

Brief Outline of the Iowa Office of Civil Rights Complaint Process

Mission Statement: The Iowa Office of Civil Rights (IOCR) provides impartial, efficient, and fact-driven investigative analyses of discrimination complaints filed in Iowa and promotes civil rights outreach and education opportunities throughout the state. The office enforces the Iowa Civil Rights Act and federal laws that prohibit discrimination in the areas of employment, public accommodations, housing, education, and credit.

INTAKE

If the complaint is timely and alleges acts covered by the Iowa Civil Rights Act (ICRA), we mail a copy of the complaint to the complainant and respondent(s) (the person or organization named in the complaint). Information attached to the complaint will also be sent to the Respondent(s).

In addition to copies of the complaint, both the complainant and respondent are sent questionnaires related to the allegations made in the complaint. The complaint and questionnaires are usually mailed within 10 days of the date the complaint is filed.

Parties may answer the questionnaire and/or submit a position statement. Both parties are encouraged to provide any and all relevant information, such as documents, video, or audio recordings.

Each party has thirty (30) days to complete the questionnaire. Either party may request a two-week extension by **calling the IOCR at 1-800-457-4416**, **515-281-4121**, **or by emailing icrc@iowa.gov**. Extensions beyond two weeks will not be granted absent exigent circumstances. If a party needs assistance completing the questionnaire or has questions regarding their response, they should contact the IOCR.

INVESTIGATIVE PROCESS

Once parties' questionnaire responses are received, a civil rights investigator reviews all the available information for the Tier 1 investigation. The IOCR generally does not evaluate credibility of parties' statements at this investigatory stage. At the end of the Tier 1 investigation, all parties will receive a Tier 1 Investigative Report which evaluates whether the complaint warrants further investigation (Tier 2 Investigation) or whether the complaint does not warrant further investigation. IOCR seeks to complete the Tier 1 Investigation within 120 days from the date the complaint is filed; however, it may take longer due to the volume of complaints the IOCR receives and the complexity of some cases.



Further investigation not warranted

The complaint will be administratively closed if the Tier 1 Investigative Report determines further investigation is **not warranted**. The complainant has a right to request reopening of the decision if they disagree with the report's reasoning or have additional information to provide. More information about reopening is provided to the complainant with a letter that notifies them the complaint was closed.

Further investigation warranted

If further investigation is warranted, the parties will be notified and have the opportunity to participate in mediation prior to the Tier 2 Investigation. Respondents will also be sent an Initial Information Request (IIR), which asks for more specific documents related to the issues identified in the Tier 1 Investigative Report. Respondents will have 30 days to provide a response.

For a Tier 2 Investigation, a civil rights investigator may interview parties and witnesses, as necessary, and collect additional documents. At the end of the Tier 2 investigation, the IOCR will either:

- Administratively close the complaint. This ends the civil rights investigation, as the information gathered did not indicate a reasonable possibility of a probable cause determination of illegal discrimination. All parties will receive a Tier 2 Investigative Report with the findings of the investigation.
- Make a recommendation of "**probable cause**" or "**no probable cause**" to an Administrative Law Judge (ALJ). Probable cause exists if there are reasonable grounds for believing illegal discrimination has occurred.

If the ALJ finds "probable cause," the complaint will move to IOCR's conciliation process.

If the ALJ finds "no probable cause," the complaint is closed and the complainant loses their right to request a "right-to-sue" letter. The complainant can request reopening of the decision if they disagree with the report's reasoning or have additional information to provide. More information about reopening is provided to the complainant with a letter that notifies them the complaint was closed.



PROCESS AFTER A PROBABLE CAUSE DETERMINATION

After a probable cause finding at the Tier 2 Investigative Stage, the IOCR will attempt to assist the parties in reaching a settlement through conciliation. If that is unsuccessful, the complaint may proceed to an administrative public hearing. The office will provide more details about the conciliation and the public hearing process, as they apply to your case.

OTHER ADMINISTRATIVE PROCESSES

MEDIATION

Mediation through our office is a free, voluntary, confidential process that allows willing parties to resolve the complaint prior to additional investigation. Mediation can occur at any stage in the administrative process; however, mediation most often takes place if further investigation is warranted after the Tier 1 investigation is complete. If mediation is declined by either party or is unsuccessful after the Tier 1 investigation, IOCR will proceed to a Tier 2 Investigation. The office will provide more details about the mediation process as it applies to your case.

RIGHT-TO-SUE

Once the complaint has been on file for 60 days, the complainant has the option of removing their complaint from the IOCR's administrative process to commence a lawsuit in district court. Before filing a lawsuit, the complainant must request a right-to-sue letter from the IOCR. When the right-to-sue letter is issued, the IOCR administratively closes the complaint and will take no further action on the complaint. A lawsuit must be filed within 90 days of the date the IOCR issues the right-to-sue letter; therefore, it is advisable to consult with an attorney before asking for a right-to-sue letter.