
Do I Need To Hire An Attorney To File A Discrimination Complaint With The Human Rights Division?

You may choose to seek legal advice from a private attorney at any time but you are not required to have an attorney to file a complaint with the Human Rights Division.

May I File My Discrimination Complaint Directly In Court If I Prefer?

Yes. You have the right to file a discrimination complaint directly in state court instead of with the Human Rights Division. You do not have to file your complaint with the Human Rights Division first. If you decide to bring an action in district court, any pending action in the division will be immediately dismissed.

How Much Time Do I Have To File A Discrimination Complaint?

You have limited time to file a discrimination complaint from the date the alleged discrimination occurred or ended. The length of time you have to file a complaint depends upon the type of discrimination you feel you have experienced:

- Discrimination in Employment or Credit Transactions = 300 Days
- Discrimination in Housing = One Year
- Discrimination in Business or Governmental Services = 180 Days

If a complaint is filed with the Human Rights Division, you have ninety days from the date the division dismisses the action or issues a written probable cause determination to file in court. In addition, if your complaint is

against the State of North Dakota or a state employee and you wish to seek monetary relief, you must provide written notice of your injury and the amount of relief demanded to the Director of the Office of Management and Budget within 180 days of the date the alleged discrimination occurred.

How Do I Contact The Human Rights Division?

The Human Rights Division is located within the North Dakota Department of Labor on the 13th Floor of the State Capitol. The division's regular business hours are Monday through Friday from 8:00 A.M. to 5:00 P.M. CST.

Contact information for the Human Rights Division is as follows:

**North Dakota Department of Labor
Human Rights Division
600 East Boulevard Ave, Dept. 406
Bismarck, ND 58505-0340**

Phone – (701)328-2660 locally or
1-800-582-8032 toll-free in ND

TTY (Relay ND) – 1-800-366-6888
or 1-800-366-6889

Fax – (701)328-2031

E-Mail – humanrights@nd.gov

Web Site – nd.gov/humanrights



The work that provided the basis for this publication was supported by funding under a cooperative agreement with the U.S. Department of Housing & Urban Development. The substance and findings of the work are dedicated to the public. The North Dakota Department of Labor is solely responsible for the accuracy of the statements and interpretations contained in this publication. Such interpretations do not necessarily reflect the views of the U.S. Government.

How to File a Discrimination Complaint in North Dakota

A Guide for Those Who Believe They Have Been Discriminated Against



HUMAN RIGHTS DIVISION

**John Hoeven
Governor**

**Lisa K. Fair McEvers
Commissioner of Labor**

What Is Unlawful Discrimination?

Discrimination means being treated differently. It is unlawful to be treated differently than other people in employment, housing, services offered by businesses, governmental services, or credit transactions because of your:

- Race
- Color
- Religion
- National Origin
- Sex
- Age (40 years of age or older)
- Disability (mental or physical)
- Marital Status
- Status as a Recipient of Public Assistance
- Familial Status (having children under age 18, being pregnant, or being in the process of securing legal custody of a child under age 18) (housing only)
- Participation in lawful activity off the employer's premises outside of regular work hours that is not in direct conflict with the business-related interests of the employer (employment only)

What Can I Do If I Think I Have Been Discriminated Against?

Contact the Human Rights Division of the North Dakota Department of Labor. Staff there will talk with you about what happened to you and help you understand your options. Alternatively, if you prefer, you may contact a private attorney of your choosing to seek advice.

This brochure is intended to help people who believe they have experienced discrimination understand how to file a complaint with the Human Rights Division.

How Do I File A Discrimination Complaint With The Human Rights Division?

The first step in filing a discrimination complaint with the Human Rights Division is to complete the "intake" process. This simply means to provide the Human Rights Division with initial, specific information about what happened to you. The intake process can be completed in any one of three ways:

1. You can describe what happened to you in writing using an *Intake Questionnaire* form. You can obtain the form by contacting the Human Rights Division or you can print it from the division's web site. Once you have filled out the form, return it to the Human Rights Division.
2. You can contact the Human Rights Division and ask to have your intake information taken by telephone.
3. You can have your intake information taken in person. Division staff are regularly available to meet with you to take your intake information in person:
 - By appointment during regular office hours at the Human Rights Division in the State Capitol; or
 - On the first Wednesday of each month at the:
Southeast Human Service Center
2624 9th Avenue SW
Fargo, North Dakota; or

- On the first Thursday of each month at the:
Native American Center
109 9th Street South
Fargo, North Dakota

After the intake process is completed, the Human Rights Division will assess the information you provided to determine whether there is a basis to file a formal discrimination complaint for investigation. The division may need to request additional information from you to make this determination. If the intake information you provide does establish a basis for a formal complaint, the division will draft a complaint for you to sign. A discrimination complaint is considered filed when the signed complaint is returned to the Human Rights Division.

What Happens After I File A Discrimination Complaint With The Human Rights Division?

The Human Rights Division will serve as a neutral third party to investigate your complaint and work to resolve your complaint through informal means such as mediation and/or conciliation.

You will need to participate in your complaint - be available to the Human Rights Division and provide any information that may be relevant to your complaint.

Some complaints will be resolved quickly while others may take time - six months or longer - to thoroughly investigate.