

IMPORTANT THINGS TO REMEMBER BEFORE FILING A COMPLAINT

LEARN WHETHER OR NOT YOU MEET THE CRITERIA TO FILE A COMPLAINT

First and foremost it is important to know if you are able to file a complaint of discrimination with the EOC. To learn if you may file, read our brochure: *Can I File a Discrimination Complaint?*

DOCUMENTATION IS KEY

It will be useful to keep a written record of any actions and comments that may help show that you were discriminated against. While you generally don't need this information when you first file your complaint, it will help you present your case once the investigation begins.

If possible, it will be helpful to write down certain things like the time and date of conversations you had with your supervisor or anyone else on the other side. Also, it might be useful to document things like the names of any witnesses, notices you feel were discriminatory, as well as, the response you received.

Remember to keep your own personal records, separate from the business, organization, or person that you are filing a claim against. This is to make absolutely certain that all of your records are correct and you have them if you need them.

Any written record(s) you keep may strengthen your case and help you in the end.

WITNESSES

In addition to documenting important events and comments, it helps your case if you find people who witnessed the discrimination you experienced. The EOC does not call these witnesses. It is your responsibility to get a written statement from them.

Ask all witnesses to write a statement about what they saw or heard. Ask them to sign and date their statement and write their phone number and address. Keep these for your personal file. They may become helpful after you file a claim of discrimination.

THINGS TO REMEMBER WHILE FILING A COMPLAINT

These tips will help you while you are filling out the Complaint of Discrimination form.

1. Make certain to complete the entire form. Be clear and give as many details as possible. For example, if you think that you were discriminated against because of your race, it is important to write what your race is (Black, White, Hispanic, etc.). Then write exactly what happened to show how you were treated differently because of your race.
2. Remember that it is necessary that you show that you were treated differently from others, who are **NOT** members of your protected class. When comparing, use examples where you and other people were treated differently under similar circumstances.

FOR EXAMPLE

Say that you are the only Mexican employee working at a daycare center. Throughout your time working at the center your boss asks you to do things that she does not ask other employees to do. She has you clean the bathrooms. Although everyone has the same responsibilities, she never asks other employees to clean the bathrooms. When you mention that you think this is unfair, she tells you "that's the way it is." The next day you are fired.

This example shows a case where you might have been discriminated against. It would be important for you to include the following information when writing your complaint:



The protected classes you belong to are race (you are Hispanic) and national origin (you are Mexican). NOTE: Because you were fired following your complaint to your supervisor, you may also claim "retaliation" as a protected class.



You were treated differently than the other employees that you work with under similar circumstances (you were consistently asked to clean the bathrooms, although everyone shares the same responsibilities).



The people who you are comparing yourself to (your fellow workers) do not belong to your protected class (they are not Mexican or Hispanic). They are also employed in a similar position as you.



You were fired and you think that it has to do with the fact that you complained to your supervisor about the treatment (which was different, you believe, because of your membership in a protected class).

Use as many of these types of comparisons as possible when making your case. They are more likely to help you prove that you were discriminated against.

WHAT YOU ARE RESPONSIBLE FOR AFTER FILING COMPLAINT

3. Keep a list of any witnesses that may have seen or heard any discriminatory actions or comments. Witnesses must have first-hand knowledge of the information that they may be called to speak about. For example it would **NOT** strengthen your case to have a witness who had only heard of your discrimination. Witnesses must have been right there when a discriminatory action happened or directly heard the discriminatory comments relating to your case.

It is your responsibility throughout the complaint process to make sure that your case file is kept up-to-date and that your information is correct. To review your case you may drop by our office from 8:00 a.m.- 4:00 p.m., Monday-Friday, or you may call and request that a copy of your case file be sent to you (there is a 25 cent fee per page that must be paid before any copying can take place).

It is your responsibility to update the Department of Civil Rights, Equal Opportunities Division, if you have a change of address or phone number. Also if you plan to be absent from the

city for a week or more, let us know. This is very important, because we must dismiss your complaint if we are unable to locate you. This is true even if we find that discrimination may have happened.

In the next few weeks after filing your complaint, we will be sending you important information about your case, such as meeting times and forms that you must fill out and send in.

If you decide to drop your case, it is also up to you to withdraw it in writing.

Please feel free to either download a complaint form from our website at www.cityofmadison.com/dcr, call our office to request a complaint packet, or come and visit one of our intake specialists.

PLEASE NOTE:

If you need materials in alternate formats or other accommodations in order to access this service, please contact the Department of Civil Rights, Equal Opportunities Division.

David J. Cieslewicz, Mayor
Lucía Núñez, Director
Department of Civil Rights
Equal Opportunities Division
210 Martin Luther King, Jr. Blvd., Room 523
Madison, WI 53703-3346

(608) 266-4910 (Voice)
(608) 266-6514 (Fax)
(866) 704-2314 (TTY/Textnet)
www.cityofmadison.com/dcr



FILING A COMPLAINT WITH THE EQUAL OPPORTUNITIES DIVISION (EOD): A GUIDE FOR THE COMPLAINANT



This brochure is a guide to help you understand the process of filing a complaint. It will provide you, "the Complainant," with the knowledge you will need to file against "the Respondent" (the company or organization that you are accusing of discrimination).