

Rule 5: Preliminary Investigation and Conciliation.

5.01 **Preliminary Investigation.** Whenever authorized by law, the Commission may conduct preliminary investigations into matters under its jurisdiction. Such investigations shall proceed with all dispatch and shall be designed to obtain adequate information upon which the Commission can determine whether probable cause exists to believe that any unlawful discriminatory practices have been or are being engaged in by the respondent.

(A) At the completion of such an investigation a Commissioner may either dismiss the charge(s) if no probable cause exists to believe that unlawful practices have been or are being engaged in, or may determine that probable cause exists to believe that unlawful practices have been or are being engaged in. In the latter case the Commission shall proceed as provided by law.

(B) For purposes of review, a dismissal of the charges by a Preliminary Investigating Commissioner shall be treated as a final order of the Commission, however, a finding of probable cause that unlawful practices have been or are being engaged in does not constitute a final order of the Commission.

5.02 **Conciliation Process.** After the Preliminary Investigating Commissioner finds probable cause, the Commission staff shall endeavor to eliminate all unlawful discriminatory practices by conference, conciliation and persuasion.

5.03 **Conciliation Agreement.** If as a result of conference and conciliation the Commission is able to provide for voluntary compliance with the provisions of Rhode Island non-discrimination law, and to effect elimination of any unlawful discriminatory practices, whether against complainant or others, it may prepare a conciliation agreement which shall set forth all measures to be taken by any party including provisions for affirmative and other actions and compliance reports, and which shall be signed by respondent, complainant and a representative of the Commission. An executed conciliation agreement is a final order of the Commission for the purposes of judicial review. Nothing stated in a conciliation agreement shall be interpreted as an admission by any party of a violation of any provision of Rhode Island non-discrimination law, unless the party specifically consents to such an admission.

5.04 **Compliance Reports.** In disposing of a charge or of its own investigation by means of a conciliation agreement or otherwise, the Commission may require any party to submit to it such compliance reports as the Commission deems necessary showing compliance with the terms of conciliation

5.05 **Enforcement of Conciliation Agreement.** At any time in its discretion, the Commission may investigate whether the terms of a conciliation agreement are being complied with by respondent. Upon determining that the terms of the agreement are not being complied with, the Commission may take appropriate action to assure compliance including, but not limited to, petitioning a Superior Court for its enforcement, or if less than twelve months have passed since the alleged discriminatory acts, issuing a complaint and notice of hearing. The Commission shall cause a copy of the agreement to be served on all parties.

5.06 **Non-Disclosure**. Nothing said or done during endeavors at conciliation shall be disclosed by any member of the Commission or its staff or be used as evidence in any subsequent proceeding unless such privilege is waived by respondent and complainant. The Commission may, however, petition the Superior Court for enforcement of any conciliation agreement.

5.07 **Pre-determination Settlement**. The regulations on conciliation will apply to pre-determination settlements.