

Rule 12: Decisions and Orders.

12.01 **Content.** Any decision and order of the Commission issued after a hearing shall contain findings of fact, conclusions of law, a ruling on each proposed finding of fact submitted by a party and an order.

12.02 Issuance of Decisions and Orders.

12.02(A) Three Commissioners must participate in the decision on a case. A majority of the three Commissioners must agree on the decision and order.

12.02(B)(1) If the Commission determines that the respondent has engaged in, or is engaging in, any unlawful discriminatory practice, the Commission shall issue and cause to be served on such respondent, an order containing findings of fact and conclusions of law, and requiring such respondent to cease and desist from such unlawful discriminatory practice and to take such further affirmative action as will effectuate the purposes of Rhode Island State Law Against Discrimination, including but not limited to, hiring, reinstatement, or upgrading of employees with or without back pay; admission or restoration to union membership or to training practices with utilization of objective criteria for admission; admission to place of public accommodation; sale or lease of housing accommodations and lending of money upon equal terms and conditions, including a requirement for reports of the manner of compliance, payment of complainant's attorney's fees, including expert fees and other litigation expenses, and compensatory damages.

12.02(B)(2) With respect to charges filed under Title 34, Chapter 37, upon a determination that a respondent has engaged in, or is engaging in, any unlawful discriminatory practice, the Commission may also order the respondent to pay a civil penalty as provided by law and may also order the respondent to pay the complainant damages sustained by the unlawful discriminatory practice.

12.02(C) In case a respondent is operating by virtue of any license or permit issued by the state or agency thereof, if the Commission determines after hearing that the respondent has engaged in or is engaging in any unlawful discriminatory practice, the Commission shall send a certified copy of its findings and order to the licensing or contracting authority.

12.02(D) At any time in its discretion, the Commission may investigate whether the terms of the order are being complied with. Upon a determination that the terms of the order are not being complied with, the Commission may take appropriate action to assure compliance including, but not limited to, petitioning the Superior Court of Rhode Island for its enforcement. Upon a determination that the order is being complied with and all unlawful discriminatory practices have been eliminated, the Commission may issue a declaratory order stating that the respondent has ceased to engage in unlawful discriminatory practices. Such declaratory order shall not affect in any way the requirement of any respondent to submit such compliance reports as the Commission may direct.

12.02(E) The Commission with the consent of the respondent may enter a consent order at any time after service of a complaint. Such consent orders shall include an express provision that respondent intends to be legally bound thereby. Consent orders shall have the same force and effect as a final order of the Commission entered after hearing. Such consent orders shall waive public hearing and may or may not make findings of fact or conclusions of law.

12.02(F) With the written consent of respondent, a consent judgment embodying the terms of any order of the Commission may be filed in the Superior Court of Rhode Island in which a petition for its enforcement may be brought.

12.03 **Issuance of Dismissal.** If the Commission finds that the respondent has not engaged in any unlawful discriminatory practices against the complainant or others, it shall issue and cause to be served on the complainant an order dismissing the said complaint as to such respondent. A copy of such order shall be delivered to the Attorney General.

12.04 **Service of Orders.** Copies of orders shall be served on all parties, and their attorneys of record, if any, and where appropriate the Attorney General and the state licensing or contracting authority.

12.05 **Filing of Orders.** All orders issued by the Commission after a hearing shall be filed in the principal office of the Commission in Providence and shall be open to public inspection during regular office hours of the Commission.