



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

GUIDELINES FOR THE COMPLAINANT

The City of Saint Paul's Department of Human Rights and Equal Economic Opportunity ("Department") is an administrative agency which enforces the Human Rights Ordinance of the City of Saint Paul. The Human Rights Ordinance ("Ordinance") prohibits discrimination in the areas of employment, education, real property, public accommodations, public services, business, and credit based on a number of protected classes: race, color, religion, creed, age, disability, marital status, familial status, sex, sexual or affectional orientation, national origin, ancestry, and status with regard to public assistance. In addition the Ordinance prohibits reprisal, also known as retaliation, for filing a charge of discrimination, opposing or protesting an act you believe violates the Ordinance, associating with a person who is a member of protected class or a person who has filed a charge of discrimination.

THE FOLLOWING INFORMATION OUTLINES THE PROCESS AND PROCEDURES THE DEPARTMENT WILL FOLLOW IN HANDLING YOUR COMPLAINT. PLEASE READ THE INFORMATION CAREFULLY AND ASK YOUR INVESTIGATOR TO EXPLAIN ANYTHING THAT YOU ARE UNSURE OF.

1. FILING OPTION

When the alleged discriminatory action has occurred within the City of Saint Paul, you have the option of filing a charge with either the City of Saint Paul Department of Human Rights And Equal Economic Opportunity or with the State of Minnesota Human Rights Department. However, you cannot file a charge on the same matter with both agencies, either at the same time or at different times.

2. FILING A CHARGE

By filing a charge with this Department, you (the "Complainant") are alleging that another party (the "Respondent") has committed a discriminatory act against you in violation of the Ordinance. Your signed, written and notarized charge must be reviewed and accepted by the Director of this Department or by a designated manager before any official action is taken, except in real property cases. When your charge is accepted, the Department will mail the Respondent a letter and a copy of your formal charge. There is no cost to you for filing a charge or for any other service offered by this Department.

The Department has a work share agreement with the Equal Employment Opportunity Commission (EEOC for employment cases) and the U.S. Department of Housing and Urban Development (HUD for real property cases). This means that any charge of discrimination filed with the Department will also be cross-filed with either the EEOC or HUD if it meets their jurisdictional requirements. It is not necessary for you to file with both the Department and the corresponding federal agency.

3. THE INVESTIGATION

a. A Human Rights Specialist (“Investigator”) from this Department will be assigned to conduct a THOROUGH and IMPARTIAL investigation of your charge. During the course of the investigation the Investigator does not act as your legal representative and cannot provide you legal advice concerning your charge. The Respondent will be asked to give an answer to your allegations; their response is called the POSITION STATEMENT. We will provide you with a copy of the Respondent’s Position Statement. You will be asked to provide a REBUTTAL to the Respondent’s Position Statement. Your Rebuttal should show why the Respondent’s Position Statement is pretext for discrimination. As the person filing the charge you have the ultimate burden of proving that discrimination occurred.

Investigations usually include interviewing witnesses, gathering documents and analyzing comparative data. We may ask you to name witnesses you believe could provide relevant information about your charge. We will evaluate their possible contribution to the investigation. We may decide not to contact some or any of your witnesses because they do not appear to have information that is relevant to your charge. We may also interview witnesses that the Department identifies in the course of the investigation of your charge. The time needed to complete an investigation depends on factors such as the complexity of the charge, the cooperation of Respondent and witnesses, and the case load demands of the Investigator assigned to your case.

b. While your complaint is under investigation, access to file documents and testimony is regulated by Minnesota Statute. If any person makes a written request during an investigation to see or have copies of file materials which he or she has not personally submitted to the case file, the Department may ask the Saint Paul City Attorney to determine whether or not the person has legal access to the information requested.

c. REPRISAL: If you believe the Respondent has retaliated against you or your witnesses because you filed a charge or participated in an investigation, please contact the Department immediately. Reprisal includes negative actions taken against you, such as intimidation and harassment. The Respondent and its employees are prohibited from informing a potential employer or landlord that you have filed a charge or opposed a practice forbidden by the Ordinance.

d. The Investigator assigned to the case may not always be in when you call or come to the office, therefore, it is suggested that you schedule an appointment before coming to the Department. If the Investigator is not in when you telephone, please leave a message with the Receptionist. Throughout the investigative process, you must promptly notify the Department in writing of any changes in your address and telephone number and of any matters affecting your charge. A case may be closed before an investigation is completed if: a) you fail to cooperate in providing necessary information, such as your change of address; b) you voluntarily withdraw the charge, or c) you and Respondent privately settle the disputed matter. For your protection, you should contact the Department before entering into any pre-determination settlement agreement.

4. RESOLUTION OF YOUR CHARGE

When the investigation is complete, the Department will determine whether there is "Cause", "No Cause" or "Insufficient Evidence" to believe that an unlawful discriminatory act has occurred. Both you and the Respondent will be notified of the determination by mail.

5. NO CAUSE / INSUFFICIENT EVIDENCE DETERMINATION

If the Department determines that the weight of the evidence does not support your allegations, a

finding of "No Cause" is made. If the Department decides that there is insufficient evidence to make a determination, a finding of "Insufficient Evidence" is made. A Complainant has the right to appeal "No Cause" and "Insufficient Evidence" determinations.

6. CAUSE DETERMINATION / CONCILIATION MEETING

If the weight of the evidence substantiates a finding that there is "Cause" to believe that a prohibited discriminatory act occurred, the Department will schedule a conciliation meeting with you and the Respondent. The purpose of the conciliation meeting is to provide a forum where both parties may reach an agreement on terms that would settle the matter and thus avoid litigation.

If the attempt to resolve the charge through conciliation process fails, the Department may initiate a civil enforcement hearing before a panel of three Saint Paul Human Rights and Equal Economic Opportunity Commissioners. At a civil enforcement hearing the Department and an Assistant City Attorney will represent your interest at no cost to you. The Human Rights and Equal Economic Opportunity Commission will determine whether a violation has occurred and, if so, issue an order specifying a remedy. This order may be appealed by either party to the State District Court.

7. PRIVATE SUIT BY COMPLAINANT

Minnesota law provides that the complainant may bring a civil action in court against a party alleged to have committed a discriminatory act. A Complainant may sue privately without filing a complaint with either the Saint Paul Human Rights and Equal Economic Opportunity Department or the Minnesota Human Rights Department.

A complainant may also begin a private lawsuit under the following circumstances:

- a.** Within 45 days after the Deputy Director has determined that there is "No Cause" or "Insufficient Evidence" to support the charge; or
- b.** After 45 days from the filing of the charge if a hearing has not been held or if the Department has not entered into a conciliation agreement to which the Complainant is a signatory.

If you do decide to bring a private lawsuit under either of the above circumstances, you must notify the Department in writing and follow other specific notice procedures as required under State Law.

Should you have any questions, please feel free to call the Human Rights Specialist assigned to your case or call the Department at (651) 266-8966.