

Commission's Functions

The Commission's primary duty is to enforce state and federal laws that prohibit discrimination in employment, public accommodations, housing, education and credit by investigating and litigating civil rights complaints. In addition, the Commission provides conflict resolution services including mediation and conciliation for civil rights matters. In addition to its role as a law enforcement agency, the Commission works to prevent discrimination by providing training and education to the public.

Complaint process

Please note the following process describes handling employment, public accommodation, credit, or education cases. The process for housing complaints differs, from timelines to opportunities to seek judicial remedies.

1. Civil Rights Complaint Filed

A. All non-housing complaints are “do-it-yourself” filings. ICRC staffers explain the process verbally and in writing to potential complainants. The complainants, with or without the assistance of counsel, draft the complaint themselves. Complaint form is available on line at icrc.iowa.gov, at local civil rights agencies, or through request through 1-800-457-4416 (toll free in Iowa only) or 515-281-4121 for ICRC.

B. Complaint form is “filed” when received by ICRC. When filed, it goes to intake unit to determine jurisdiction and timeliness

1. Jurisdiction: Employment; housing; public accommodation, credit, and education—based on race, national origin, color, sex (gender), sexual orientation, gender identity, disability, retaliation, or religion. Three other bases include: age (employment and credit only), familial status (housing and credit only) and marital status (credit only). Mental disability is not covered in credit.
 2. In employment, must be an organization with 4 or more employees; family members do not count. All public accommodations are covered, regardless of the number of employees.
 3. Must be filed within 300 days of incident (note: different timelines for EEOC And HUD; for example HUD must be within 1 year)
2. Case is docketed within 20 days; parties are notified there is a complaint on file. Respondent and complainant receive a hard copy of the complaint.
 3. Along with the copy of the complaint, parties receive a letter and questionnaire that is not exchanged between the parties. They must return the questionnaire or position statement within 30 days unless an extension is granted. The parties can voluntarily opt into mediation at this stage if they desire.

C. Screening

4. The screening process internally begins when both parties respond to the questionnaire and the goal is to have the case screened within 120 days. On average, 60% of the cases are “screened out.” Complainants whose cases are screened out may request a right-to-sue letter. Complainants whose cases are screened out may request reconsideration/reopening. An internal committee reviews reconsideration requests.
5. Those cases where further investigation is needed are “screened in.” All parties are sent a letter offering mediation. It is the Agencies’ goal to have the case mediated within 60 days of the screening decision.
6. To begin, the evidence provided is reviewed to determine whether the collected information indicates a reasonable possibility of a probable cause determination and warrants further processing. Iowa Administrative Code 161-3.12(1)(f). When evaluating evidence, we provide legitimate inferences that can be reasonably deduced from the evidence to the Complainant. An inference is legitimate if it is “rational, reasonable, and otherwise permissible under the governing substantive law.” *Manning v. Wells Fargo Financial, Inc.* 756 NW2d 480 (Iowa App.,2008) citing *Butler v. Hoover Nature Trail, Inc.*, 530 N.W.2d 85, 88 (Iowa Ct.App.1994). Additionally, we do not make credibility determinations at this stage. Instead, we focus on whether the material facts collected indicate a reasonable possibility of a probable cause determination. We are mindful that “employment discrimination cases frequently turn on inferences rather than direct evidence” and that direct evidence of intent is often difficult or impossible to obtain. *See Peterson v. Scott County*, 406 F.3d 515, 520 (8th Cir.2005); *Haas v. Kelly Services, Inc.*, 409 F.3d 1030, 1034-35 (8th Cir.2005).

D. Mediation

7. The mediation is scheduled. The parties execute confidentiality agreements. If the case is resolved the parties execute a formal agreement of settlement. Mediation can be conducted face-to-face or by telephone. The ICRC is currently in the process of utilizing volunteer Iowa lawyers to conduct mediation on our cases as well as trained staff members.

E. Investigation

8. If the case is not mediated, it is forwarded to the investigative unit. There is a goal to have the investigation completed within 100 days of when the case is assigned for investigation. At the conclusion of the investigation, if there is a finding of probable cause the ICRC offers conciliation where the agency is now an advocate for the aggrieved party. (Unlike mediation, the conciliator is an advocate, not a neutral mediator).

9. At the conclusion of the investigation there can also be a finding of no probable cause (NPC). If an NPC is issued, the Complainant does not have the option of requesting a right-to-sue; however the NPC finding can be appealed to the district court or if the case is cross-filed with the Equal Employment Opportunity Commission (EEOC), a request can be made for review by EEOC.
10. Probable cause exists if there are reasonable grounds for believing [discrimination has occurred]. *Wilson v. Hayes*, 464 N.W.2d 250, 261-62 (Iowa 1990) (citing 52 Am.Jur.2d *Malicious Prosecution* §51, at 219) A determination of probable cause is made after an investigation and is based on “facts and circumstances that would be sufficient to induce a reasonable belief in the truth of the [claim].” *In re Det. of Mead*, 790 N.W.2d 104, 111 (Iowa 2010), reh'g denied (Dec. 10, 2010). *See also Shaul v. Brown*, 28 Iowa 37, 47, 4 Am.Rep. 151. (“Without entering at length into the discussion, we may remark that the question of probable cause in every case involves first the ascertainment of the facts from the evidence, and then the application of the law to the facts ascertained.”) The test for probable cause is whether there are reasonable grounds to believe the assertion and does not require “absolute certainty” of the assertion. *Children v. Burton*, 331 N.W.2d 673, 679 (Iowa 1983). In other words, a finding of probable cause means we have determined based on our investigation that there is sufficient evidence to support a reasonable belief that the Iowa Civil Rights Act has been violated.
11. During the investigation, an administrative closure may be also be issued; in the closure materials, the Complainant is explained the option to request a right-to-sue letter

F. Right-to-Sue (RTS)

A right-to-sue (also referred to as an “administrative release” in the Code) allows the complainant to bring suit in state district court. The complainant may request a right-to-sue:

1. After 60 days from the date the complaint is filed.
2. Any time a case is open (and not closed).
3. Less than two years of an “administrative closure”.

The complainant cannot obtain a right-to-sue:

1. If the case is withdrawn.
2. More than two years after an “administrative closure” has been issued.
3. Where the case was closed as a “no probable cause”, “no jurisdiction” or “not timely filed”.
4. Where the notice for public hearing has issued.

G. Access to files

1. The filing of a complaint or that a complaint has been filed is confidential.
2. Only after a RTS is issued can the ICRC release the complete file to the parties.
3. While a case is open, ICRC does not release documents provided by one party to the other party.

4. ICRC is never allowed to release information from a file to a third party.
5. Where a decision is appealed or a public hearing is set, the parties have access to the file through the discovery process.
6. Volunteers and student interns are required to sign general confidentiality agreements, in addition to the mediation confidentiality agreements

H. Judicial Review

After an Administrative Closure, No Probable Cause, or No Jurisdiction findings, the Complainant may request an appeal of the Commission's decision by filing a petition in district court.

I. Contacting the Iowa Civil Rights Commission:

Iowa Civil Rights Commission
Grimes State Office Building, First Floor
400 East 14th Street
Des Moines, Iowa 50319
(515) 281-4121
FAX: (515) 242-5840
1(800) 457-4416 (in Iowa, only)
icrc.iowa.gov