

# Questions and Answers on Filing A Civil Rights Complaint

**Q.** What is a civil rights or discrimination complaint?

**A.** A complaint is a legally-filed charge against a person or business alleging that you were treated unfairly in a situation covered by the Iowa Civil Rights Act (Iowa Code 216). The complaint is filed with a state administrative agency, the Iowa Civil Rights Commission. The Commission has the authority to receive and investigate civil rights complaints. It is not the same as filing suit in court; however, after the complaint has been on file for 60 days, you can request a right-to-sue and file suit in court.

**Q.** How do I know if I should file a civil rights complaint?

**A.** You may wish to file a civil rights complaint if you believe you have been discriminated against or treated unfairly in an incident that falls under the authority of the Iowa law.

Whenever possible, it's wise to try to work out a solution directly with the person or business that is causing you a problem. If, however, the problem cannot be solved or if the person does not respond to your requests, you may wish to go to an outside agency such as your local human/civil rights agency or the Iowa Civil Rights Commission. You may also wish to consult an attorney regarding your full range of legal rights in the situation.

**Q.** How does the Iowa law define discrimination?

**A.** Discrimination could happen to you in **employment, housing, credit, public accommodations or education.**

The bases or reasons for discrimination include:

**Race, Color, Sex, Sexual Orientation, Gender Identity, Religion, Creed, National Origin, and Physical Disability** are covered in all areas.

**Age** (18 and older) is covered in employment and credit.

**Familial Status** (presence of children in the home) is covered in housing and credit.

**Marital Status** is an additional basis in credit.

**Mental Disability** is covered in all areas except credit.



There are many things that happen that are unfair, but these events may not be discriminatory under the law. But if you believe one of the protected bases or reasons applies to your situation, you may want to consider filing a formal complaint.

**Q.** How do I file a complaint?

**A.** You may contact your local human/civil rights agency if your city has one. Or you may file a complaint by contacting the Iowa Civil Rights Commission by mail, by telephone, or by coming to the office in person. Most complaints are initiated by telephone. There is no charge for you to call on our toll-free line.

When you call our office, an intake officer will interview you. The interview will help to determine if you have grounds for filing a complaint. The intake officer will send you the complaint forms and instructions. Having the intake interview does not obligate you to complete filing the complaint. The complaint is not legally filed until you return the signed complaint to our office. If your situation is one that is not covered under Iowa law, the intake officer may be able to refer you to other sources for help.



**Q.** Is there a charge for filing a complaint?

**A.** No, there is no charge for the Commission's services in filing or processing a complaint.

**Q.** Is there a time limit for filing a complaint?

**A.** Yes, under state law a complaint must be filed within **300 days** of the latest discriminatory incident, or the date that you knew the discrimination was going to happen to you. An employment complaint must be filed with the federal Equal Employment Opportunity Commission within 300 days of the discrimination. A housing complaint must be filed with the Federal Department of Housing Urban Development within two years of the discrimination.

**Q.** What happens after I file the complaint?

**A.** After your signed complaint is received by the Commission, it is reviewed to be sure it meets the legal filing requirements. If it does not meet filing requirements, you will be notified and the matter will be closed. If accepted, the complaint is assigned a docket number. The complaint must then be served on the person or business against whom you have filed. It is not possible to file an anonymous complaint.

Both parties to the complaint will be sent questionnaires and will have an opportunity to provide additional documents and witness statements. This material will be reviewed by Commission staff to determine if a full investigation is warranted. It is critical, therefore, to send a complete response.

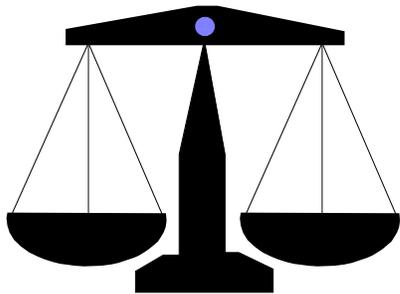
If your complaint is not accepted for investigation, you will be notified that the complaint is being closed. However, you may request a "right-to-sue" and file suit in court with your own attorney within two years of the administrative closure.

If your complaint is accepted for investigation, the investigator may interview you, the person or business you filed against, and any witnesses to the events. Any additional relevant documents will be obtained. An administrative law judge will issue a finding as to whether discrimination did, or did not occur within the definitions in the law.

If no discrimination is found, you will be so notified and you will be informed of your appeal rights. If discrimination is found, a conciliator will attempt to negotiate a settlement for you that will compensate you for the harm suffered. If a settlement is not successful, the case will be referred to an assistant attorney general to determine whether to proceed with a public hearing.

**Q.** This sounds like a lengthy process. Are there any other options?

**A.** It is true that the whole process may take a long time. However, the parties may be offered the opportunity to participate in mediation if the complaint is accepted for investigation. If the parties are willing to participate, a no-fault settlement may be negotiated which would resolve the matter. This settlement is a binding legal contract in which the parties and the Commission agree to settlement terms. A settlement of this type is beneficial to the parties by bringing the matter to a quicker resolution.



**Q.** Does filing a complaint really do any good?

**A.** Yes, filing a complaint will establish your rights under the law. If the investigation finds that you were discriminated against, you may receive compensation according to how you were harmed. In addition, the party filed against may be required to take steps to prevent any further discrimination.

Discrimination is against the law. It is good public policy that persons and businesses not treat employees, clients, and customers unfairly. If you speak out when you believe discrimination is happening, you are helping to prevent this treatment from happening to other persons.

**Q.** What are my responsibilities and rights if I file a complaint?

**A.** You have a **responsibility** to:

- keep the Commission informed of any changes in your name, address, or telephone number. If we are unable to locate you when needed, your complaint could be administratively closed.
- respond promptly to all letters and telephone calls from Commission staff. You may also need to be available for a telephone interview during the investigation of your complaint.
- provide as complete information as possible when requested. Keep copies of letters and records regarding your incident. Make a list of witnesses or persons who may have relevant information, including addresses and telephone numbers, if known.



You have a **right** to:

- a courteous, prompt response from Commission staff to your questions.
- confidentiality of your complaint or inquiry.
- fairness and impartiality during an investigation.
- free services from the Commission.

*Have more questions? Call the Commission for consultation on discrimination issues and the complaint process. We're here to help!*

The Iowa Civil Rights Commission receives and investigates complaints of discrimination in employment, housing, credit, public accommodations and education. If you believe you may have been treated unfairly because of a protected basis in any of these areas, contact the Commission.

The Commission also provides educational materials on civil rights and discrimination, and has educational videos for loan. Staff members are also available to speak at workshops and training sessions.

**IOWA CIVIL RIGHTS COMMISSION**

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