

Complaint Process

Complaints are required to be filed within three hundred (300) days of the alleged discriminatory incident for employment, public accommodation, education and credit complaints, and no later than one (1) year from the alleged discriminatory incident for housing complaints. The Davenport Civil Rights Commission complaint process is set forth below:

INTAKE PROCESS

1. A person wishing to file a complaint with the Davenport Civil Rights Commission [DCRC] may contact our office either in person, by telephone, fax, or letter. The DCRC will provide the person [Complainant] with a complaint form, a questionnaire, and a mediation request form. Due to the emergency nature of housing complaints, an intake appointment is scheduled immediately and the complaint form is completed during the intake interview.
2. A complaint is not filed until the completed and signed complaint form is received in the DCRC office.
3. Complaints are reviewed on a weekly basis for a jurisdictional determination or sooner where circumstances warrant. When necessary, a jurisdictional review interview appointment is scheduled with the Complainant.
4. If the DCRC does not have jurisdiction over a complaint, the office will make a referral either to an agency appropriate to handle the matter or to a private attorney, and the complaint is closed.
5. If the DCRC has jurisdiction over a complaint, notice of the complaint and requests for information [interrogatories] are sent to all parties.
6. When appropriate, the complaint is cross-filed with state and federal civil rights agencies.

MEDIATION

1. Our office encourages parties to participate in mediation also referred to as conciliation as a means for the parties to arrive at a satisfactory and early resolution of the dispute. Mediation, however, is a voluntary process. Thus, both parties have to agree to participate in the process.
2. If the Complainant wishes to mediate, the notice letter advises the Respondent that the Complainant has agreed to mediation and asks the Respondent if it will agree to participate in mediation.
3. If the Respondent agrees to mediate, mediation is scheduled and the parties are advised at this time that they may want to consult an attorney to inform them about their legal rights.
4. If the Respondent declines mediation, the DCRC sends a notice letter to the Complainant advising that mediation will not occur at this time.
5. Mediation or conciliation is offered and encouraged throughout the complaint process.
6. If the parties are able to resolve their dispute through mediation, a settlement agreement is entered and the complaint is dismissed.
7. If the parties are unable to resolve the dispute through mediation or conciliation or if either party declines to participate in the process, the investigation will continue.

COMPLAINT INVESTIGATION

1. Each party is asked to complete interrogatories specific to the claim. The Respondent is asked to submit a position statement in addition to the interrogatories.
2. Witness letters and questionnaires are sent to all identified witnesses. The investigation can include interviews with witnesses, requests for production of documents, fact-finding interviews with the parties, and on-site inspections and examination of documents.
3. After all the facts and evidence are gathered, the director will issue a determination of either "Probable Cause" or "No Probable Cause."
4. If the director issues a determination of "No Probable Cause," the Complainant may request the DCRC to reconsider its determination or may request the Iowa Civil Rights Commission to conduct a review of the DCRC finding.
5. If the director finds there is "Probable Cause" to believe that unlawful discrimination occurred, the Commission notifies the parties of the determination and advises the Respondent of the right to engage in conciliation.
6. If conciliation is successful, a conciliation agreement is entered and the complaint is closed.
7. If attempts to conciliate fail, the director reports the failure to the Commission for its determination as to whether the complaint should proceed to a public hearing.
8. If the Commission determines that the complaint should proceed to a public hearing, it will order the director to schedule the hearing.

PUBLIC HEARING

1. Notice of a public hearing is sent to all parties and published in the newspaper at least five (5) days prior to the date of the hearing.
2. When a "Probable Cause" determination is issued in a housing case, a party may elect to have the claims heard in a civil action in district court instead of a public hearing.
3. A public hearing is presided over by a hearing officer who, after the presentation of all the evidence, will issue a recommended decision as to whether discrimination occurred.
4. The Commission can adopt, modify, or reject the hearing officer's recommended decision or remand the case to the hearing officer for additional evidence.
5. After reviewing the hearing officer's recommended decision, the Commission will issue its determination and order.
6. Relief in an employment complaint can include reinstatement, front pay, back pay, compensatory damages for emotional distress, attorney fees, and any other relief that the Commission finds will make the Complainant whole and effectuate the purposes of the Davenport Civil Rights Ordinance.
7. Relief in credit, education and public accommodation complaints can include compensatory damages for emotional distress, attorney fees, and any other relief that the Commission finds will make the Complainant whole and effectuate the purposes of the Davenport Civil Rights Ordinance.
8. In cases involving housing complaints, the Commission may order injunctive relief, actual and punitive damages, reasonable attorney fees, and any other relief appropriate to effectuate the purposes of the Davenport Civil Rights Ordinance.