

## Together, We Can Change Our Community

The Human Relations Council (HRC) works to promote and ensure a culture of fair treatment and equal access to opportunities for all who live, work, play, and gather in the City of Dayton.

The HRC provides civil rights enforcement, business and technical assistance, and administers community relations initiatives.



### The Human Relations Council

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HUMAN  
RELATIONS  
COUNCIL



CITY OF DAYTON



# Complaint Process

## THE COMPLAINANT

The Complainant is the aggrieved party or person filing the complaint or charge of discrimination. Any person may file a complaint in accordance with the guidelines contained in Sections 32.02-32.21 and 32.99 of the City of Dayton's Revised Code of General Ordinances (RCGO).

## THE COMPLAINT

The complaint must be written, signed and when possible, notarized. Assistance in the preparation, filing and notarization of complaints is available at the HRC. The complaint contains various details of the circumstances surrounding the discriminatory act or practices that led to the allegation(s) contained within. All Complainants should be as accurate as possible when providing the details of these circumstances and should gather as many documents and witnesses to support the allegation(s) as possible.

## THE RESPONDENT

The Respondent is the person or organization against whom the complaint is made. Once the complaint has been filed with HRC, the Respondent will be notified, and will have an opportunity to submit a position statement along with any documents supporting its defense. The Respondent has an obligation under the City's RCGO to fully cooperate with the investigation process. If a Respondent retaliates against a person who has filed a complaint or against a person associated with someone who has filed a complaint, this is an additional violation of the City's ordinance and the appropriate additional allegations will be added to the complaint.

## THE INVESTIGATION

The HRC Investigator will investigate the information and facts contained in the complaint, along with any documents that are provided by either party. When necessary, the HRC Investigator will conduct relevant interviews and on-site reviews with the Respondent in order to verify every aspect of the allegation(s) and subsequent defense. Upon receipt of the charge and throughout the investigation, the HRC Investigator will offer mediation or conciliation to both parties in an attempt to agreeably resolve the complaint.

## CONCILIATION

Conciliation is offered throughout the investigation, beginning with the initial notification to the Respondent that a complaint has been filed. The HRC conducts conciliation efforts with all parties in an attempt to work out an acceptable resolution for all involved. During the conciliation, the Complainant and the Respondent are each given an opportunity to present their position on the case and what they believe will be an adequate remedy.

If a resolution is reached during the conciliation, a Negotiated Settlement Agreement (NSA) is prepared, detailing the terms and conditions of the resolution. Once the NSA is acceptable for all parties (including the HRC), the NSA is signed by the Complainant and the Respondent.

## THE FINDING

At the conclusion of the investigation, a Final Investigative Report is submitted to the HRC Board, which has the legal authority to render a decision. The HRC Board will determine whether there is probable cause for the complaint of discrimination.

## POST DETERMINATION CHARGE

If there is no probable cause, the complaint will be dismissed. If there is probable cause that discrimination is occurring or has occurred, a charge of discrimination on behalf of the HRC will be filed. Once the charge has been filed, the HRC will once again offer the opportunity to conciliate the matter. If the parties are able to successfully conciliate, the NSA will be prepared, signed, and approved, and the complaint will be considered closed. If the parties are unable to successfully conciliate, the complaint moves to the Public Hearing phase.

## THE PUBLIC HEARING

If post determination conciliation is unsuccessful, your case will be reviewed by staff who will decide whether or not the agency should go to public hearing. If we decide not to go to public hearing, we will give you a Notice of Right to Sue. If a public hearing is recommended, a public administrative hearing will be convened before a Hearing Examiner. During the public administrative hearing, sworn testimony is given and evidence is presented in order for the Hearing Examiner to render a decision.

## PENALTIES

The City's RCGO has given the HRC power to issue subpoenas in order to obtain information during the investigation and hearing process. The HRC also has the ability to give injunctive relief to aggrieved persons. Pursuant to RCGO Section 32.99, any person that fails to comply with orders issued by the HRC may be subject to penalties.

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