

9. WHAT IS CONCILIATION?

Conciliation occurs when the parties agree on ways to resolve the issues raised in the charge of discrimination, without a final decision by the Division.

10. WHAT IF THE COMPLAINT IS NOT CONCILIATED?

If conciliation is not successful, the complaint may return to an investigative stage. With sufficient evidence, a final report will be drafted, approved by the Director with recommendations, and submitted to the Fair Housing Human Rights Board for determination.



11. HOW LONG DOES IT TAKE TO INVESTIGATE A CHARGE OF DISCRIMINATION?

In most cases, the process can be completed within 100 days. Longer if scheduled for a full investigation. You will be notified if the process will exceed 100 days.

12. CAN THE RESPONDENT TAKE ACTION AGAINST A COMPLAINANT FOR FILING A COMPLAINT?

No. It is against the law for a Respondent to retaliate against a person for filing a charge of discrimination or for participating in an investigation. A person may file a charge of retaliation if s/he believes that the Respondent has taken such action against him or her.

13. WHAT IS A RIGHT-TO-SUE LETTER?

A right-to-sue letter is needed in order to bypass the administrative process and file a civil action in court. It is issued by the Florida Commission on Human Relations (FCHR) or the U.S. Equal Employment Opportunity Commission (EEOC). The Division does issue a letter which allows the Complainant to bring civil action against the person named in the complaint or request an administrative hearing. (This action ends the investigation and administratively closes the case.) The Division also dual-files a charge with the FCHR, who has a work-share agreement with the EEOC. A Complainant may request a right-to-sue letter from either of those agencies.

14. IS THERE ANYTHING ELSE EITHER PARTY SHOULD KNOW?

Yes. If you have a change in contact information, you must let the Division know. The complaint could be closed administratively if the Division cannot get in touch with the Complainant, and an inference of probable cause may be made if the Respondent cannot be reached or refuses to cooperate.

For more specific information please contact our office.

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ALACHUA COUNTY EQUAL OPPORTUNITY DIVISION

FREQUENTLY ASKED QUESTIONS ABOUT COMPLAINT PROCESSING



ALACHUA COUNTY CODE

CHAPTER 111

EQUAL OPPORTUNITY

1. WHAT HAPPENS AFTER THE DIVISION RECEIVES A COMPLAINT?

When the Division receives a discrimination charge, the Respondent is notified and requested to provide information within 15 days of the charge receipt. Respondent has ten (10) days to respond to the allegations, and ten (10) additional days if requested. The Division can request a subpoena from the Fair Housing Human Rights Board if the Respondent is not cooperative.

2. DOES THE COMPLAINANT OR RESPONDENT BEAR THE BURDEN OF PROOF?

Although the Complainant bears the burden of proof in a charge of discrimination, the Respondent must provide a legitimate non-discriminatory reason for the action taken against the Complainant.

3. HOW WILL AN INVESTIGATION BE CONDUCTED?

First, a review of the information submitted by the Complainant and Respondent is conducted. The Investigator will then conduct a rebuttal to Respondent's information with the Complainant. After Complainant's rebuttal, it may be determined that there is sufficient information in the file from both parties to complete the investigation. If not, additional information from either party may be requested.

In some cases, a fact-finding conference may be held to gather information.

4. WHAT HAPPENS AT A REBUTTAL?

The Investigator meets with the Complainant to review the Respondent's information. At that time, the Complainant will have the opportunity to provide additional information such as witness testimony or documents to show that the reason(s) given by the Respondent for its action is a pretext for discrimination.



5. WHAT IS A FACT-FINDING CONFERENCE?

A fact-finding conference is a meeting in which both parties and their witnesses meet with the Investigator. The fact-finding conference is a time to discuss the facts of the case. Witnesses or other persons to may attend upon request to the Investigator.

The conference is not a formal hearing as would be held in court. The Investigator asks questions about the case. It is only open to those persons the Investigator determines are necessary for the investigation.

The Complainant and the Respondent will be notified of a conference by mail when a date agreeable to both parties has been reached.

6. WHAT IS THE ROLE OF THE INVESTIGATOR?

The Investigator does not represent the Complainant or the Respondent. The job of the Investigator is to look at all the information given by both parties in order to determine if a violation of Alachua County Code Chapter 111, the Human Rights and Fair Housing Ordinances of Alachua County has occurred.



7. SINCE THE INVESTIGATOR DOES NOT REPRESENT EITHER PARTY, MAY COMPLAINANT AND RESPONDENT HAVE ATTORNEY REPRESENTATION?

Yes. Either party may be represented by an attorney. The Division should be notified of attorney representation so that their contact information is known for correspondence purposes.

8. IS INFORMATION OBTAINED DURING THE INVESTIGATION CONFIDENTIAL?

The information gathered in the investigation is only confidential while the complaint is active. Once the case is determined and closed, the complaint is subject to the Florida Public Records Law.

