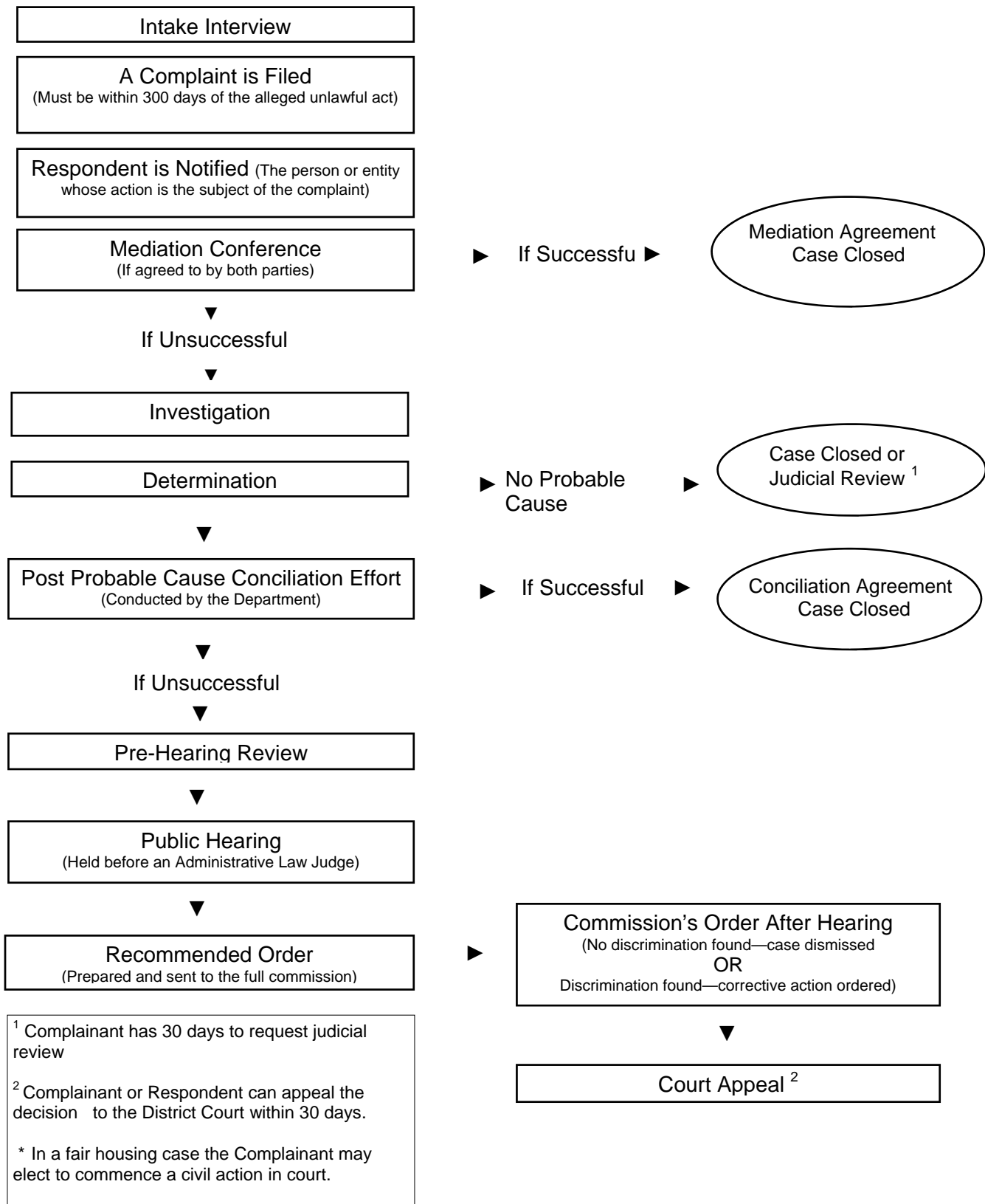


COMPLAINT PROCESS AT A GLANCE



COMPLAINT PROCESS

A complaint is filed when a person feels that he/she is the victim of unlawful discrimination. A complainant may file a complaint with the Human Rights Department within 300 days of the alleged discriminatory act. Any of the Department's staff can perform the intake interview establishing that the Department has authority in the matter (jurisdiction and gathering the necessary information about the alleged act, such as time, place, the person(s) involved, and the details of the act). Note that the complainant has the right to withdraw the complaint at any time.

A respondent is notified once jurisdiction is established and intake is complete.

A mediation conference is encouraged at this time because it offers all parties the possibility of a speedy and satisfactory resolution. If mediation fails, the Assistant City Attorney begins an investigation.

An investigation can include field investigations, site visits, interviews with witnesses, documentation examination, and face-to-face meetings with both the complainant and the respondent to discuss the complaint and gather facts.

Probable cause is determined at the end of the investigation by an administrative law judge. If the facts/evidence support the charge, a determination of probable cause is issued. If the evidence does not support the charge, a determination of no probable cause (NPC) is issued and the case is then dismissed. The complainant can request a motion to reopen the case if he/she feels the NPC is in error.

A post probable cause conciliation is undertaken to try and bring the complainant and the respondent to a mutually agreeable arrangement saving all the parties time, and possibly, legal fees.

The pre-hearing review is intended to determine whether or not the case will proceed to public hearing.

The public hearing is presided over by an administrative law judge. At the hearing, the complainant and respondent are often represented by private counsel. The Commission attorney represents the public interest. The attorneys present the facts of the case to the administrative law judge.

A recommended order is issued by the hearing panel if no conciliation is reached before the hearing concludes. The order will either find discrimination has occurred, and order the complainant "made whole" for what was lost due to the discriminatory act, or dismiss the case.

The full commission reviews the recommended order and the record of the hearing. If the Commission finds that discrimination has not occurred, the case is dismissed, but if the finding is that discrimination has occurred, the respondent is ordered to take appropriate action to redress the effects of the discrimination. The commission may order employment, promotion, raise, back pay, letter of reference, housing, credit, formal apology, a change in the respondent's policies, and cash awards in compensation for humiliation, suffering, and mental anguish. Both the complainant and the respondent can appeal the Commission's order within 30 days to the courts.