

STATE OF MICHIGAN
DEPARTMENT OF CIVIL RIGHTS

Detroit Office
Cadillac Place
3054 West Grand Boulevard, Suite 3-600
Detroit, MI 48202
Phone 313/456-3700
Fax 313/456-3791
Email: MDCR-INFO@michigan.gov

Michigan Law prohibits discrimination in employment, education, housing, public accommodation, public service and law enforcement based on religion, race, color, national origin, age, sex, disability, genetic information, marital status, height, weight, and arrest record.

Lansing Office
Capitol Tower Building
110 W. Michigan Ave.
Suite 800
Lansing, MI 48933
Phone 517/335-3165
Fax 517/241-0546

Flint Office
State Office Bldg.
125 East Union
Flint, MI 48933
Phone 810/760-2805
Fax 810/760-7363

Grand Rapids Office
350 Ottawa Ave., NW
4th Floor
Grand Rapids, MI 49503
Phone 616/356-0380
Fax 616/356-0399

Marquette Office
1504 W. Washington
Suite B
Marquette, MI 49855
Phone 906/226-6393
Fax 906/226-3974

Toll-Free Number: 1-800-482-3604
TTY Users: 1-877-878-8464

These procedures are issued under the authority of Acts 220 & 453, Public Acts of 1976, as amended.

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Complaint Investigation Process



Only Fair Is Fair.

A complaint may be filed with the Michigan Department of Civil Rights (MDCR) if the alleged act of discrimination occurred within the past 180 days. When a complaint alleging a violation of civil rights protected by state law or the Constitution is processed by MDCR, the following procedures are implemented:

1. *First Contact.* If an individual has a question about civil rights, or believes s/he has been discriminated against, the first step is to contact the department by phone, TTY, in person, by mail, or by e-mail to discuss the concern with a civil rights investigator.

2. *Formal Complaint.* If the department determines the concern raised by an individual (claimant) is timely and jurisdictional under the laws enforced by the department, a formal complaint is prepared for the claimant to sign before a notary public. Once a signed complaint is received, it is placed on the department's docket. A copy of the complaint is provided to the claimant and served upon the party against whom the complaint is made (respondent).

The respondent will have a minimum of 14 days to answer the complaint, agree to mediation (if appropriate) or propose resolution. In some cases interrogatories are sent along with a department order requesting a response within 28 days. Failure to comply with the order may result in enforcement by the Attorney General's Office.

3. *Mediation.* The parties may agree to try to mutually resolve their differences with the assistance of a trained mediator.

4. *Fact-finding/Resolution Conference.* The respondent and claimant may be invited to a fact-finding/resolution conference. This meeting provides an opportunity to further explore the possibility of a resolution agreeable to both parties and, if unresolved, a forum to clarify issues and receive evidence from the parties regarding the issues in the complaint. If the matter is not resolved at this conference, additional investigation may occur.

Resolution is attempted at all stages and the investigative process can be concluded once the claimant and respondent agree to mutually satisfying terms.

5. *Investigation.* As a part of a thorough investigation, the claimant and the respondent both have the opportunity to present evidence to support or refute the issues in the complaint. The investigation may also include a site visit, further claimant interviews, witness interviews, and analysis of the respondent's and claimant's records and documents by the department.

6. *Finding.* At the conclusion of the investigation, the investigator prepares a report that contains a finding based on a complete analysis of the evidence. If the investigation does not disclose sufficient evidence to support the claimant's allegations, the civil rights investigator conducts an exit interview with the claimant and the complaint is dismissed. Following such a dismissal, a claimant may petition for reconsideration of the decision to dismiss the complaint.

7. *Conciliation.* If the evidence supports the claimant's allegations, the respondent is invited to a conciliation conference. In this confidential meeting, the respondent is encouraged to address the claim and any ongoing discrimination. If the efforts in conciliation are successful and the respondent takes the agreed upon corrective action, the case may be closed.

8. *Legal Review/Public Hearing.* If the respondent fails to rectify the situation after conciliation, the department may issue a formal charge and set a date for a public hearing. The hearing is conducted by one or more Civil Rights Commissioners, or by a hearing referee. All witnesses testify under oath, the rules of evidence apply, and all parties have the right to examine and cross-examine the witnesses. The burden of proof is on the department and the claimant.

9. *Commission Decision.* Following the hearing and receipt of the referee's report, an appropriate order is issued by the Civil Rights Commission, either dismissing the complaint, or directing that remedial actions be taken by the respondent. If necessary, the Civil Rights Commission may ask the circuit court to enforce an order.

10. *Appeal.* A claimant or respondent who does not agree with any final order of the Civil Rights Commission may appeal to the circuit court for review of the case.

Nothing in these procedures shall prevent an aggrieved individual from seeking remedy in the courts.