

Rule 7: Complaint and Notice of Hearing.

7.01 **Issuance of Complaint.** After the Commission determines that probable cause exists to believe that any unlawful discriminatory practices have been or are being engaged in against complainant or others, and after the Commission fails to effect the elimination of such unlawful practices by conciliation, or, if the Commission determines that the circumstances warrant, in advance of any preliminary investigation or conciliation endeavors, the Commission shall issue and cause to be served upon all parties thereto or their attorneys of record, if any, by registered or certified mail, a complaint containing a notice of hearing before a Commissioner. The notice of hearing will contain a hearing date which shall not be less than ten (10) days after the service of such complaint and notice. A hearing shall not be deemed instituted until convened and commenced before a Commissioner.

7.02 **Content of Complaint.** In any complaint which it may issue, the Commission shall state the unlawful discriminatory practice allegedly engaged in and the date of its occurrence in a manner sufficient to comply with Rhode Island Rules of Administrative/Civil Procedure. The complaint shall be in writing and signed by a Commissioner or the Director.

7.03 **Contents of Notice of Hearing.** The notice of hearing shall state the time and place of hearing, and state the name and telephone number of the Commission attorney, if any. The notice shall inform the respondent that he or she shall file a sworn written answer to the complaint within three weeks after service of such notice or three days before the date of the hearing, whichever is earlier. Upon failure to file an answer, the respondent shall be deemed in default.

7.04 **Time of Issuance.** The Commission shall issue a complaint within the time provided by the applicable law unless the respondent consents to a waiver of the time limit on the issuance of a complaint.

7.05 **Amendment of Complaint.** Any complaint may be amended by the Commissioner or any hearing examiner conducting a hearing thereon at any time prior to issuance of a final order on such complaint; provided, however, that no order of the Commission shall be issued unless the respondent has had an opportunity of a hearing on the complaint or amendment thereto on which the order is based. Such amended complaint shall be served on all parties.

7.06 **Joinder of Parties.** A person shall, whenever possible, be joined as a party in the complaint when: (1) in his or her absence complete relief cannot be accorded among those already parties, or (2) he or she claims an interest

relating to the subject of the complaint and is so situated that the disposition of the complaint in his or her absence may (a) as a practical matter impair or impede his or her ability to protect that interest or (b) leave any of the persons already parties subject to a substantial risk of incurring double, multiple, or otherwise inconsistent obligations by reason of his or her claimed interest. If such a person cannot be made a party, the Commission shall decide whether in equity and good conscience the action should proceed or be dismissed. Any person charged with unlawful discriminatory practices arising out of the same transaction, occurrence or succession or series of transactions or occurrences may be joined as a respondent in the same complaint.

7.07 **Consolidation of Complaints**. The Commission may, within its discretion, join one or more complaints into a single proceeding at public hearing.