COMPLAINANT'S RIGHTS AND RESPONSIBILITIES

YOU HAVE A RIGHT:

- TO KNOW THE STATUS OF YOUR CASE, AND WHO IS WORKING ON IT;
- TO HAVE WRITTEN NOTICE OF ANY HEARING OR FINAL ACTION RELATING TO YOUR CASE;
- TO HAVE AN ATTORNEY OF YOUR CHOOSING PRESENT AT ANY STAGE OF THE PROCESS;
- TO FILE AND PURSUE A CHARGE WITHOUT BEING HARASSED, INTIMIDATED OR RETALIATED AGAINST;
- TO OBTAIN A FULL REMEDY, IF DISCRIMINATION IS FOUND; AND
- TO APPEAL ANY FINAL DECISION

YOU HAVE A RESPONSIBILITY:

a. To supply and explain all relevant information, data, or papers upon request;

b. To respond to all telephone or mail inquiries from the ICRC. Your case may be dismissed if you don't. Inquiries will be as convenient and as infrequent as possible;

c. To attend all meetings, hearings or fact-finding conferences when requested. Your schedule will be accommodated, if possible;

d. To follow your case by keeping in touch, providing all new addresses or telephone changes, and inquiring about undue delays

RESPONDENT'S RIGHTS AND RESPONSIBILITIES

YOU HAVE A RIGHT:

- TO HAVE A CLEAR WRITTEN STATEMENT OF THE CHARGE;
- TO KNOW THE STATUS OF THE CASE AND WHO IS WORKING ON IT;
- TO HAVE WRITTEN NOTICE OF ANY HEARING OR FINAL ACTION;
- TO APPEAL ANY FINAL DECISION;
- TO HAVE AN ATTORNEY PRESENT AT ANY STAGE OF THE PROCESS, IF YOU SO DESIRE.

YOU HAVE A RESPONSIBILITY:

a. To provide a written answer to the complaint within the time required after receiving it;

b. To supply and explain all relevant information, data, or papers upon request;

c. To respond to all telephone or mail inquiries from the ICRC. These will be as convenient and as infrequent as possible;

d. To attend all meetings, hearings or fact-finding conferences when requested. Your schedule will be accommodated, if possible.

(Acknowledgment: Some wording in this brochure has been borrowed, with permission from the Fort Wayne Metropolitan Human Relations Commission.)

Made Available by:

ICRC PUBLIC EDUCATION & OUTREACH INFORMATION CENTER

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IF YOU NEED HELP . . . CALL ICRC TODAY! (317) 232-2600

INDIANA CIVIL RIGHTS COMMISSION
100 NORTH SENATE AVENUE, ROOM N103
INDIANAPOLIS, INDIANA 46204

OFFICE:	(317) 232-2600
TOLL FREE:	(800) 628-2909
HEARING IMPAIRED:	(800) 743-3333
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WEB SITE:	www.in.gov/icrc/

MONDAY - FRIDAY
Intake Hours: 7:30 A.M. to 5:30 P.M.

Large Print, Spanish, or braille publication available upon request.
Si necesita esta publicacion, la puede solicitar en caracteres grandes, español y braille.

MITCHELL E. DANIELS JR.
GOVERNOR OF INDIANA

ALPHA BLACKBURN
CHAIRPERSON

INDIANA CIVIL RIGHTS COMMISSION

EIGHT-STEP GUIDE

FOR COMPLAINANTS & RESPONDENTS

Processing A complaint From Intake To Final Action

TONY A. KIRKLAND, EXECUTIVE DIRECTOR

"Morality cannot be legislated, but behavior can be regulated."
— Dr. Martin Luther King, Jr.

THE PURPOSE

The Indiana Civil Rights Law states that it is the public policy of the State of Indiana to provide all of its citizens equal opportunity and that it is unlawful to discriminate in the areas of:

- — Employment
- — Real Estate
- — Education
- — Public Accommodation, or
- — Credit.

On the basis of:

- — Race
- — Religion
- — Color
- — Sex
- — Disability
- — National Origin
- — Ancestry, or
- — Familial Status (Housing).

THE PROCESS

I FILING A COMPLAINT

WHO - Any person claiming to be aggrieved by a discriminatory practice or act contrary to the provisions of the Indiana civil rights law may file a complaint with the Indiana Civil Rights Commission (ICRC).

WHEN - A complaint must be filed within one hundred eighty (180) days from the date of occurrence of the discriminatory act (except in housing cases).

A complaint alleging a discriminatory housing practice must be filed within one (1) year after the discriminatory act has occurred.

HOW - Complaints may be filed by either personal delivery, mail, or fax. If needed, the ICRC staff will provide assistance in drafting and filing the complaint. The complaint must be in writing and signed under penalties of perjury.

WHERE - The Indiana Civil Rights Commission, Indiana Government Center North, 100 North Senate Ave., Rm. N103, Indianapolis, IN 46204.

Office: (317) 232-2600	(800) 628-2909
Hearing Impaired:	(800) 743-3333
Fax:	(317) 232-6580

II INVESTIGATION

The ICRC Investigator's job is to collect and summarize the evidence. The Investigator must collect the BEST evidence available for each side. Thus, you may be asked to supply documents which support your position. The Investigator will seek information to compare the treatment given the Complainant to treatment given other similarly situated individuals or groups. There may be an attempt to discuss the issues and settle the case. Your lawyer is welcome to participate in the investigation, but a LAWYER IS NOT REQUIRED.

The ICRC Investigator may also request that a test be performed during the investigation. Testing is a controlled method to determine differential treatment in the quality, and content, of information and/or services given in order to discover discriminatory practices.

Testers are trained individuals whose function is to observe what occurs and record their experiences relating to the complaint. It is the policy of ICRC to recruit tester trainees from a wide variety of backgrounds, races and national origins.

NOTE: **You may have other rights or causes of action which do not fall under the jurisdiction of the ICRC. If you feel you do, you should contact an attorney.**

III MEDIATION SETTLEMENT

At any time during an investigation, the ICRC Alternative Dispute Resolution (ADR) Team can attempt to resolve the dispute through mediation, if all parties agree. Mediation seeks a voluntary resolution of the dispute by the parties without deciding the merits of the case. If the parties are unable to reach an agreement, the complaint will proceed through investigation and public hearing, if necessary.

IV EXECUTIVE DIRECTOR'S DETERMINATION

If no settlement has been reached, the facts and recommendations are presented to the executive director who reviews the material and makes a determination whether there is probable cause to believe that an illegal act of discrimination occurred. The Complainant has fifteen (15) days to ask for reconsideration of a no probable cause finding.

V CONCILIATION SETTLEMENT

If probable cause is found, a formal attempt to resolve the case will be made.

If settlement is achieved, a written Consent Agreement will be issued for signatures by all parties. The agreement is then submitted to the Commission for consideration. When approved, a Consent Agreement has the same effect as a Final Order.

VI PUBLIC HEARING

If settlement fails, the case is tried at a public hearing. An ICRC staff attorney may present the Complainant's claim. The burden of proof is on the Complainant. An Administrative Law Judge (ALJ) presides at the public hearing. Proposed findings are issued by the ALJ and submitted to ICRC. Either Party has fifteen (15) days to file objections to the recommended findings. An Oral Argument on objections may be held before the full Commission.

VII FINAL ORDER

A Final Order by the Commission is binding. Either party may seek judicial review.

VIII REMEDIES

If the Commission finds discrimination, a final order may include a cease and desist order and require further affirmative action that will eliminate discrimination. This might include reinstatement to a job, monetary relief where evidence showed there was some resulting loss, making a house or apartment availabe and/or validating selection devices. Reasonable attorneys' fees and costs may be awarded to the prevailing party in housing cases.