



CERTIFIED COMPLAINT INVESTIGATION PROCESS

Effective May 17, 2021

STEP 1 – DOCKETING

Once MDCR receives a notarized signed complaint, it is placed on the docket and a copy is sent to the claimant (the person filing the complaint) and respondent (the person or organization the complaint is filed against).

STEP 2 - THE INVESTIGATION

During an investigation, the claimant and respondent (if requested) will have the opportunity to present evidence. *An analysis and investigation of a certified complaint may not include a position statement from respondent.*

An investigation may also include a site visit, interviews with witnesses and analysis of documents or conference with both parties to explore possible resolutions, clarify issues and provide a forum for presenting additional evidence.

If resolution is reached during the investigation, MDCR will close the investigation. If no settlement is reached, MDCR will complete the investigation and report on its findings.

STEP 3 - THE FINDINGS

Possible investigation outcomes include:

- **DISMISSAL** - If there is insufficient evidence to support a discrimination charge, MDCR will hold an exit interview with the claimant and dismiss the complaint. The claimant may ask for reconsideration of the decision.
- **CONCILIATION** - If there is sufficient evidence for filing a charge of discrimination, the respondent is invited to a conciliation conference. In this confidential meeting, MDCR will inform the respondent of its findings. The respondent is encouraged to take action to address the discrimination and prevent it from happening again. If a satisfactory resolution is reached, the case is closed.
- **CHARGE** - If the respondent refuses to address the situation in conciliation, MDCR may issue a formal charge of discrimination and set a date for a public hearing.
- **HEARING** - A hearing officer will conduct a public hearing on the discrimination charge. All witnesses testify under oath, the rules of evidence apply, and all parties have the right to cross examine witnesses. Following the hearing, the hearing officer will decide whether discrimination took place and if so what the appropriate penalty should be. The Civil Rights Commission will review the findings and allow the parties to argue whether they should be adopted. The Commission will then issue a final order either dismissing the case or requiring corrective action that may include paying damages to the claimant. A claimant or respondent who does not agree with the Commission's final order may appeal to the circuit court for review of the case.

Filing a discrimination complaint with the Department of Civil Rights does not prevent the parties from consulting with a private attorney and/or subject to statute of limitations taking legal action in a court of law at any point in the process.