

Investigation Process for the Des Moines Human Rights Commission

The Beginning: Now that you have filed a charge with the DMHRC, you have taken the first step in a rather specific process. This informational sheet is designed to let you know how things normally proceed from here.

The Investigation:

- 1.) The charge is served to both parties through certified mail. (Please make sure that you let us know if there is a change in your address or phone number throughout the process. **Please pick up certified mail. If you don't we'll assume that we've lost contact with you and may close your case for that reason.**)
- 2.) The Respondent is given a questionnaire, a request for information about the issues you allege in your complaint, along with its copy of the charge. Normally it has 30 days to respond to the Commission with a specific reply to the allegations made in your complaint. (The Respondent has 10 days to respond in housing cases and public accommodation cases.)
- 3.) After the response to the charge is received, the case is reviewed and the investigator contacts the Complainant and schedules a rebuttal interview. The Complainant should bring all relevant documents, names and contact information for witnesses, and be prepared to answer questions about documents and/or information that may be needed to prove the case.
- 4.) After the rebuttal interview, the case will be put in the regular rotation of cases for investigation. While each case is reviewed regularly, there may be older cases on file and those may take priority. It is unusual for the case investigation to take longer than a year.
- 5.) During the investigation, the Respondent will be questioned, along with relevant witnesses, and documents will be reviewed to determine what truly occurred in your case.
- 6.) Please feel free to contact the agency at any time regarding the progress of your case. We can be contacted by phone at 515-283-4284 or via e-mail at RUSimms@dmgov.org or by regular mail or in person at the Argonne Armory Bldg. 602 Robert D. Ray Drive, Des Moines, IA 50309
- 7.) The above procedure is subject to change, based upon the specifics of each case.

Alternatives:

- 1) **Predetermination Settlement.** If an agreement can be reached between the parties to the complaint that will resolve the issue, the agency will assist in drafting the agreement and ensure its enforcement. Either party can initiate this process at any time during the investigation.
- 2) **Mediation.** The parties can consent to a voluntary process where an independent volunteer mediator will work with both parties to resolve the issues and reach an agreement. This can occur early in the process, or at any time during the investigation.
- 3) **Requesting a Right to Sue Letter.** If a Complainant so desires, he or she can request file for a Right to Sue Letter after the case has been filed with the agency for at least 60 days, and take their case into District Court.

The Finding:

- 1) **Probable Cause.** If, after investigation, the agency finds that there exists Probable Cause to believe that the Complainant has been the victim of illegal discrimination, a finding of Probable Cause will be issued and

the agency will make an attempt to conciliate the matter. Conciliation is the process that involves ensuring that Complainant is made whole and that Respondent ceases the illegal activity.

If a Conciliation Agreement is reached, the Agency will ensure that the provisions of the agreement are fulfilled. If a Conciliation Agreement cannot be reached, the agency will review the case to determine whether or not the facts and issues are appropriate for a Public Hearing. If this is the case, the Agency will set a Public Hearing date and transmit the file to the City Legal Department for its representation. Otherwise, the Complainant may pursue further remedy through a private action in District Court.

- 2) **No Probable Cause.** If the agency finds No Probable Cause to believe that the Complainant has been the victim of illegal discrimination, a finding of No Probable Cause will be issued. The Complainant has a right of appeal if he or she does not agree with the finding.

Your Help: You can assist the agency by keeping the investigator informed of your contact information; responding to letters or calls promptly; and letting us know of any and all information that will help us discover the facts relevant to your case.