



## Department of Civil Rights

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### OUTLINE OF COMPLAINT PROCESS

You have filed a complaint of discrimination or a complaint has been filed against you. This is an outline of what happens next.

It is your decision as to whether or not to be represented by an attorney. We have provided our attorney referral list to you. Or you may represent yourself or have an advocate.

You are not required to have an attorney for the EOC process. The EOC will provide its Attorney Referral List and information about advocates, but cannot provide an attorney. You may represent yourself. If you wish to be represented, you are responsible to find your own attorney, advocate or other representative.

#### A. Investigation/Early Mediation

Your case has been assigned to an investigator. That person's name is on the letter attached to the complaint. This letter also contains a date for a mediation meeting. A mediator will talk to the parties and try to help them reach a settlement. This is a voluntary process. If a party or representative is located outside of the Madison area, it is possible to conduct the meeting by phone. While you are attempting settlement, the investigation will continue. The investigator will be requesting information from both parties.

If a settlement cannot be reached, the investigation will be completed and you will receive an initial determination. The determination may be probable cause or no probable cause, or a combination of the two.

#### 1. No Probable Cause

A NO PROBABLE CAUSE determination will be issued if the investigator does not conclude that discrimination may have occurred. If the Complainant does not appeal, the case will be closed. If appealed, the hearing examiner will review the determination. Either party may submit additional information to the hearing examiner. The examiner may uphold or overturn the determination. If the examiner upholds the finding of no probable cause, the Complainant may appeal the examiner's decision to the Equal Opportunities Commission for review. If there is no appeal, the case will be closed.

## **2. Probable Cause**

A determination of PROBABLE CAUSE means that based on information collected, the investigator concluded that discrimination may have occurred. There is no appeal of a finding of probable cause. The case then proceeds to conciliation.

### **B. Conciliation**

Conciliation is a voluntary process to try to settle the case. When a probable cause determination is made, the parties will be asked if they want to discuss settlement. If both parties agree, the conciliator will set up a conference. If either party does not wish to conciliate, or if the parties cannot reach an agreement, the case will be certified to a hearing on the merits.

### **C. Hearing on the Merits**

When a case is certified to hearing, each party may present evidence, call witnesses, cross-examine witnesses, make objections, and make opening and closing statements--similar to a courtroom.

The hearing examiner does not consider information from the investigation. You must present all of the evidence and witnesses at the hearing that you want the hearing examiner to consider in deciding your case, even if it was previously presented. You may request the examiner to provide you with subpoenas for your witnesses and/or documents.

Based on the evidence presented at the hearing, the hearing examiner will make a decision whether or not discrimination occurred. This decision is called Recommended Findings of Fact, Conclusions of Law and Order and will include a finding of discrimination and a remedy or a reason why discrimination was not found.

### **D. Commission and Court Appeals**

The examiner's decision may be appealed to the Commission by either party. The Commission reviews the record made at the hearing. New evidence will not be considered. Either party may appeal the Commission's decision to circuit court.

You may contact our office if you have any questions about the complaint process.

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This is intended to be a general guide to the complaint process and is not intended to be an exhaustive description of all possibilities. If you need an interpreter, materials in alternate formats or other accommodations to access this service, activity or program, please contact the EOC at (608) 266-4910.