

Rule 4: Charge.

- 4.01 **Who May File**. Any person(s) or organization(s) who claims to be aggrieved by an alleged discriminatory practice may make, sign and file a written charge with the Commission at any of its offices. Assistance in drafting and filing charges shall be available to complainants at all Commission offices.
- 4.02 **Charges Initiated by the Commission**. The Commission may initiate charges. One Commissioner or the Executive Director may file a charge in the name of the Commission. A Commissioner who files or approves the filing of a charge shall not participate as Preliminary Investigating Commissioner, nor shall he/she hear the complaint or participate in a decision on the complaint.
- 4.03 **Form of Charge**. The charge shall be in writing. The original charge, signed and verified by the complainant before a notary public or other person duly authorized by law to administer oaths, shall be filed with the Commission. Notary services, when available, shall be furnished without charge by the Commission.
- 4.04 **Content of Charge**. A charge shall contain, as a minimum, the following:
- (A) The full name and address of the person making the charge.
 - (B) The full name and address of the person against whom the charge is made.
 - (C) A concise statement of facts which complainant believes indicates an unlawful discriminatory practice.
 - (D) The date or dates of the alleged unlawful discriminatory practice or, if the alleged unlawful discriminatory practice is of a continuing nature, the dates between which said continuous acts are alleged to have occurred.
 - (E) A statement as to any proceeding or action, if any, civil or criminal, instituted in any other forum based upon the same facts or grievances as are alleged in the charge together with a statement as to the status or disposition of each other action or proceeding.

- 4.05 **Time of Filing.** Complainants should file charges of discrimination as soon as possible after the occurrences of the alleged unfair practices. For cases alleging discrimination other than housing or credit discrimination, charges must be filed no later than within one year after an alleged unfair practice occurred, terminated or was applied adversely to affect the person aggrieved, whichever is later, as provided in Rhode Island General Laws Section 28-5-17. Under Rhode Island General Laws Section 34-37-5(b) a complainant must file a charge of housing or credit discrimination within one (1) year of the date the unlawful practice occurred or terminated. Time limits for filing with federal agencies may be shorter than the time limits under state law.
- 4.06 **Place of Filing.** A charge may be filed with the Commission at any of its offices.
- 4.07 **Withdrawal of Charge.** A charge or any part thereof may be withdrawn by the complainant at any time prior to the issuance of a complaint by the Commission or final disposition of the charge by conciliation. Written notice of withdrawal must be given to the Commission before withdrawal is effective.
- 4.08 **Other Forms and Amendment of Charges.** Notwithstanding the provisions of Rules 4.03 and 4.04 of the Commission Rules and Regulations, a charge is deemed filed when the Commission receives from a person a written statement sufficiently precise to identify the parties and to describe generally the action or practices complained of. A charge or any part thereof may be amended to cure technical defects or omissions, including failure to swear to the charge, or to clarify and amplify allegations made therein, and such amendments relate back to the original filing date; provided, however, an amendment alleging additional acts constituting unlawful discriminatory practices not related to or growing out of the subject matter of the original charge will be permitted only where, at the date of the amendment, the allegation could have been timely filed as a separate charge.
- 4.09 **Joinder of Parties in Same Complaint.** Persons complaining of unlawful discriminatory practices arising out of the same transaction, occurrence, or succession or series of transactions or occurrences may join as complainants in a single charge. All persons charged with unlawful discriminatory practices arising out of the same transaction, occurrence or succession or series of transactions may be joined as respondents in the same charge.

4.10 **Service of Charge.** Notice of the charge and a copy of the charge shall be mailed to the respondent within two weeks of the receipt of the charge by the Commission. Respondent may submit a written reply stating his/her position on the charge.

4.11 **Dismissal of Charge for Lack of Jurisdiction.** If the Commission staff determines that the Commission has no jurisdiction over a charge, the charge shall be dismissed.

4.12 **Administrative Closures.**

4.12(A) After notice to the complainant at his/her last known address and an opportunity for the complainant to remedy the situation, the Commission may administratively close a case for: failure to locate a complainant, a complainant's failure to cooperate; or complainant's failure to accept full relief.

4.12(B) After notice to the complainant at his/her last known address and an opportunity for the complainant's estate to remedy the situation, the Commission may administratively close a case when a complainant has died and the Commission cannot locate a representative of the complainant's estate or the complainant's estate does not wish to proceed with the charge.

4.12(C) After notice to the complainant at his/her last known address and an opportunity for the complainant to present an objection, the Commission may administratively close a case if the Commission concludes that: a) the respondent has filed for bankruptcy; b) the bankruptcy has been finalized; c) all assets of the respondent have been liquidated; and d) neither the respondent nor a successor employer is in operation.

4.12(D) After notice to the complainant at his/her last known address and an opportunity for the complainant to present an objection, the Commission may administratively close a case if the Commission concludes that: a) an order appointing a receiver in respect to the respondent's business has been entered in a court of competent jurisdiction; b) all assets of the respondent have been liquidated; and c) neither the respondent nor a successor employer is in operation.