limitation, specification or discrimination.

The provisions of this paragraph (a) shall not apply (1) to the rental of a housing accommodation in a building which contains housing accommodations for not more than two families living independently of each other, if the owner or members of his family reside in one of such housing accommodations, (2) to the restriction of the rental of all rooms in a housing accommodation to individuals of the same sex or (3) to the rental of a room or rooms in a housing accommodation, if such rental is by the occupant of the housing accommodation or by the owner of the housing accommodation and he or members of his family reside in such housing accommodation.

(b) It shall be an unlawful discriminatory practice for the owner, lessor, sublessor, or managing agent of, or other person having the right of ownership or possession of or the right to sell, rent or lease, land or commercial space:

(i) To refuse to sell, rent, lease or otherwise deny to or withhold from any person or group of persons such land or commercial space because of the race, creed, age, color, national origin, sex, disability and/or political affiliation of such person or persons.

(ii) To discriminate against any person because of his race, creed, age, color, national origin, sex, disability and/or political affiliation in the terms, conditions or privileges of the sale, rental or lease of any such land or commercial space or in the furnishing of facilities or services in connection therewith.

(iii) To print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for the purchase, rental or lease of such land or commercial space or to make any record or inquiry in connection with the prospective purchase, rental or lease of such land or commercial space which expresses, directly or indirectly, any limitation, specification or discrimination

as to race, creed, age, color, national origin, sex, disability and/or political affiliation, or any intent to make such limitation, specification or discrimination.

(c) It shall be an unlawful discriminatory practice for any real estate broker, real estate salesman or employee or agent thereof:

(i) To refuse to sell, rent or lease any housing accommodation, land or commercial space to any person or group of persons or to refuse to negotiate for the sale, rental or lease, of any housing accommodation, land or commercial space to any person or group of persons because of the race, creed, age, color, national origin, sex, disability and/or political affiliation of such person or persons, or to represent that any housing accommodation, land or commercial space is not available, for inspection, sale, rental or lease when in fact it is so available, or otherwise to deny or withhold any housing accommodations, land or commercial space or any facilities of any housing accommodation, land or commercial space or any facilities of any housing accommodation, land or commercial space from any person or group of persons because of the race, creed, age, color, national origin, sex, disability and/or political affiliation of such person or persons.

(ii) To print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form of application for the purchase, rental or lease of any housing accommodation, land or commercial space or to make any record or inquiry in connection with the prospective purchase, rental or lease of any housing accommodation, land or commercial space which expresses, directly or indirectly, any limitation, origin, sex, disability and/or political affiliation, or any intent to make any such limitation, specification or discrimination.

(d) It shall be an unlawful discriminatory practice for the Real Estate Commission, because of the race, creed, age, color, national origin, sex, disability and/or political affiliation of any individual who is otherwise qualified for membership, to exclude or expel such individual from membership, or to discriminate against such individual in the terms, conditions and privileges of membership in such Commission.

(e) It shall be an unlawful discriminatory practice for any person, bank, trust company, private banker, savings bank, industrial bank, savings and loan association, credit union, investment company, mortgage company, insurance company or other financial institution or lender, doing business in the territory, and if incorporated, regardless of whether incorporated under the laws of this territory, the United States or any other jurisdiction, to whom application is made for financial assistance for the purchase, acquisition, construction, rehabilitation, repair or maintenance of any housing accommodation, land or commercial space, or any officer, agent or employee thereof:

(i) To discriminate against any such applicant or applicants because of the race, creed, age, color, national origin, marital status, sex, disability and/or political affiliation of such applicant or applicants or of any member, stockholder, director, officer or employee of such applicant or applicants, or of the prospective occupants or tenants of such housing accommodations, land or commercial space, in the granting, withholding, extending, or renewing, or in the fixing of the rates, terms or conditions of, any such financial assistance.

(ii) To use any form of application for such financial assistance or to make any record or inquiry in connection with applications for such financial assistance which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, age, color, national origin, sex, disability and/or political affiliation.

(9) It shall be an unlawful discriminatory practice, for any person to aid, abet, incite, compel or coerce the doing of any of the acts forbidden under this chapter, or to attempt to do so.

(10) It shall be an unlawful discriminatory practice for any person engaged in any activity to which this section applies to retaliate or discriminate against any person because he has complained or opposed any practice forbidden under this chapter or because he has complained or filed a complaint, testified or assisted in any proceeding under this chapter.

(11)

(a) It shall be an unlawful discriminatory practice for any employer to prohibit, prevent or disqualify any person from, or otherwise to discriminate against any person in obtaining or holding employment, because of his observance of any particular day or days or any portion thereof as a sabbath or holy day in accordance with the requirements of his religion.

(b) Except as may be required in an emergency or where his personal presence is indispensable to the orderly transaction of business, no person shall be required to remain at his place of employment during any day or days or portion thereof that, as a requirement of his religion, he observes as his sabbath or other holy day, including a reasonable time prior and subsequent thereto for travel between his place of employment and his home, provided however, that any such absence from work shall, wherever practicable in the judgment of the employer, be made up by an equivalent number of time and work at some other mutually convenient time, or shall be charged against any leave with pay ordinarily granted, other than sick leave, provided further, however, that any such absences not so made up or charged, may be treated by the employer of such person as leave taken without pay.

(c) This subdivision shall not be construed to apply to any position dealing with health or safety where the person holding such position must be available for duty whenever needed, or to any position or class of positions the nature and quality of the duties of which are such that the personal presence of the holder of such position is regularly essential on any particular day or days or portion thereof for the normal performance of such duties with respect to any applicant therefor or holder thereof who, as a requirement of religion, observes such day or days or portion thereof as his sabbath or other holy day. In the case of any employer other than the Government of the United States Virgin Islands, this subdivision shall not apply where the uniform application of terms and conditions of attendance to employees is essential to prevent undue economic hardship to the employer. In any proceeding in which the applicability of this subdivision is in issue, the burden of proof shall be upon the employer. If any question shall arise whether a particular position or class of positions is excepted from this subdivision by this paragraph, such questions may be referred in writing by any party claimed to be aggrieved. In the case of any position of employment by the Government of the United States Virgin Islands, the question shall be referred to the Director of Personnel who shall determine such question, and in the case of any other employer, a party claiming to be aggrieved may file a complaint with the Commission pursuant to this chapter. Any such determination by the Director of Personnel shall be reviewable by the Government Employees Service Commission, and such determination by the Civil Rights Commission shall be reviewable in the Superior Court of the United States Virgin Islands.

(12) Nothing contained in this section shall be construed to bar any religious or denominational institution or organization, or any organization operated for charitable or educational purposes, which is operated, supervised or controlled by or in connection with a religious organization from limiting employment or sales or rental of housing accommodations or admission to or giving preference to persons of the same religion or denomination or from making such selection as is calculated by such organization to promote the religious principles for which it is established or maintained.

(13) Notwithstanding the provisions of subdivisions (1), (2) and (6) of this section, it shall not be an unlawful discriminatory practice for an employer, employment agency, labor organization or joint labor-management committee to carry out a plan approved by the Commission, to increase the employment of members of a minority group (as may be defined pursuant to the regulations of the Commission) which has a territory-wide unemployment rate that is disproportionately high in comparison with the territory-wide unemployment rate of the general population. Any plan approved under this subdivision shall be in writing and the Commission's approval thereof shall be for a limited period and may be rescinded at any time by this Commission.

(14) For purposes of this chapter, discrimination "because of sex" includes discrimination because of sexual harassment.

(15) In addition to other remedies, any person who has been discriminated against as defined in this section may bring an action for compensatory and punitive damages in any court of competent jurisdiction. The court in such action shall award to the plaintiff reasonable attorney's fees and costs of the action, in addition to any judgment in favor of the plaintiff.

§ 64a. Sexual harassment prohibited

(a) The Legislature declares as the public policy of the Government of the Virgin Islands that sexual harassment in employment is a type of sexual discrimination and, as such, constitutes an illegal and undesirable practice that goes against the established constitutional principle that the dignity of a human being is inviolable. Therefore, sexual harassment in employment is prohibited, and the Legislature imposes the responsibilities for its prevention and the penalties for violation as prescribed in this section.

(b) As used in this chapter:

(1) "Employee" means any person who works for an employer and receives compensation therefor, or any job applicant. For the purposes of the protection conferred by this section the term employee must be interpreted in the broadest sense possible.

(2) "Employer" means any natural or juridical person of any kind, the Government of the Virgin Islands, including each of its three branches and its instrumentalities and public corporations, and any of its instrumentalities and corporations that employ persons for any kind of compensation, for profit or non-profit purposes, and the employer's agents and supervisors. The term also includes labor unions and other organizations, groups or associations in which employees participate for the purpose of negotiating the terms and conditions of their employment with the employers, as well as employment agencies.

(3) "Supervisor" means any person that exercises some kind of control or whose recommendation is taken into consideration for the contracting, classifying, discharging, promoting, transfer, fixing compensation or working hours, places or conditions or the tasks or duties that an employee or group of employees perform or may perform, or on any other terms or conditions of employment, or any person that performs day-to-day supervisory tasks.

(4) "Sexual harassment" means any unwelcome sexual advances or requests for sexual favors or any other verbal or physical conduct of a sexual nature when:

(A) Submission to that conduct or those advances or requests is made either explicitly or implicitly a term or condition of an individual's employment; or

(B) Submission to or rejection of the conduct or advances or requests by an individual is used as the basis for employment decisions affecting the individual; or

(C) The conduct or advances or requests have the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

(c) Adoption of workplace policy and statement:

(1) All employers and employment agencies shall promote a workplace free of sexual harassment.

(2) The Personnel Director on behalf of the Government of the Virgin Islands and all other employers shall:

(A) Adopt a policy against sexual harassment that at a minimum must include:

(i) A statement that sexual harassment in the workplace is unlawful;

(ii) A statement that it is unlawful to retaliate against an employee for filing a complaint of sexual harassment or for cooperating in an investigation of a complaint for sexual harassment;

(iii) A description and examples of sexual harassment;

(iv) A statement of the range of consequences for employees who are found to have committed sexual harassment;

(v) A description of the process for filing internal complaints about sexual harassment and the work addresses and telephone numbers of the person or persons to whom complaints should be made; and

(vi) The identity of the appropriate territorial and federal employment discrimination enforcement agencies, and directions as to how to contact these agencies.

(B) Provide to all employees a written copy of the employer's policy against sexual harassment; except that, a new employee must be provided such a copy at the time of the new employee's employment. If an employer violates the requirements of this subparagraph and subparagraph (B), the commission shall issue an order requiring the employer to comply with these requirements.

(i) All employers are encouraged, but the Government of the Virgin Islands and employers that employ five or more employees or that receive the services of five or more persons under an employment contract for each working day in each of the twenty or more calendar weeks per year shall conduct an education and training program for new employees, within one year of commencement of employment which includes at a minimum the information set forth in paragraph (2) of this subsection.

(ii) All employers are encouraged, but the Government of the Virgin Islands and employers that employ five or more employees or that receive the services of five or more persons under an employment contract for each working day in each of the twenty or more calendar weeks per year shall conduct additional training for new supervisory and managerial employees within one year of commencement of employment which must include at a minimum the information set forth in paragraph (2) of this subsection, the specific responsibilities of supervisory and managerial employees and the methods that

these employees should take to ensure immediate and appropriate corrective action in addressing sexual harassment complaints.

(iii) The training and education mandated in this subparagraph constitutes the minimum requirement and is not intended to discourage or relieve an employer from providing additional or more frequent training and educational programs in prevention of sexual harassment in the workplace as needed.

(iv) Employers and appropriate governmental agencies shall cooperate in making this training available.

(v) Employers shall provide copies of their written policies on sexual harassment to all employees upon their request.

(d) Employers shall maintain copies of their written policies on sexual harassment at their business premises, and copies of such policies must be made available to any territorial or federal employment discrimination enforcement agency upon request.

(e) The remedies established in this section are in addition to those established under other sections of this title and title 24, chapter 17 of the Virgin Islands Code.

(f) Sanctions. Any person responsible for sexual harassment in employment as defined in subsection (b) of this section shall incur civil liability:

(1) For a sum equal to double the amount of the damages that the action has caused the employee or job applicant, or

(2) For a sum of not less than \$5,000 at the discretion of the court, in those cases in which pecuniary damages cannot be determined.

(g) In addition to the remedies in sections 73 and 74 of this chapter, in the judgment in civil actions filed under this section, the court shall order the employer to hire, promote or reinstate the employee in his job and to cease the act in question.

§ 65. Compensation of members

(a) Each member of the Commission who is not otherwise in the service of the Government of the United States Virgin Islands shall receive the sum of \$30 per day for each day spent in the work of the Commission plus actual and necessary expenses incurred thereby.

(b) Each member of the Commission who is otherwise in the service of the Government of the United States Virgin Islands shall serve without compensation in addition to that received for such other service, but while engaged in the work of the Commission shall be paid actual and necessary expenses.

§ 66. Powers—Staff Director, appointment and compensation; personnel and services

There shall be a full-time director for the Commission who shall be appointed by the Governor with the advice and consent of the Legislature and who shall receive compensation at a rate not to exceed \$18,500 per annum. The Governor shall consult with the Commission before submitting the nomination of any

person for appointment to the position of staff director. Within the limitations of its appropriations, the Commission may appoint such other personnel as it deems advisable, in accordance with personnel laws and regulations of the United States Virgin Islands.

§ 67. Voluntary personnel

The Commission may accept or utilize services of voluntary or uncompensated personnel.

§ 68. Hearings; issuance of subpoenas

(a) The Commission, or on the authorization of the Commission, the Director, or any subcommittee of two or more members, may, for the purpose of carrying out the provisions of this title, hold such hearings and act at such times and places as the Commission or such authorized subcommittee may deem advisable. Subpoenas for the attendance and testimony of witnesses or the production of written or other matter may be issued in accordance with the rules of the Commission, over the signature of the Chairman of the Commission or of such subcommittee, and may be served by any person designated by such Chairman. The holding of hearings by the Commission, or the Director, or the appointment of a subcommittee to hold hearings pursuant to this subsection, must be approved by a majority of the Commission, or by a majority of the members present at a meeting at which at least a quorum of four members is present.

(b) In case of contumacy or refusal to obey a subpoena, the District Court, or the Superior Court of the United States Virgin Islands, upon application by the Commission, shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission or a subcommittee thereof, there to produce pertinent, relevant and nonprivileged evidence if so ordered, or there to give testimony touching the matter under investigation; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

§ 69. Rules and regulations

The Commission shall have the power to make such rules and regulations as are necessary to carry out the purposes of this chapter.

§ 70. Veterans' special rights or preference

Nothing contained in this chapter shall be construed to repeal or modify any law creating special rights or preferences for veterans.

§ 71. Enforcement provisions—Penalties

(a) Whenever it is charged in writing under oath by a person claiming to be aggrieved, or a written charge has been filed by a member of the Commission where he has reasonable cause to believe a violation of this chapter has occurred, the Commission shall furnish the respondent with a copy of such charge and shall hold an investigation and hearing of such charge as provided in section 72 of this chapter. The Commission shall commence its investigation within 72 hours after the filing of a complaint with it.

(b) If the Commission determines that the respondent has violated any of the provisions under this chapter, the Commission shall state its findings of fact and conclusions of law and issue an order requiring the respondent to cease and desist, and issue such appropriate orders as in the judgment of the Commission will carry out the purposes of this chapter. Any person, employer, labor organization or

employment agency, who or which shall wilfully resist, prevent, impede or interfere with the Commission or any of its employees or representatives in the performance of duty under this chapter, or shall wilfully violate an order of the Commission, shall be guilty of a misdemeanor and be punished by imprisonment for not more than one year, or by a fine of not more than two thousand dollars, or by both. The Commission may, in addition to the foregoing, do either or both of the following:

(1) File a criminal complaint with the office of the Attorney General charging a violation of this chapter, in which case the respondent may, if convicted, be fined not more than \$2,000 or be imprisoned not more than one year, or both.

(2) File a civil action as provided in section 73 of this chapter, in which case the person aggrieved may recover damages as provided in this title.

§ 72. Service of formal charge; notice of hearing; filing of answer; amendments

(a) Unless the Commission has issued an order dismissing the complaint, it shall serve on the respondent, by registered or certified mail, a formal statement of the charge and notice of a hearing at a time and place specified in the notice. A copy of the notice shall be furnished to the complainant, Attorney General, and any other party to the proceeding.

(b) The respondent may file an answer, under oath, with the Commission in person or by registered or certified mail in accordance with the Commission's rules. The Commission shall furnish a copy of the answer to the complainant and any other party to the proceeding. The complainant or the Commission may amend a complaint and the respondent may amend an answer at any time prior to the issuance of an order based on the charge.

(c) A respondent shall have the right to appear at the hearing with or without representation, may examine and cross-examine witnesses and the complainant, and may offer evidence. The complainant may intervene, examine and cross-examine witnesses and present evidence. In the discretion of the Commission, any party in interest may intervene, examine and cross-examine witnesses and present evidence.

§ 73. Civil actions by the Commission; complaint

Whenever the Commission has reasonable cause to believe that any person or group of persons is engaged in a pattern or practice of resistance to the full enjoyment of any of the rights secured by this chapter, and that pattern or practice is of such a nature and is intended to deny the full exercise of the rights herein described, the Commission may bring a civil action in the Superior Court of the Virgin Islands by filing with it a complaint (1) signed by the Chairman (or in his absence the Vice-Chairman) of the Commission, (2) setting forth facts pertaining to such pattern or practice, and (3) requesting such relief, including an application for permanent injunction, temporary injunction or restraining order, as provided in section 74 of this chapter, or other order against the person or persons responsible for such pattern or practice, as it deems necessary to insure the full enjoyment of the rights herein described.

§ 74. Temporary relief on restraining order; motion to hear case on its merits

At any time after a complaint is filed, the Commission may file a petition in the Superior Court, seeking appropriate temporary relief for a period of time not to exceed 30 days against the respondent pending final determination of proceedings under this chapter, including an order or judgment restraining him from doing or procuring any act tending to render ineffectual any order the Commission may enter with

respect to the complaint. The court may grant such temporary relief or restraining order as it deems just and proper. On motion of the complainant, the Commission, the respondent or on its own motion, the court may hear the case on its merits for immediate disposition.

§ 75. Reports to Legislature and the Governor

The Commission shall at the close of each fiscal year report to the Legislature and to the Governor concerning the action it has taken; the names, salaries and duties of all individuals in its employ and the moneys it has disbursed; and shall make such further reports on the cause of and means of eliminating discrimination and such recommendations for further legislation as may appear desirable.