

VII. REMEDIES

If the Commission finds that discrimination has occurred, a Final Order may include a cease and desist order, job reinstatement, monetary relief, making a house or apartment available, mandatory diversity training, or other affirmative action to eliminate the effect of discrimination.

RESPONDENT’S RIGHTS AND RESPONSIBILITIES

YOU HAVE A RIGHT

- To provide a clear, coherent written statement in response to the complaint.
- To know the status of your case and who is working on it.
- To receive written notice of any hearing or final action.
- To have an attorney present at any stage of the process, except during the determination hearing.
- To conciliate or settle any case prior to, and after a probable cause determination.

YOU HAVE A RESPONSIBILITY

- To provide a written answer to the complaint within twenty (20) days of receiving it and ten (10) days in housing complaints.
- To supply and explain all relevant information, data, or papers to the investigator, upon request.
- To answer inquiries from the Commission. These will be as convenient and infrequent as possible.

COMPLAINANT’S RIGHTS AND RESPONSIBILITIES

YOU HAVE A RIGHT

- To know the status of your case and who is working on it.
- To receive written notice of final action relating to your case.
- To hire an attorney for representation at any stage of the process, except during the determination hearing.
- To file and pursue a complaint without being harassed, intimidated or retaliated against.
- To obtain a full remedy, if discrimination is found.
- To appeal a “no probable cause” decision.

YOU HAVE A RESPONSIBILITY

- To submit truthful representation of the facts.
- To supply and explain all relevant information, data, or papers to the investigator. This includes the names and contact information of all witnesses involved.
- To answer inquiries from the Commission. Your complaint could be dismissed if you do not.
- To attend all meetings, hearings or fact-finders conferences of which you are notified. We will try to accommodate your schedule if possible.
- To follow your case and keep in contact with us.
- To notify the Commission of any changes in address or telephone number.



Metropolitan Human Relations Commission

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PROCESSING A COMPLAINT



From Intake to Final Action:  
A Guide for Respondents and Complainants

Metropolitan Human Relations Commission

# What is the Metropolitan Human Relations Commission ?

Fort Wayne General Ordinance makes it unlawful to discriminate in the areas of employment, housing, education or public accommodation on the basis of a person’s race, color, sex, age, national origin, religion, ancestry, pregnancy, retaliation, place of birth, disability, sexual orientation or familial status (familial status is a “protected class” in housing complaints only). The purpose of the City of Fort Wayne Metropolitan Human Relations Commission (“Metro”) is to educate, investigate, and eliminate discrimination, so as to insure all Fort Wayne citizens the equal protection and full availability of all rights and privileges of citizenship.

## I. FILING A COMPLAINT

**WHO:** Any person claiming to be aggrieved by a discriminatory act or practice that is contrary to provisions of the Fort Wayne General Ordinance, and such act or practice has occurred within the city limits of Fort Wayne, may file on his/her own behalf, or on behalf of the group or person of which he/she is a representative. A minor may file a complaint through a parent or legal guardian. Complaints outside city limits may also be filed at Metro, and will be forwarded to the appropriate state or federal agency.

You can file a discrimination complaint in the areas of:

- Employment
- Housing
- Education
- Public Accommodation (Place of Service)

**WHEN:** A complaint may be filed with Metro within three hundred (300) days of alleged discriminatory act or practice, but if it is over one hundred and eighty (180) days it will be sent to the regional Equal Employment Opportunity Commission Office (EEOC) who would take the complaint through their process. A complainant has 1 year to file a housing complaint at Metro. Note: *A complaint is not a lawsuit.*

**WHERE:** Metro’s offices are located at 2310 Parnell Avenue, Fort Wayne, Indiana 46805. The hours are

Mon. & Tues. 7:30 a.m. to 6 p.m., Wed. & Thurs. 7:30 a.m. to 4:30 p.m. and Fri. 8: 00 a.m to 12:00 p.m.

**HOW:** A complaint must be filed with Metro either by personal delivery or by mail. Commission staff shall provide necessary assistance in drafting and filing a complaint. The Commission or its staff does not usually initiate complaints except as provided for under Metro Rules and Regulations. All complaints must be timely filed and *must* meet minimum legal standards before they are accepted by Metro.

## II. INVESTIGATION

The investigator will gather and summarize all relevant facts available for each side. This may include request for supporting documents, testimonies, etc. The Commission may hold a “fact-finding” conference involving the complainant and the respondent to discuss the issues and attempt resolution of the complaint. The fact-finding conference is not a hearing. Attorneys for either side are welcome to participate in the investigation, but an attorney is NOT required.

## III. DETERMINATION HEARING

If no settlement agreement is reached by the parties subsequent to the completion of the investigation, the Executive Director, Staff Attorney, and a Commissioner will hold a determination hearing (which the parties do not attend) to determine whether further action (due to evidence uncovered) is warranted. If so, a finding of “probable cause” is issued. If no further action on the complaint is warranted, a finding of “no probable cause” is issued



# KNOW YOUR RIGHTS.

and the complaint is dismissed. Complainants may appeal a decision of “no probable cause” to the Commission if they notify the Commission in writing of their intent to appeal within ten (10) days of notification of “no probable cause” determination.

## IV. FORMAL MEDIATION

Upon a finding of “probable cause”, a formal attempt at resolving the complaint will be made. If a settlement is achieved, a written mediation agreement will be issued for the signatures of all parties. Any agreement is subject to approval by the Commission. If approved, a mediation agreement has the same effect as a Final Order.

## V. PUBLIC HEARING

Should formal mediation fail, the matter will be scheduled for a formal public hearing if legal makes the assessment that sufficient evidence is present for complainant to meet his/her burden of proof by a preponderance of the evidence. At a public hearing, a Hearing Officer tries the case and may issue recommended Findings of Fact and Conclusions of Law, and a Final Order. If not appealed within ten (10) days after notification, the Commission may adopt, as a Final Order, the recommended order or determination without further hearings.

## VI. FINAL ORDER

A Final Order by the Commission is *binding*. Either party may seek judicial review in civil court.