



Minnesota Department of
HUMAN RIGHTS

January 15, 2008

The Honorable Linda Higgins
Public Safety Budget Division
Minnesota Senate
328 State Capitol
St. Paul, MN 55155

The Honorable Michael Paymar
Public Safety Finance Division
Minnesota House of Representatives
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St. Paul, MN 55155

Senator Bill Ingebrigtsen
Ranking Minority Member
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Ranking Minority Member
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During the 2007 Legislative Session, the Minnesota Legislature passed a law, Chapter 54, Article 1 Section 13, which required the Department of Human Rights to conduct a survey.

“Evaluation. The department shall conduct a survey that evaluates the outcome of complaints filed with the department and whether or not a charging party is satisfied with the outcome of a complaint and the process by which the complaint is reviewed and handled by the department. The department shall evaluate complaints for which a probable cause or no probable cause determination is made. The survey must seek to determine the reasons for any dissatisfaction and whether a party sought an appeal or reconsideration of a determination or decision. The survey shall evaluate complaints filed or resolved in the past two years. By January 15, 2008, the department shall summarize the survey findings and file a report with the chairs and ranking minority members of the house of representatives and senate committees having jurisdiction over criminal justice policy and funding that discusses the findings and any recommended changes in policies, procedures, or staffing the department proposes to undertake in response to the findings.”

AN EQUAL OPPORTUNITY EMPLOYER

January 15, 2008

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Pursuant to the directive, the department contracted Management Analysis & Development (MAD) of the Department of Administration to conduct the survey which focused on charges determined between July 1, 2005 and June 30, 2007. The cost of the survey was \$16,340. This survey produced three suggestions each from the surveyed charging parties and MAD which will be considered and implemented if appropriate.

We appreciate the assistance of 216 charging parties who took the time to respond to the survey and MAD for their assistance in conducting the survey.

Yours truly,

A handwritten signature in black ink, appearing to read "Velma Korb". The signature is fluid and cursive, with a large initial "V" and "K".

Velma Korb, Commissioner
MN Department of Human Rights

Enclosure

c: Beth Kadoun, Senior Policy Advisor, Governor's Office
Patrick Flahaven, Secretary of the Senate
Albin Mathiowetz, Chief Clerk, Minnesota House of Representatives
Legislative Reference Library



Management
Analysis
& Development

- **Minnesota Department
of Human Rights**
-

Survey of Charging Parties

January 2008

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Other formats

To obtain these materials in an alternative format, — for example, large print or cassette tape — call voice 651-201-2290 or Minnesota relay, 7-1-1 or 800-627-3529 (voice, TTY, ASCII).

Copies of this report

For more information or copies of this report, contact the Minnesota Department of Human Rights.

Management Analysis & Development

Management Analysis & Development is Minnesota government's in-house fee-for-service management consulting group. We are in our 23rd year of helping public managers increase their organization's effectiveness and efficiency. We provide quality management consultation services to local, regional, state, and federal government agencies, and public institutions.

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Introduction

Minnesota Session Laws 2007, Chapter 54, Section 13, directed the Minnesota Department of Human Rights (MDHR) to conduct a survey of its charging parties. The specific language follows:

“Evaluation. The department shall conduct a survey that evaluates the outcome of complaints filed with the department and whether or not a charging party is satisfied with the outcome of a complaint and the process by which the complaint is reviewed and handled by the department. The department shall evaluate complaints for which a probable cause or no probable cause determination is made. The survey must seek to determine the reasons for any dissatisfaction and whether a party sought an appeal or reconsideration of a determination or decision. The survey shall evaluate complaints filed or resolved in the past two years. By January 15, 2008, the department shall summarize the survey findings and file a report with the chairs and ranking minority members of the house of representatives and senate committees having jurisdiction over criminal justice policy and funding that discusses the findings and any recommended changes in policies, procedures, or staffing the department proposes to undertake in response to the findings.”

The department contacted Management Analysis & Development (MAD) of the Department of Administration to help the department meet the goals of the legislative directive by conducting the survey of charging parties. This report provides the results of the survey of charging parties. The department will produce an additional report or memorandum that will outline its recommended changes in policies, procedures, or staffing in response to these findings.

Method

Survey Development. MDHR leadership worked with MAD to develop survey instruments to provide information about charging parties' satisfaction with the outcome of a complaint and the process by which the complaint was reviewed and handled by the department. MAD also contacted the committee administrator for the House Public Safety Finance Division, which originated the request for the survey, to see if there were any particular topics that the committee wanted to include in the survey. Topics requested by the committee chair were included in the survey.

Two survey instruments were developed, one for charging parties who received a "probable cause" determination of their case, and one for those who received a "no probable cause" determination (see pages 4–5 for definitions of these terms). It was necessary to develop two survey instruments because there were aspects of the process (conciliation and appeals) that were experienced only by one sub-group of charging parties. Other than the questions about the appeals and conciliation processes, the two survey instruments were identical. The survey instruments are shown in Appendix A and Appendix B.

Charging parties selection. The department reviewed its case files and selected all individuals who filed charges with the department, or had their charges resolved between July 1, 2005, and June 30, 2007. In seven cases where the commissioner was the charging party, the cases were excluded. Individuals who had filed multiple charges during this time period were sent one survey, rather than one survey for each charge that they filed. 569 individuals were selected, and of these, 431 had a non-probable cause determination, and 138 had a probable cause determination.

Survey administration. The survey was distributed and returned via U.S. Mail between August 2007 and October 2007. After the initial mailing, two follow-up mailings were sent to non-respondents only. In the cover letter for the survey, charging parties were informed that their individual survey responses would be kept confidential and private (as provided by Minnesota Statutes, section 13.64), that the Department of Administration would provide the Department of Human Rights with a summary report and analysis that blends together all the responses, and that nothing would be included in the report that could identify them by name.

Survey responses. The table below shows the response rate to the survey. The overall response rate of 44 percent is similar to response rates that MAD has recently been experiencing with mailed special population surveys. A general decline in response rates from the customary 60–70 percent range has been noted in the survey research profession, but there is currently no consensus in the profession about the factors that produce the disjuncture between response rates and survey quality.¹ Readers should be mindful that since 56 percent of the charging parties received the survey, but did not reply to it, the responses reported here could represent subgroups of the population.

¹ American Association for Public Opinion Research, *Response Rates – An Overview*. Found at: <http://www.aapor.org/responseratesanoverview>

Given the large differences in opinion between those with “probable cause” and “no probable cause” determinations, it is plausible that the most and least satisfied in the survey population responded, while those with more moderate viewpoints may not have been motivated to respond.

MDHR charging party survey, response rate	All charging parties	No probable cause determination	Probable cause determination
Surveys mailed	569	431	138
Returned as undeliverable	79	64	15
Population reached (mailed minus undeliverable)	490	367	123
Responses	216	148	68
Response rate (% of population reached)	44%	40%	55%
Response rate (% of surveys mailed)	38%	34%	49%

Four charging parties submitted signed letters to Commissioner Korbel or to the Department of Human Rights with their survey responses. Notwithstanding the confidentiality protections that had been provided for the survey, MAD and MDHR decided that the charging parties in these cases intended for their letters to be read by the commissioner. The survey responses from these individuals (their responses to the scaled questions on the survey instrument) were not shared with the commissioner.

Two surveys were conducted over the telephone at the charging parties’ request. In one of these cases, the survey was conducted with a translator.

Analysis and interpretation of survey findings. This report is a record of the opinions offered by charging parties. Despite its appearance as a statistical report, it is a report of *perceptions* rather than *facts*. Learning about perceptions is an important component for any government department’s strategic or operational planning because it gives the department a sense of what its stakeholders think.

In summarizing the written comments from both groups, charging parties’ comments were linked to similar comments from other participants to form major themes. The resulting list of themes is not a complete listing of all comments offered, but it is intended to provide richness and detail to support the major theme areas. In summarizing charging parties’ comments, the division made attempts to stay as true as possible to the language and tone of the charging parties, to preserve their original intent and meaning. However, in cases where the wording, examples, dates, or names of specific parties to the charge could identify specific individuals, the division removed the identifying information, and substituted more general language. These wording substitutions are noted with square brackets [].

The MDHR Charging Process

Charging parties were asked to comment on their overall experiences, as well as on the processes for *intake*, *investigation*, *conciliation* (where applicable) and *appeals* (where applicable). The following paragraphs, and the process diagram on page 7, provide background about MDHR’s case management processes.²

The Minnesota Human Rights Act (MHRA). This Act protects people from discrimination based on certain personal characteristics, which are also called “protected classes.” These characteristics include race, color, creed, religion, national origin, sex, marital status, familial status (in housing only), disability, public assistance, age, sexual orientation, and local human rights commission activity (in employment only).

The MHRA also recognizes certain areas of protection. These include employment, housing, public accommodations, public services, education, credit, and business. Not all classes are protected in all areas. A business can offer special discounts to people over or under a certain age, for example, because age is not a protected class in public accommodations.

Filing a charge. A person who claims to have been discriminated against in violation of the Act may file a charge with the Minnesota Department of Human Rights within one year of when the discrimination took place. There is no fee to file a charge of discrimination, to investigate a case, or to obtain a settlement if warranted.

Intake. An intake officer will review an individual’s situation to see if it comes within the protection of the Act, and will draft a formal charge if the department has authority and sufficient basis to become involved. If a complaint appears to be within the department’s jurisdiction, individuals are asked to fill out a questionnaire giving more details about what happened, which assists intake staff in drafting a charge for them. A copy of the signed charge is sent to the person or organization accused of the discrimination (known as the *respondent*), along with a request for a response and for other information.

Alternatively, the department will accept for filing any jurisdictional charge drafted by an attorney as long as the attorney also signs the charge form and provides his or her attorney registration number.

Investigation. When the signed charge is served on the respondent, an investigation is conducted into the facts of the claim. The MDHR explains to charging parties and to respondents that its role is to be a neutral investigative agency, whose job is to impartially investigate charges of discrimination. The department may interview witnesses and otherwise attempt to determine if there is “probable cause” to believe that the Human Rights Act was violated.

² For more information, see Minnesota Department of Human Rights, *How Are Your Rights Protected?* Found at: http://www.humanrights.state.mn.us/rights_process.html; and *Do You Have a Case?* Found at: <http://www.humanrights.state.mn.us/interactive/index.html>.

Determination. If the evidence supports the claim of discrimination the Commissioner of Human Rights will issue a determination that there is “probable cause” to credit the allegation of a violation of the Act. When the evidence does not indicate that a violation occurred, the commissioner will issue a finding of “no probable cause” or dismiss the case administratively without a conclusive determination.

Conciliation. If the determination is “probable cause,” the department will seek a remedy on behalf of the person who brought the charge. Potential relief may include lost pay and related expenses, punitive damages, and compensation for mental anguish and suffering.

Appeal or Reconsideration. Either party (the charging party or the respondent) can ask the commissioner to review the decision made in the case. When the charging party asks for the review, it is referred to as an appeal. When the respondent asks for the review, it is referred to as reconsideration. Reconsideration processes were not evaluated as part of this survey, since information about respondents’ views was not requested by the legislature.

District Court option. A claim can also be brought as a private civil action in district court within the one-year statute of limitation. This can be done by withdrawing a charge while it is before the department, or by bringing action within 45 days after a dismissal. Charging parties who withdrew their charges before a determination was made were not included in the survey population.

Settlement, mediation, and alternative dispute resolution. The department encourages the voluntary resolution of discrimination claims and will try to facilitate settlement at any stage of the proceedings. The department sponsors an alternative dispute resolution (ADR) program for this purpose. Cases are typically sent directly to ADR after the answer and rebuttal are received and the case has been screened for merit; however, if the parties are interested, cases under investigation also may be referred to mediation. Charging parties who settled their cases before a determination was made were not included in the survey population.

Attorney General’s office. If a case in which probable cause has been found cannot be conciliated, the Office of the Attorney General prepares the department’s position for a public hearing before an administrative law judge or a trial by a judge of the district court. An appeal of the judge’s decision may be made to the Minnesota Court of Appeals and taken to the Minnesota Supreme Court.

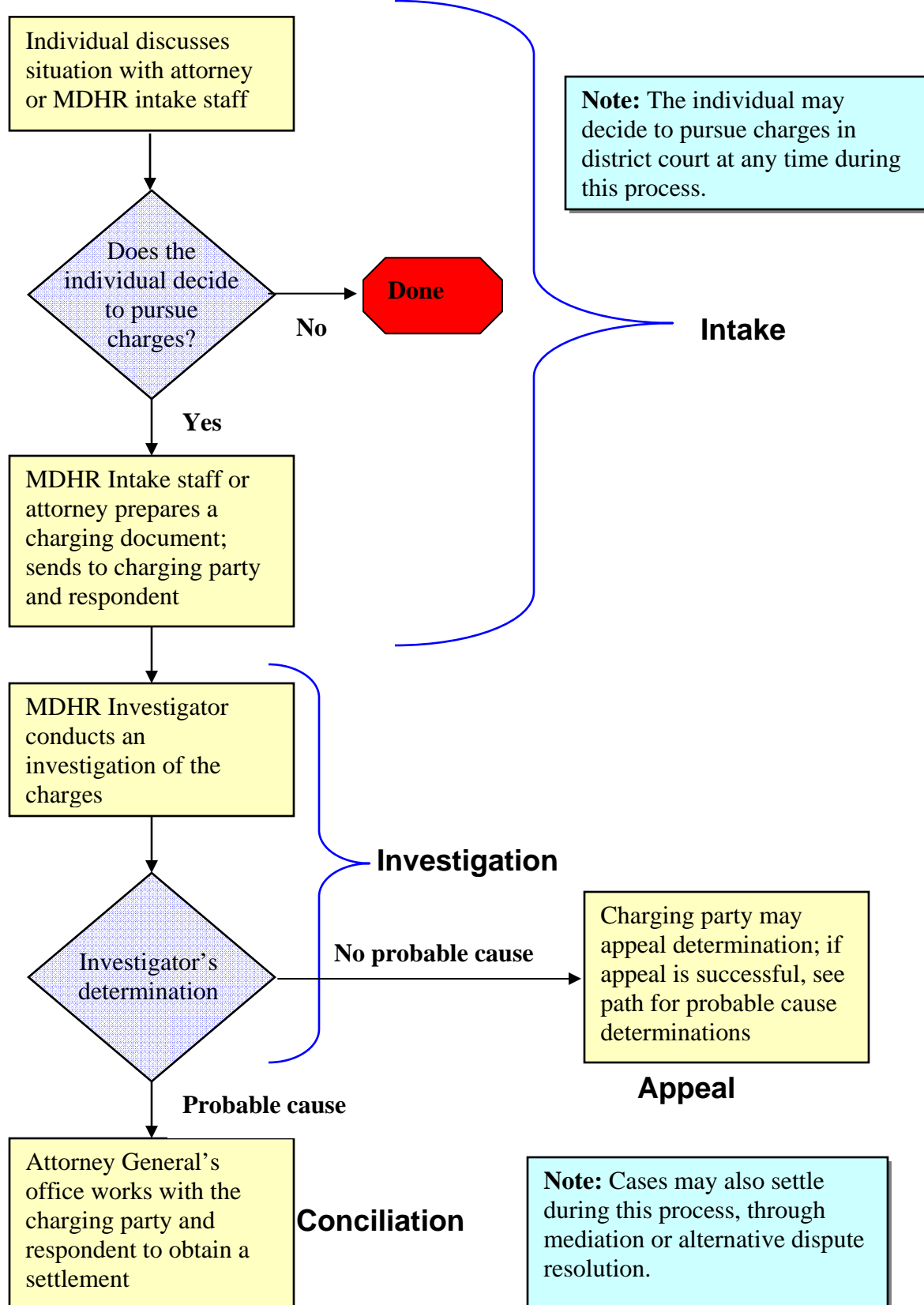
Private attorney representation. Charging parties can also hire a private attorney (which they can do whether or not they file a charge with the Department of Human Rights). The Department does not advise individuals regarding whether they should hire a private attorney.

Other laws and agencies. In addition to the Minnesota Human Rights Act:

- Laws covering overtime, employee breaks, and workplace safety issues are enforced by the state Department of Labor and Industry.

- There are other agencies that investigate discrimination in employment, including the Equal Opportunity Employment Commission (EEOC), the Minneapolis Department of Civil Rights and the St. Paul Human Rights Department (for cases within their jurisdictions). The laws they enforce are similar to the state Human Rights Act. Individuals cannot file simultaneously with more than one agency. Employment charges filed with Department of Human Rights are automatically cross-filed with the EEOC, and vice versa, although only one agency investigates.

The MDHR Charging Process



Survey Results: Information and Referral

Responses to scaled questions

Information sources. Charging parties were asked how they learned about the Department of Human Rights. The table on the next page shows that attorneys were the most common source of information, at 39 percent, followed by friends and coworkers, at 21 percent. The department's Web site was the information source twice as often as printed materials such as posters and brochures.

Attorney representation. Charging parties were also asked if they were represented by an attorney during the process. The table on page 10 shows that overall, 45 percent of respondents were represented. Charging parties who received probable cause determinations were more likely to have been represented by an attorney, at 59 percent, compared to 38 percent for those with no probable cause determinations.

How did you learn about the Minnesota Department of Human Rights?				
	Counts	Percents	Percents	
			0	100
The department's website	23	11%		
A poster	8	4%		
A brochure	2	1%		
From a friend or coworker	45	21%		
From an attorney	82	39%		
Other	50	24%		
Totals	210	100%		

How did you learn about the Minnesota Department of Human Rights?

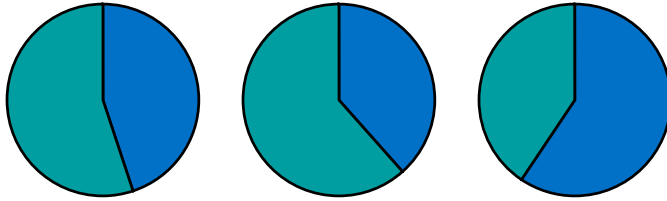
50 Other

- Worked at Legislature in past years
- I knew about it cuz of being a manager
- Knew someone who filed a complaint once
- By activist named Marty Barnum
- Knew about them from a previous claim
- EEOC
- From my lawyer
- Attorney Generals Office
- I was a state employee and was aware of other agencies.
- Previously used program
- Every state offers this service
- From the Department of Labor
- Attorney General's office
- Many years ago, while working full time
- Already knew about it
- I was a mediator for the department
- Thought of it myself
- Dad
- From the unemployment office
- Parent
- Life
- I knew it existed
- My husband
- My Union steward
- Help myself to find out if somebody can help us!
- Respondent checked two choices: From a friend or coworker AND From an attorney.
- Walk-in
- From some friends and a brochure at my job
- From a family member
- My education and research
- From an attorney, and common knowledge
- Knowledge of department
- Spouse
- Self
- Telephone book
- The union's attorney
- They contacted me
- Unemployment check
- I knew about it
- My mother
- My wife knew about it.
- I knew about it.

Were you represented by an attorney during the process?

	Overall		Determination			
			No probable cause		Probable cause	
Were you represented by an attorney during the process?						
Yes	45%	93	38%	55	59%	38
No	55%	114	62%	88	41%	26
Totals	100%	207	100%	143	100%	64

Overall	Determination	
	No probable cause	Probable cause



Were you represented by an attorney during the process?

■ Yes
 ■ No

Survey Results: Intake

Responses to scaled questions

The summary table below and the detailed tables and charts on pages 13–15 show charging parties’ responses to five scaled questions relating to the intake process.

Between 74 and 94 percent of charging parties with probable cause determinations said they were “satisfied” or “somewhat satisfied” with the various aspects of the intake process. In contrast, between 30 and 50 percent of charging parties with no probable cause determinations were “satisfied” or “somewhat satisfied” in response to the same questions. The highest satisfaction rating among both groups was on “the courtesy and professionalism of staff assisting you.” The lowest satisfaction for both groups related to the amount of time it takes to complete the intake process.

In this case, as with most questions on the survey, the outcome experienced by charging parties (no probable cause or probable cause) appears to have strongly influenced their opinions of the process. This was the case even for the intake process, which occurs before the determination is made.

MDHR charging party survey Intake process questions	“Satisfied” or “somewhat satisfied”		
	Overall	NPC*	PC*
Availability of staff to assist you	58%	44%	88%
Courtesy and professionalism of staff assisting you	64	50	94
The staff’s familiarity with the facts of your complaint	48	30	85
The amount of time it took to complete the intake process	45	31	74
The accuracy of the charge that was drafted for you	53	35	91

*NPC = No probable cause determination; PC = Probable cause determination

Comments about the intake process

Six charging parties submitted positive comments about the intake process. The comments complimented intake staff for their listening skills, clear communication, and empathy. Some examples:

- “I have praise for the intake person. I was so hurt and felt I had no one to turn to. The intake person encouraged me to file the charge and allow the department’s process to take its place. I felt empowered. I filed the charge, and everything was downhill...” (The rest of this comment related to investigation.)
- “The intake officer was very nice. She explained everything to me, and when I had a question she did not make me feel dumb or like I was wasting her time. And every time we talked she always made sure that she answered all my questions. And she called me to me update on things. She made it easy to talk to her. She made me feel like I was talking to someone who understood the process well and

she did not get upset if I asked the same question sometimes. And when I was nervous, and when I told her things that happened that were upsetting to me, she took her time talking to me. P.S. If you can contact her, thank her. My house is messy and I cannot find the paperwork with her name. Tell her she has a very good heart and God has a place for her in heaven. Thank you.”

- “Intake was polite, patient, and filled with concern. Processing was impartial and impatient. Investigation was biased. (The rest of the comment related to investigation.)”

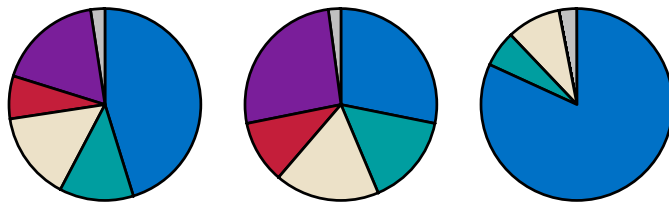
Six charging parties submitted negative comments about intake. Most of these had to do with the timeliness of response or difficulties reaching staff in person. Some examples:

- “Initial contact with the department: never returned phone calls, as long as they had by law, that is how long it [the intake process] took.”
- “This case was given to the State of Minnesota on [date]. On [date 1.5 years later], I received a letter from Mr. Ekpenyong that he was finally given this case for processing. Where this case sat for a year and a half, I would like to know.”
- “My case was denied due to the expiration of the one-year limitation, and lack of proof. I contacted the Department of Human Rights on [date] through the Web site. After receiving no contact by late [two months later] (I thought they were checking into the complaint), I contacted the department by phone in early [month three months after web contact]. I was told that they had not received my complaint. Because I had no proof of the Web site contact, my complaint was entered with the date of [date four months after the web site contact] - more than one year after the discrimination.”

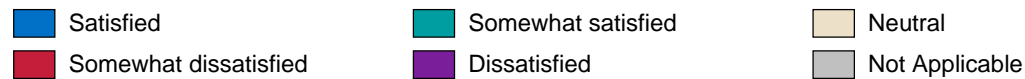
Availability of staff to assist you

	Overall		Determination			
			No probable cause		Probable cause	
Availability of staff to assist you						
Satisfied	45%	94	28%	40	82%	54
Somewhat satisfied	13%	26	15%	22	6%	4
Neutral	15%	31	18%	25	9%	6
Somewhat dissatisfied	7%	15	11%	15	0%	0
Dissatisfied	18%	37	26%	37	0%	0
Not Applicable	2%	5	2%	3	3%	2
Totals	100%	208	100%	142	100%	66

Overall	Determination	
	No probable cause	Probable cause



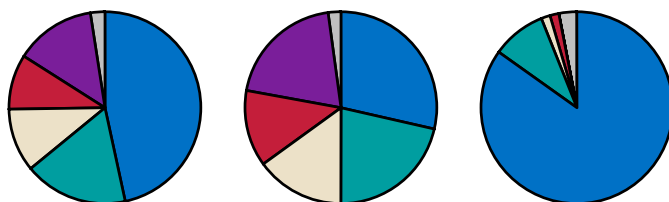
Availability of staff to assist you



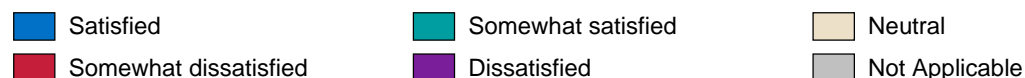
Courtesy and professionalism of staff assisting you

	Overall		Determination			
			No probable cause		Probable cause	
Courtesy and professionalism of staff assisting you						
Satisfied	47%	96	29%	40	85%	56
Somewhat satisfied	17%	36	21%	30	9%	6
Neutral	11%	22	15%	21	2%	1
Somewhat dissatisfied	9%	19	13%	18	2%	1
Dissatisfied	14%	28	20%	28	0%	0
Not Applicable	2%	5	2%	3	3%	2
Totals	100%	206	100%	140	100%	66

Overall	Determination	
	No probable cause	Probable cause



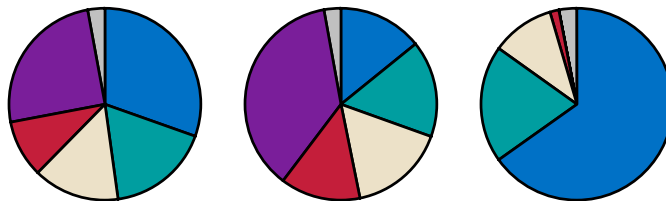
Courtesy and professionalism of staff assisting you



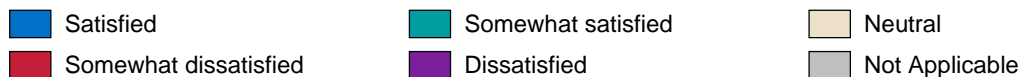
The staff's familiarity with the facts of your complaint

	Overall		Determination			
			No probable cause		Probable cause	
The staff's familiarity with the facts of your complaint						
Satisfied	30%	63	14%	20	65%	43
Somewhat satisfied	17%	36	16%	23	20%	13
Neutral	14%	30	16%	23	11%	7
Somewhat dissatisfied	10%	20	13%	19	2%	1
Dissatisfied	25%	52	37%	52	0%	0
Not Applicable	3%	6	3%	4	3%	2
Totals	100%	207	100%	141	100%	66

Overall	Determination	
	No probable cause	Probable cause



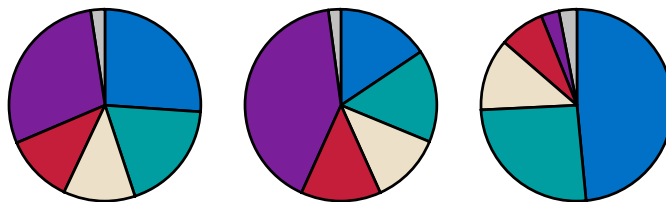
The staff's familiarity with the facts of your complaint



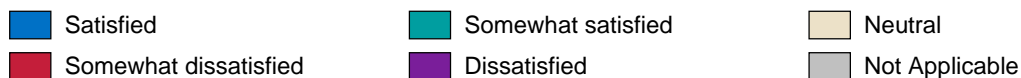
The amount of time it took to complete the intake process

	Overall		Determination			
			No probable cause		Probable cause	
The amount of time it took to complete the intake process						
Satisfied	26%	54	16%	22	48%	32
Somewhat satisfied	19%	39	16%	22	26%	17
Neutral	12%	25	12%	17	12%	8
Somewhat dissatisfied	12%	24	13%	19	8%	5
Dissatisfied	29%	60	41%	58	3%	2
Not Applicable	2%	5	2%	3	3%	2
Totals	100%	207	100%	141	100%	66

Overall	Determination	
	No probable cause	Probable cause



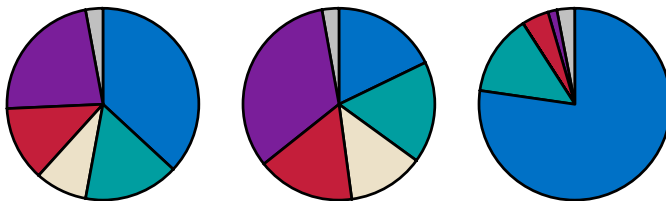
The amount of time it took to complete the intake process



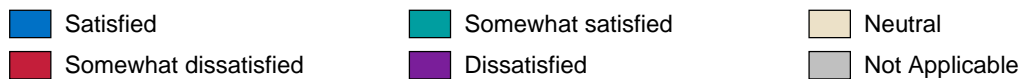
The accuracy of the charge that was drafted for you

	Overall		Determination			
			No probable cause		Probable cause	
The accuracy of the charge that was drafted for you						
Satisfied	37%	76	18%	25	77%	51
Somewhat satisfied	16%	33	17%	24	14%	9
Neutral	9%	18	13%	18	0%	0
Somewhat dissatisfied	13%	26	16%	23	5%	3
Dissatisfied	23%	47	33%	46	2%	1
Not Applicable	3%	6	3%	4	3%	2
Totals	100%	206	100%	140	100%	66

Overall	Determination	
	No probable cause	Probable cause



The accuracy of the charge that was drafted for you



Survey Results: Investigation

Responses to scaled questions

The summary table below and the detailed tables and charts on pages 20–22 show charging parties’ responses to five scaled questions relating to the investigation process.

Only 7 to 33 percent of charging parties with no probable cause determinations said they were “satisfied” or “somewhat satisfied” with the various aspects of the investigation process. In contrast, between 66 and 98 percent of charging parties with probable cause determinations were “satisfied” or “somewhat satisfied” in response to the same questions.

As was the case with the intake process, the highest satisfaction rating among both groups related to the courtesy and professionalism of the staff. The lowest satisfaction rating for charging parties with no probable cause determinations related to the fairness and impartiality of the process, as well as the explanation that they received of the reason for the department’s decision. As was the case with intake, the lowest satisfaction for those with probable cause determinations concerned the amount of time it took to complete the investigation.

MDHR charging party survey Investigation process questions	“Satisfied” or “somewhat satisfied”		
	Overall	NPC*	PC*
Courtesy and professionalism of the staff conducting the investigation	54%	33%	98%
The staff’s familiarity with the facts of your case	40	18	88
The fairness and impartiality of the process	32	7	86
The amount of time it took to complete the investigation	28	11	66
The explanation of the reason for the department’s decision	31	6	85

*NPC = No probable cause determination; PC = Probable cause determination

Comments about the investigation process

84 of the charging parties submitted comments about the investigation aspect of the process. Three of these comments were positive, complimenting the thoroughness of the investigation. For example:

- “I was pleased that all my witnesses were interviewed because my employer wouldn’t listen to me (dismissing what I had to say). Phone calls returned when requested.”

Most of the negative comments about investigations generally fell into two categories:³

- Approximately 45 charging parties believed that their investigation was not thorough.
- Approximately 35 charging parties believed that their investigation was biased.

Comments relating to the thoroughness of investigations

Charging parties who believed that their investigations had not been conducted thoroughly complained that they had not been interviewed by the investigator, that their witnesses were not interviewed, that key documents were not obtained or were not reviewed, or that the investigator did not check into the veracity of the respondent's claims. Some examples:

- “Instead of doing a thorough investigation, you sent letters to my witnesses and didn't bother calling them when they didn't remember to call. The case was closed because of that. Now you are letting foreigners get away with sexually harassing young women - both customers and employees! Your investigation was not nearly as complete as it should have been. Also, there is no reason that the company should have terminated me because I was pregnant. Those were their exact words to me, and you talked to that witness and still didn't move forward with anything.”
- “It would have been nice to have someone from the state contact me and my attorney for an interview at the very least!”
- “The only proof of my complaint, failing the willingness of one or two witnesses to testify for fear of retaliation in a legal system that doesn't actually work well or fast enough, was for the department to audit specific records. I listed the exact records that would vindicate me, but the department either chose, or didn't have the legal jurisdiction, or didn't have the human and financial resources to demand and review said records. As a result, my case was determined to be unproven. The sad thing is, many unethical employers count on this and succeed. My complaint was reduced to nothing more than a colossal waste of my time and yours.”
- “I am extremely disappointed with the whole process! I cannot believe that they can complete an investigation without even contacting those who witnessed the assault or those who were also assaulted during the same time period! If a crime has been committed then do everything within your power to have the perpetrator charged legally and prosecuted! Don't call me a liar and help to continue the problem, HELP stop these people!”
- “It was a long time ago - my recollection is that the Human Rights staff never asked me anything about the case but only looked at my written complaint. I don't know what they did or who they talked to - they gave me no information. It seemed like a very long, dragged-out determination without any input from me or explanation to me.”

³ These add to more than 84 because some charging parties commented on more than one aspect of their investigation

- “In correspondence with your department, I was asked to provide names, addresses, and phone numbers of witnesses as well as what information they could provide. In addition, on more than one occasion, I was asked to describe how evidence could be obtained and how it supports my charge. To my knowledge, the only evidence that your department looked at was provided by the charging party and the respondent. The appeal was merely a rubber stamp. Our judicial system would certainly run amuck if we only relied on evidence from the accused and the accuser.”

Comments relating to investigation bias

Charging parties who thought that their investigations were biased generally believed that the investigator or the department was biased against the charging party or a group that the charging party belonged to (such as a racial group, a gender, or a disability group), or that the investigator was unfairly biased in favor of a particular respondent or a group the respondent represented (such as business, government, or a school district). Some examples:

- “I think I had a good case and because of a ‘city’ that was involved, it wasn’t [the] right outcome. I think if I wasn’t a white male, I would have gotten more out of this. They used my past as an excuse. Really it was that I was handicapped. Thanks.”
- “Very disappointed - Determination was verbatim of [respondent’s] answers - no answers to charges or case work done. In talking with investigator she was hostile and combative against my charges. Insinuating I was wrong or ever experienced any such actions by [respondent] officials. This was the primary reason for not appealing the decision. It appears the Dept. of Human Rights only cares about minorities not age or harassment. They don’t answer the questions and charges raised.”
- “Investigation was biased. The corporate lawyers lied and were granted credibility. I told the truth and was ignored. The law states quite clearly that the burden of proof is on the offender. Not so in my case. I felt as if I was on trial and at fault for pointing out abuse.”
- “The investigator [name] did not know details of the case but called to tell me to take a few hundred dollars and forget the case. If I agree, he can contact the other state lawyer to give me the money. When I wrote to complain about [the investigator], no one cared to listen. My case later went nowhere. I was disappointed by the whole system. I was treated unfairly because [respondent] had a lawyer and I did not. I had witnesses to testify that I was not in the wrong and that the description did not fit me, but human rights refused to listen. I was treated like no one. I was fired from my job wrongfully and because of my race and I was victimized by Human Rights.”

Other comments

Other comments related to difficulties getting witnesses to cooperate with the investigation, procedural problems or a lack of professional competence in conducting

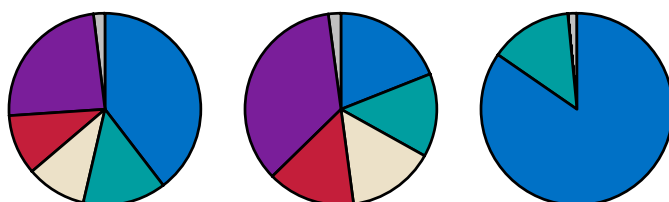
the investigation, and problems with the length of time that the investigation took to complete. Some examples:

- “The staff conducted interviews over the phone when the two offices are only 10 miles apart. The investigator had a heavy accent which made trying to understand questions difficult. Also the investigator had questions which he had previously written down (it appeared). A question was answered, and he would just go on to his next question and not ask any follow-up based on the response to his question, which is a poor investigative technique. The finding acknowledged derogative statements had been made by the accused, but it didn’t impact me not getting hired. The Human Rights Department process is not helpful, and I would never recommend it to anyone.”
- “I was shocked and disheartened by the fact that my state failed me in this case. I had always believed that Minnesota was a leader in protecting human rights. I no longer feel that way. It should have been no surprise to the department that employees who all worked for the respondent would be reluctant to talk, but they all knew the truth. Your investigation process failed. Fortunately, a small part of justice was served when I received a small settlement from my former employer. It was more than the department’s mediator could have secured, but far less than my actual damages.”
- “Timeliness - From the time I filed my case, it was well over one year before anyone was interviewed. Then it appeared that the chief’s version and his witnesses were given value over mine. Any seasoned investigator knows that timeliness is key to discerning factual information on any case. If the department is incapable or lacks resources to do complex investigations, it should move it out so the person can sue instead of issuing a ‘no probable cause’ statement with the right to sue. My impression was that the department lacked the knowledge, skills, and abilities to competently and responsibly investigate a complex case. It might as well have been on the city’s payroll for the lack of objectivity. I was treated like a suspect vs. a victim of retaliation. I don’t think this department has the necessary resources to effectively deal with complex cases. I would be interested in knowing how investigators are selected, the requirements necessary, training received, and what, if any, accountability exists from the top down.”

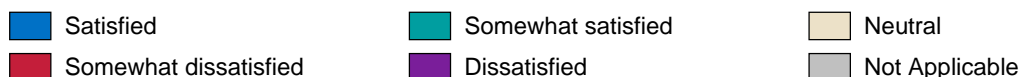
Courtesy and professionalism of the staff conducting the investigation

	Overall		Determination			
			No probable cause		Probable cause	
Courtesy and professionalism of the staff conducting the investigation						
Satisfied	40%	82	19%	27	85%	55
Somewhat satisfied	14%	29	14%	20	14%	9
Neutral	10%	21	15%	21	0%	0
Somewhat dissatisfied	10%	21	15%	21	0%	0
Dissatisfied	24%	50	35%	50	0%	0
Not Applicable	2%	4	2%	3	2%	1
Totals	100%	207	100%	142	100%	65

Overall	Determination	
	No probable cause	Probable cause



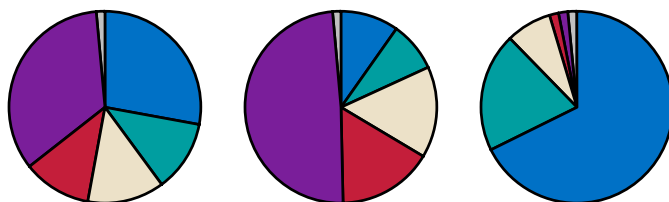
Courtesy and professionalism of the staff conducting the investigation



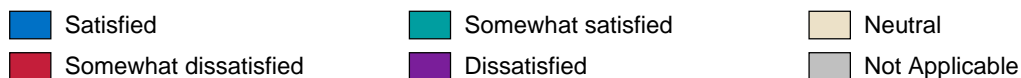
The staff's familiarity with the facts of your case

	Overall		Determination			
			No probable cause		Probable cause	
The staff's familiarity with the facts of your case						
Satisfied	28%	58	10%	14	68%	44
Somewhat satisfied	12%	25	8%	12	20%	13
Neutral	13%	27	15%	22	8%	5
Somewhat dissatisfied	12%	24	16%	23	2%	1
Dissatisfied	34%	71	49%	70	2%	1
Not Applicable	1%	3	1%	2	2%	1
Totals	100%	208	100%	143	100%	65

Overall	Determination	
	No probable cause	Probable cause



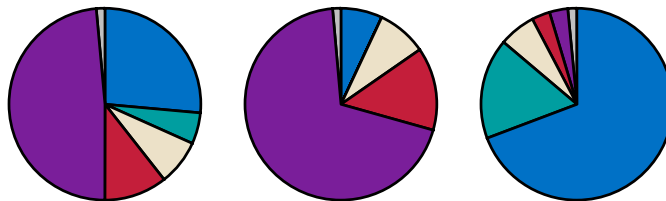
The staff's familiarity with the facts of your case



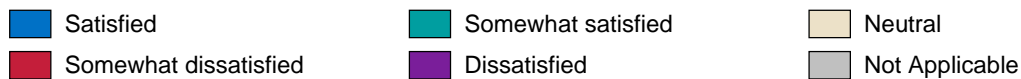
The fairness and impartiality of the process

	Overall		Determination			
			No probable cause		Probable cause	
The fairness and impartiality of the process						
Satisfied	26%	55	7%	10	69%	45
Somewhat satisfied	5%	11	0%	0	17%	11
Neutral	8%	16	8%	12	6%	4
Somewhat dissatisfied	11%	22	14%	20	3%	2
Dissatisfied	49%	101	69%	99	3%	2
Not Applicable	1%	3	1%	2	2%	1
Totals	100%	208	100%	143	100%	65

Overall	Determination	
	No probable cause	Probable cause



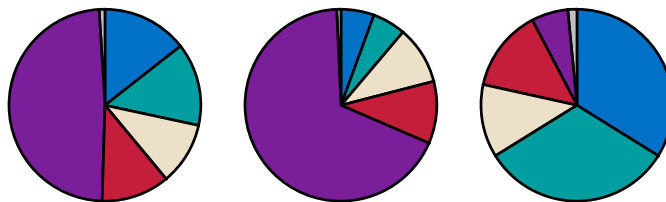
The fairness and impartiality of the process



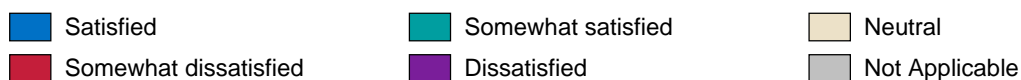
The amount of time it took to complete the investigation

	Overall		Determination			
			No probable cause		Probable cause	
The amount of time it took to complete the investigation						
Satisfied	14%	30	6%	8	34%	22
Somewhat satisfied	14%	29	6%	8	32%	21
Neutral	11%	22	10%	14	12%	8
Somewhat dissatisfied	12%	24	10%	15	14%	9
Dissatisfied	49%	101	68%	97	6%	4
Not Applicable	1%	2	1%	1	2%	1
Totals	100%	208	100%	143	100%	65

Overall	Determination	
	No probable cause	Probable cause



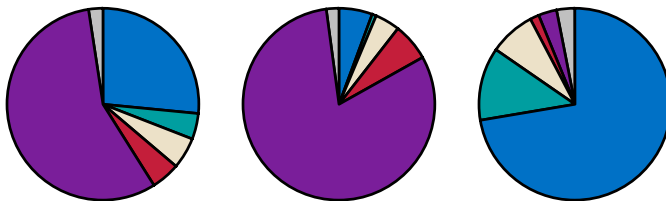
The amount of time it took to complete the investigation



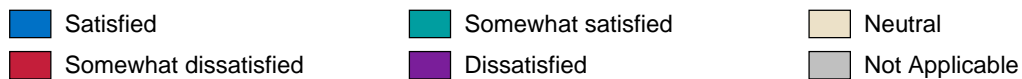
The explanation of the reason for the department's decision

	Overall		Determination			
			No probable cause		Probable cause	
The explanation of the reason for the department's decision						
Satisfied	27%	55	6%	8	72%	47
Somewhat satisfied	4%	9	1%	1	12%	8
Neutral	5%	11	4%	6	8%	5
Somewhat dissatisfied	5%	10	6%	9	2%	1
Dissatisfied	57%	117	81%	115	3%	2
Not Applicable	2%	5	2%	3	3%	2
Totals	100%	207	100%	142	100%	65

Overall	Determination	
	No probable cause	Probable cause



The explanation of the reason for the department's decision



Survey Results: Appeals

Responses to scaled questions

Questions about appeals only applied to those who received no probable cause determinations and also appealed their determinations. Of the 148 charging parties with no probable cause determinations, 86 of them (58 percent) answered at least one question about the appeals process.

The summary table below and the detailed tables and charts on page 24 show charging parties' responses to three scaled questions relating to the appeals process.

The results show clear dissatisfaction with the appeals process, with 78 to 81 percent of the charging parties indicating that they were "Dissatisfied" or "Somewhat dissatisfied" with the appeals process.

MDHR charging party survey Appeals process questions	Combined satisfaction*	Combined dissatisfaction*
The staff's familiarity with the facts of your case	11%	81%
The fairness and impartiality of the appeal process	6	89
The amount of time it took to consider the appeal	12	78

*Combined satisfaction = "Satisfied" + "Somewhat satisfied"; Combined dissatisfaction = "Somewhat dissatisfied" + "dissatisfied"

Comments about the appeals process

There were only a few comments about the appeals process, but they were similar in tone and content to the comments relating to the investigation process. Some charging parties who did not appeal mentioned in their comments that they did not appeal because they were so frustrated with the investigation process that they did not want to bother to appeal.

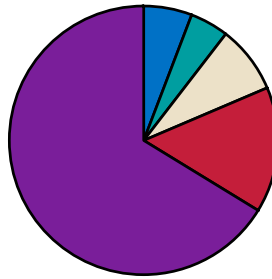
- "I had difficulty reaching the assigned staff. After a prolonged period, I was passed out to another investigator who by his aloofness gave me the impression that I did not have a chance. I think the process dictates legal assistance to get a favorable outcome. [The respondent] forced me out because they told me I was too ill. I have been declined disability by their own long-term insurance companies and Social Security because I am not ill. When Human Rights investigated, they gave another reason. Although I had evidence to the contrary, I was seemingly dismissed upon appealing. I think it was a waste of my time and was [an] additional slap on both cheeks. I think the department should advertise as an advocate for the employer or wealthy people with high-powered attorneys."
- "...The appeal was merely a rubber stamp...." (This comment was from a charging party who criticized the thoroughness of the investigation.)
- "My case was canceled because I could not get to the post office in a timely manner. When I did appeal, I was told that time had run out. Maybe you should take the time line from signed postal papers. Or maybe you are here only to protect businesses in this state."

The Appeals Process

Applies to charging parties with "no probable cause" determinations who appealed their determinations.
Excludes "not applicable" responses

The staff's familiarity with the facts of your case

The staff's familiarity with the facts of your case		
Satisfied	6%	5
Somewhat satisfied	5%	4
Neutral	8%	7
Somewhat dissatisfied	15%	13
Dissatisfied	66%	57
Totals	100%	86

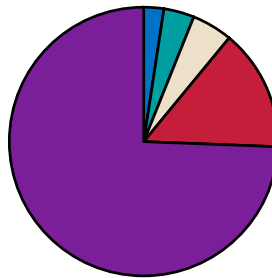


The staff's familiarity with the facts of your case



The fairness and impartiality of the appeal process

The fairness and impartiality of the appeal process		
Satisfied	2%	2
Somewhat satisfied	4%	3
Neutral	5%	4
Somewhat dissatisfied	15%	12
Dissatisfied	74%	61
Totals	100%	82

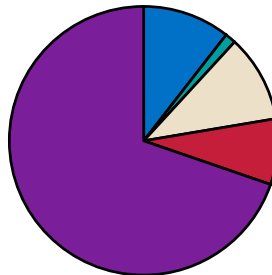


The fairness and impartiality of the appeal process



The amount of time it took to consider the appeal

The amount of time it took to consider the appeal		
Satisfied	11%	8
Somewhat satisfied	1%	1
Neutral	11%	8
Somewhat dissatisfied	8%	6
Dissatisfied	70%	53
Totals	100%	76



The amount of time it took to consider the appeal



Survey Results: Conciliation

Responses to scaled questions

Questions about conciliation only applied to those who received probable cause determinations. Of the 68 charging parties with probable cause determinations, 67 of them (99 percent) answered questions about the conciliation process.

The summary table below and the detailed tables and charts on pages 27–28 show charging parties’ responses to four scaled questions relating to the conciliation process.

The results show general satisfaction with the conciliation process, but overall satisfaction statistics were influenced by the large number of charging parties who answered “not applicable” to this question. Many of these noted in the comments section that there cases were still pending for conciliation, and some noted that they were dissatisfied with the delay in obtaining a settlement.

MDHR charging party survey Conciliation process questions	Not applicable	Combined satisfaction*	Combined dissatisfaction*
The conciliator’s explanation of the process	24%	61%	13%
The conciliator’s skill in facilitating the discussion between you and the respondent	31	51	12
The amount of time the conciliation process took	28	52	13
Your satisfaction with the settlement	34	46	15

*Combined satisfaction = “Satisfied” + “Somewhat satisfied”; Combined dissatisfaction = “Somewhat dissatisfied” + “dissatisfied”

Comments about conciliation

17 charging parties commented about the conciliation process. Positive comments about it included:

- “I wasn’t aware that they had addressed the lighting deficit by my patio door or the [facility] steps for entrance or the garage lighting. I’m glad they did it.”
- “The assistant attorney that I was working with was great and very helpful along with the couple [of] case detective people that I worked with.”

Others commented about the delay in handling of their cases:

- “The case has been ‘referred to the agency’s attorneys in the Attorney General’s Office.’ This is where a big problem lies. Despite monthly calls since receipt of the letter, they have referred me to no less than four people who sequentially could not help me. The AG’s office appears disorganized and indifferent and one clearly not providing any service to its citizens. You folks need to have more impact on their process. AG’s office report card = F.”
- “Why does the state drop things once there is a final case? I do not understand if the investigation showed discrimination.”

- “Probable cause was found but I never heard anything after that.”

Five charging parties commented that they thought their negotiator was biased in favor of the respondent or that their negotiator did not skillfully conduct the negotiation:

- “I almost felt like I was the guilty one. Didn’t feel like the negotiator was on my side - My paperwork got mixed up when someone left and almost a year went by. Thank you for your help as I could not do it without you.”
- “The mediator needs more training. She seemed one-sided with her opinions and got frustrated fairly easily.”
- “I did not feel the person in my conciliation process listened to anything I had to say.”
- “I have experienced settling two human rights cases with your agency. In both instances I was very satisfied with everything that was done - much of it behind the scenes - to reach the conclusion that my rights had been violated. However, when the conciliation conference began I was disappointed in the way [name of attorney] handled both of my situations. In both instances she tried to persuade me to sweep my complaints under the rug and accept the poor treatment that I had experienced. [The charging party described the specific situation and the settlement terms that the attorney was pursuing.] In both instances I was appalled at [name of attorney]’s apparent condescension in trying to get me to ‘buckle.’ If she truly wants to defend people who violate human rights laws, perhaps she should work for a law firm. The Human Rights Department needs people who are actually interested in defending the rights of people, not big corporations. Thanks for asking me about my experience.”
- “Everything went fine until the mediation that was held in St. Paul. My lawyer failed to know my case, and it seemed that the mediator was on the defendant’s side. The letter that was written after the mediation that I received days later shows it. Thank you for your time and efforts. P.S. The charges that I filed seem to have changed some after the mediation. Why?”

Finally, one charging party raised a concern about potential conflict of interest when the Attorney General’s office represents both the charging party and the respondent:

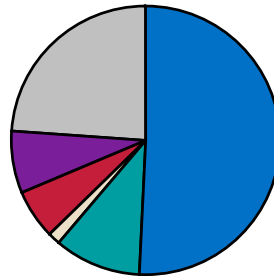
- “Complaint is against state school/university. University is automatically represented by State Attorney General’s Office. Upon finding of ‘probable cause’ by MDHR, case went to harassment and discrimination division of State Attorney General’s Office. While I have been pleased thus far with the decision, the seeming conflict of interest by the office representing both sides - is concerning. Case is still pending and waiting for response from school. Thanks for your work!”

The Conciliation Process

Applies to charging parties with "probable cause" determinations who participated in conciliation.
Includes "not applicable" responses from those who have not yet participated in conciliation.

The conciliator's explanation of the process

The conciliator's explanation of the process		
Satisfied	51%	34
Somewhat satisfied	10%	7
Neutral	1%	1
Somewhat dissatisfied	6%	4
Dissatisfied	7%	5
Not Applicable	24%	16
Totals	100%	67

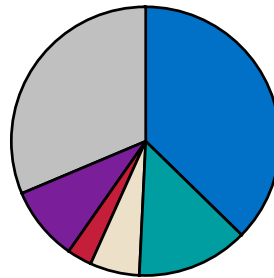


The conciliator's explanation of the process



The conciliator's skill in facilitating the discussion between you and the respondent

The conciliator's skill in facilitating the discussion between you and the respondent		
Satisfied	37%	25
Somewhat satisfied	13%	9
Neutral	6%	4
Somewhat dissatisfied	3%	2
Dissatisfied	9%	6
Not Applicable	31%	21
Totals	100%	67

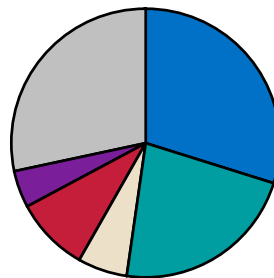


The conciliator's skill in facilitating the discussion between you and the respondent



The amount of time the conciliation process took

The amount of time the conciliation process took		
Satisfied	30%	20
Somewhat satisfied	22%	15
Neutral	6%	4
Somewhat dissatisfied	9%	6
Dissatisfied	4%	3
Not Applicable	28%	19
Totals	100%	67

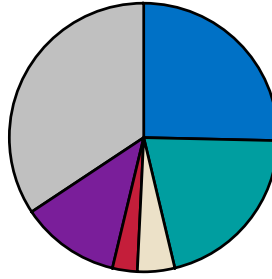


The amount of time the conciliation process took



Your satisfaction with the settlement

Your satisfaction with the settlement		
Satisfied	25%	17
Somewhat satisfied	21%	14
Neutral	4%	3
Somewhat dissatisfied	3%	2
Dissatisfied	12%	8
Not Applicable	34%	23
Totals	100%	67



Your satisfaction with the settlement



Survey Results: Overall

Responses to scaled questions

The summary table below and the detailed tables and charts on pages 33-34 show charging parties' responses to four scaled questions relating to their overall experience.

Only 1 to 14 percent of charging parties with no probable cause determinations said they were "satisfied" or "somewhat satisfied" with the various aspects of their overall experience. In contrast, between 60 and 85 percent of charging parties with probable cause determinations were "satisfied" or "somewhat satisfied" in response to the same questions.

The highest satisfaction rating among those with probable cause determinations related to the fairness and impartiality of the process, and their lowest to the amount of time the process took.⁴ Those with no probable cause determinations gave very low ratings across the board, with the least satisfaction with the outcome in their case.

MDHR charging party survey Overall questions	"Satisfied" or "somewhat satisfied"		
	Overall	NPC*	PC*
The fairness and impartiality of the process	35%	11%	85%
The amount of time the process took	28	12	60
The staff's ability to address your questions and concerns	36	14	81
The outcome in your case	21	1	60**

*NPC = No probable cause determination; PC = Probable cause determination

**19 percent selected "not applicable" on this question

Comments about the overall process

78 charging parties made general comments about the process (comments that were not specifically about intake, investigation, appeals or conciliation).

Ten charging parties expressed positive overall impressions. Some examples:

- "Thanks so much for all you did to make sure I was treated fairly. Without this service, my case won't have made it this far. May God bless all the staff there. Make sure everyone is treated fairly. Thanks again."
- "I am clearly satisfied. I had no idea about the responsibilities and the existence of the Minnesota Department of Human Rights until my attorney told me about it. I am certainly content with the outcome of my case. Thank you."
- "I was really pleased with the Minnesota Department of Human Rights. It is very valuable to have such a resource available. It makes me proud to be a Minnesotan."

⁴ The apparently low rating for the outcome of the case is influenced by a large number who selected "not applicable" for this question.

- “I was very satisfied. Dorothy was very pleasant to work with. Thank you to Linda Hanson also.”
- “The intake officer and the investigator were both very nice people and did a great job. It was nice talking to people who actually made me feel like they really did care. Thanks for all the work!”
- “Overall, I was grateful for the willingness of the department to look into the merits of my case, though the result was not in my favor. I was thankful for the opportunity to express my concern.”
- “I think the timing part was very slow, but I think that was the lack of interest my attorney had in this case. You guys did a great job! Makes me proud to live in Minnesota. Thanks for all your help.”

The 68 negative comments generally fell into the following categories. The numbers are approximations, since many comments such as “totally dissatisfied,” cannot be categorized:

- Approximately 15 charging parties disputed the determination or the interpretation of the Minnesota Human Rights Act made in their case. Many of these commenters enclosed attachments or provided the specifics of their situation and remain convinced that they had a case, but that it was not properly investigated or was unfairly judged.
- Approximately 10 charging parties believed that the process was too slow, with some noting that the delays influenced the outcome of their case (for example, memories fade and witnesses move away).
- Approximately 10 charging parties felt that they were outmaneuvered by the respondent and their attorneys, and regretted that they had not hired their own attorney, or noted that they could not afford one.
- Approximately 7 charging parties complained that the department did not respond to them or did not take their case seriously
- Approximately 7 charging parties had communication difficulties with staff, such as not hearing back from them or having them not return phone calls or answer questions.
- Approximately 5 charging parties believed that the department was understaffed to handle its caseload, or noted that staff told them they were too busy.

Some examples that demonstrate these themes are:

- “Dear Department, you could predict where all my ‘x’s’ would fall considering the ‘no probable cause’ judgment. Do YOU really want feedback?
 1) ‘unethical but not currently illegal,’ my investigator stated.
 2) judgment bore out that a [public school district] teacher may be sexually harassed, abused verbally, repeatedly, and threatened to quit or face firing, BUT IT IS NOT ILLEGAL, as long as he relocates to a different school.
 3) Your department has no teeth.
 4) I, too, am sorry the law has no teeth.
 5) I would have ‘no probable cause’ to refer colleagues to you.”

- “Did not look into the facts correctly. I know I had a strong case! I just decided to move on with my life.”
- “The communication from the department could definitely be increased. The amount of time it took to hear anything back was months and I had to constantly call and ask for an update. The whole process took way too long. It was almost two years from start to finish.”
- “I felt the process took too long to even begin being investigated. Not only did relevant witnesses change jobs, one even left the state. The supervisor who was the chief administrator was forced into retirement, which resulted in a new administration that had little to no bearing on my case. Also once the investigator told me she would look into my case (after a year) only four days were spent on my case from when she talked to me before the case was closed. This department sat on my case for a year and spent only four days on the validity of my case. What good is this department if the little guy can get shafted by his employer, and then the organization that’s supposed to help. To [expletive] with the entire department!!”
- “My attorney waited to see if there was a ruling of ‘probable cause’; without it he would not help me; with, he would have charged \$650 per hour that I could not afford. Employers have attorneys at their beck and call. The only ‘official’ documents are created by the employer. My supervisor told me in front of two other employees, his administrative assistant and a department head, that my contract would not be renewed ‘because [my] partner is a woman.’ The director of [an office] at [a school district] in which I worked confirmed that [the office] did not want me back for that reason. These FOUR administrators had to have lied to the Human Rights investigators. Employers can do whatever they want to employees, falsify records, and lie and have their attorneys help. Employees are without help. I am shocked that the Human Rights process is a sham that protects employers and further victimizes the employee by creating an over-balance of power. Victims do not have the resources to pursue justice. The process is very disappointing and a total sham to protect the employer.”
- “I have dealt with your office before, and it is my experience that your staff tries to ‘stop you at the door’ instead of trying to find a cause of action. They tell you why you don’t have a cause of action. I have heard this from a few people that I have referred to your office. I realize you are overwhelmed and overworked, but for most people you are the last resort, and the employers are very good at mistreating you without technically discriminating or giving themselves ‘plausible deniability.’ Most of your staff have good intentions, but they have turned into typical government bureaucrats, treading water, filling out forms, and working hard at ‘not working.’ It’s too bad; I will use your services again if needed but only because you can’t hire a lawyer to take your case until you suffer through your long torturous process. The survey you should do is log the people who call in and don’t file charges!”
- “I called many times to find out what I could have done to provide more information, where the decision was based on, never received a call back. During the process, it was the same. My husband was our only witness against a family

run business with employees who were either family members or were afraid of losing their jobs. The lawyer I spoke to who was familiar with another case against [respondent name] said he would not take my case because he was running up against the same walls.”

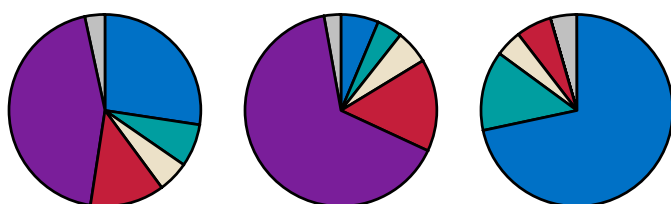
- “My understanding was that I had an ‘absolute’ case of discrimination - yet cutbacks in state staff proved a negative for me as to be able to represent me, process my claim. Totally unbelievable. I worked for [respondent] for over 13 years - had always received excellent reviews - my dismissal was totally unfair and discriminatory - none of it made any sense.”

Overall Satisfaction

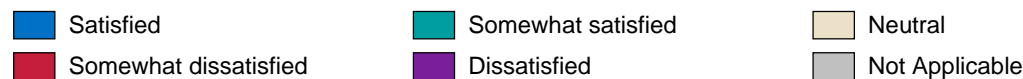
The fairness and impartiality of the process

	Overall		Determination			
			No probable cause		Probable cause	
The fairness and impartiality of the process						
Satisfied	27%	57	6%	9	72%	48
Somewhat satisfied	7%	15	4%	6	13%	9
Neutral	5%	11	6%	8	4%	3
Somewhat dissatisfied	13%	26	16%	22	6%	4
Dissatisfied	44%	92	65%	92	0%	0
Not Applicable	3%	7	3%	4	4%	3
Totals	100%	208	100%	141	100%	67

Overall	Determination	
	No probable cause	Probable cause



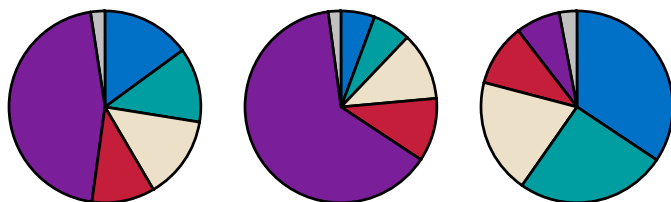
The fairness and impartiality of the process



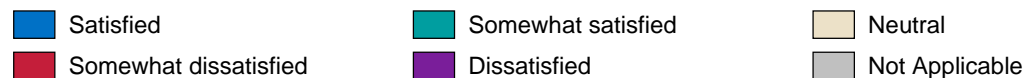
The amount of time the process took

	Overall		Determination			
			No probable cause		Probable cause	
The amount of time the process took						
Satisfied	15%	31	6%	8	34%	23
Somewhat satisfied	13%	26	6%	9	25%	17
Neutral	14%	29	11%	16	19%	13
Somewhat dissatisfied	11%	22	11%	15	10%	7
Dissatisfied	45%	94	64%	89	7%	5
Not Applicable	2%	5	2%	3	3%	2
Totals	100%	207	100%	140	100%	67

Overall	Determination	
	No probable cause	Probable cause



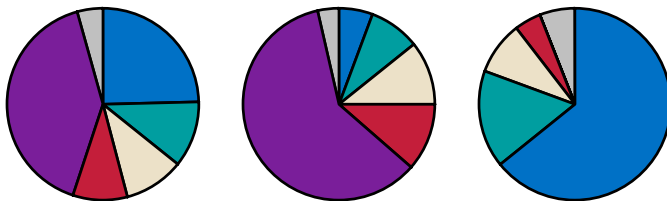
The amount of time the process took



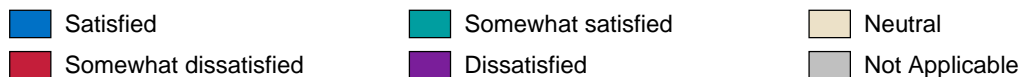
The staff's ability to address your questions and concerns

	Overall		Determination			
			No probable cause		Probable cause	
The staff's ability to address your questions and concerns						
Satisfied	25%	51	6%	8	64%	43
Somewhat satisfied	11%	23	9%	12	16%	11
Neutral	10%	21	11%	15	9%	6
Somewhat dissatisfied	9%	19	11%	16	4%	3
Dissatisfied	41%	84	60%	84	0%	0
Not Applicable	4%	9	4%	5	6%	4
Totals	100%	207	100%	140	100%	67

Overall	Determination	
	No probable cause	Probable cause



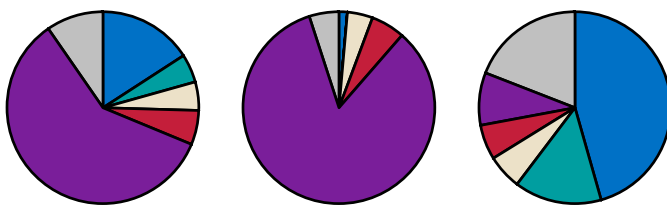
The staff's ability to address your questions and concerns



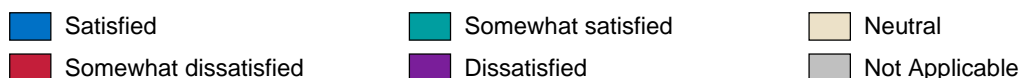
The outcome in your case

	Overall		Determination			
			No probable cause		Probable cause	
The outcome in your case						
Satisfied	16%	33	1%	2	46%	31
Somewhat satisfied	5%	10	0%	0	15%	10
Neutral	5%	10	4%	6	6%	4
Somewhat dissatisfied	6%	12	6%	8	6%	4
Dissatisfied	59%	123	84%	117	9%	6
Not Applicable	10%	20	5%	7	19%	13
Totals	100%	208	100%	140	100%	68

Overall	Determination	
	No probable cause	Probable cause



The outcome in your case



Suggestions for Process Improvement

In addition to a summary of the survey findings, the legislative directive for this survey requires the department to respond with any recommended changes in policies, procedures, or staffing the department proposes to undertake in response to the findings. The following suggestions were submitted by charging parties, or are suggested by MAD.

Suggestions submitted by charging parties

Assistance and coaching. One charging party suggested that charging parties be informed of assistance and coaching services in their communities:

- “My case was unique in that, although taxing and emotionally consuming, I conducted a lot of research on my case - more than I thought I ever would. This level of research eventually led to a probable cause determination but it came at a great cost to my emotional well-being. I say this all to say that informing and educating people on various community resources and educational tools via the web is helpful information to have. Possibly having someone coach this process without having a tie to the MDHR would be helpful.”

Information about the one-year statute of limitations. Another charging party noted that people should be made aware that the statute of limitations applies equally to District Court filings on the same matters:

- “The timeliness of the process takes very long. After this process was completed, I decided to go ahead with a legal course of action and it was almost beyond the statute of limitations. It would have been helpful to know that ahead of time that I could have filed the legal complaint at the same time.”

Process guidance. Another charging party suggested that people be given better process guidance:

- “It would help if MDHR could set up an outline (drawing) to show the overall process. I know there are exceptions and twists or turns for each case. However, a basic overview outline in drawing form could help one see where their case could be heading instead of blindly going through the process step by step. Below is an example [The charging party enclosed a drawing with the process steps.] You get my point of an outline...”

MAD suggestions

Evaluate processes at their conclusion. It is clear from the survey results that the outcome of the process influenced individuals’ opinions about the process, both positively and negatively. Even for aspects of the process that occur before a determination is made (such as intake), opinions are overwhelmingly positive among those who received probable cause determinations and overwhelmingly negative among

those who received no probable cause determinations. The lopsided results in both directions do not give the department clear or meaningful performance data upon which to base organizational decisions. During the last legislative session, leadership of the department noted that charging parties would have such strong differences of opinion.

Rather than conducting after-the-fact evaluations, the department could conduct *intermediate* evaluations during the process, to gauge charging parties' opinions about the process before they know their individual outcome. Such feedback should be given anonymously, so that parties do not feel that a critical evaluation might influence their outcome. Some suggested times to conduct evaluations are at the conclusion of intake and upon the conclusion of the investigation, before the determination is reached.

Re-examine the department's "neutral" role in advising charging parties in retaining private counsel. The MDHR's statutory role is to be a neutral investigative agency, and the department makes many attempts to clarify this in its communication (verbal and written). However, it is clear from the content and tone of the charging parties' comments that many of them expected the department would serve as an advocate for them. Given the department's other responsibilities to educate the public about illegal discrimination and its overall mission "to make Minnesota discrimination free,"⁵ it is not surprising that charging parties get confused about the department's role.

For a respondent, facing a charge of illegal discrimination is a serious matter, so it is reasonable for respondents to call upon the resources of their human resources departments, staff attorneys, and private counsel. The department currently does not advise charging parties to retain their own counsel. Some of those who chose not to retain counsel commented that they felt they were alone, without an advocate, attempting to prove charges that are difficult to verify, with well-financed and skilled opposition. Upon conclusion of the process, many of them noted that they regretted that they did not hire an attorney or regretted that they could not afford one. In light of these comments, the department should consider advising parties to retain counsel to serve as their advocates, and to link low-income charging parties with legal aid services.

Objectively evaluate the investigation process and perhaps other processes. The extreme dissatisfaction about the fairness and impartiality of the investigation process, and the large number of written comments alleging that investigations were not conducted thoroughly or were biased against the charging party, are cause for concern. Yet they are only an indicator, not conclusive proof, that the department's investigation process is flawed. Charging parties with no probable cause determinations, however accurate their descriptions of events, may themselves be biased in their judgments based on the outcome of the process for them – the positive comments about the same processes from charging parties with probable cause determinations gives one pause in concluding that there are specific problems with investigations. However, given these comments, the Legislature could conduct an objective, third party evaluation of the investigation process, and other processes such as intake and conciliation. Some recommended evaluation procedures are:

⁵ Minnesota Department of Human Rights, *Our Mission, Vision and Values*. Found at: http://www.humanrights.state.mn.us/about_mission.html

- The evaluator should be selected by a third party; there should be no MDHR payment, sponsorship, client relationship or control over the evaluator's methods.
- The evaluator should have knowledge of investigative methods and professional standards for investigations, such that they can assess the investigation process against a benchmark or standard.
- The evaluation should conduct a retrospective review of case files as well as conduct process observation of ongoing cases.
- Improvement recommendations should be tied to estimated resources necessary to implement the recommendations.

Appendix A: Survey instrument - probable cause determinations

Minnesota Department of Human Rights Charging Party Survey

Information and referral

How did you learn about the Minnesota Department of Human Rights?

- | | |
|---------------------------------------------------|----------------------------------------------------|
| <input type="checkbox"/> The department's website | <input type="checkbox"/> From a friend or coworker |
| <input type="checkbox"/> A poster | <input type="checkbox"/> From an attorney |
| <input type="checkbox"/> A brochure | |
| <input type="checkbox"/> Other: _____ | |

Were you represented by an attorney during the process?

- Yes No

Your initial contact with the department

When you first contacted the department, an intake officer reviewed your situation to see if it came within the protection of the Minnesota Human Rights Act, and drafted a formal charge for you. Please indicate your level of satisfaction with the following aspects of the intake process.

	Satisfied	Somewhat satisfied	Neutral	Somewhat dissatisfied	Dissatisfied	N/A
Availability of staff to assist you	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Courtesy and professionalism of staff assisting you	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The staff's familiarity with the facts of your complaint	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The amount of time it took to complete the intake process	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The accuracy of the charge that was drafted for you	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The investigation process

After the intake process, the department conducted an investigation into the facts of your case. Using the same scale as above, please indicate your level of satisfaction with the following aspects of the investigation process.

Courtesy and professionalism of the staff conducting the investigation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The staff's familiarity with the facts of your case	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The fairness and impartiality of the process	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The amount of time it took to complete the investigation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The explanation of the reason for the department's decision	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(Over)

The conciliation process

After your case resulted in a "probable cause" finding, the department sought to negotiate a settlement, which is known as the conciliation process. Please evaluate the following aspects of this process. If your case was dismissed or if your conciliation is still pending, please mark your responses "N/A."

	Satisfied	Somewhat satisfied	Neutral	Somewhat dissatisfied	Dissatisfied	N/A
The conciliator's explanation of the process	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The conciliator's skill in facilitating the discussion between you and the respondent.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The amount of time the conciliation process took	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Your satisfaction with the settlement	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Overall satisfaction

Using the same scale as shown above, please rate your satisfaction with your overall experience with the Minnesota Department of Human Rights.

The fairness and impartiality of the process	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The amount of time the process took	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The staff's ability to address your questions and concerns	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The outcome in your case	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Written comments

Do you have any additional comments about the outcome and process for your case? If you were particularly satisfied or dissatisfied with any aspects of the process or the outcome, please comment on the reasons.

Thank you for completing this survey. Please return it in the postage-paid envelope provided.
 Management Analysis & Development, State of Minnesota, 395 John Ireland Blvd.; St. Paul, MN 55155-9799.

Appendix B: Survey instrument - no probable cause determinations

Minnesota Department of Human Rights Charging Party Survey

Information and referral

How did you learn about the Minnesota Department of Human Rights?

- | | |
|---------------------------------------------------|----------------------------------------------------|
| <input type="checkbox"/> The department's website | <input type="checkbox"/> From a friend or coworker |
| <input type="checkbox"/> A poster | <input type="checkbox"/> From an attorney |
| <input type="checkbox"/> A brochure | |
| <input type="checkbox"/> Other: _____ | |

Were you represented by an attorney during the process?

- Yes No

Your initial contact with the department

When you first contacted the department, an intake officer reviewed your situation to see if it came within the protection of the Minnesota Human Rights Act, and drafted a formal charge for you. Please indicate your level of satisfaction with the following aspects of the intake process.

	Satisfied	Somewhat satisfied	Neutral	Somewhat dissatisfied	Dissatisfied	N/A
Availability of staff to assist you	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Courtesy and professionalism of staff assisting you	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The staff's familiarity with the facts of your complaint	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The amount of time it took to complete the intake process	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The accuracy of the charge that was drafted for you	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The investigation process

After the intake process, the department conducted an investigation into the facts of your case. Using the same scale as above, please indicate your level of satisfaction with the following aspects of the investigation process.

Courtesy and professionalism of the staff conducting the investigation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The staff's familiarity with the facts of your case	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The fairness and impartiality of the process	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The amount of time it took to complete the investigation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The explanation of the reason for the department's decision	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(Over)

The appeals process

The department's records show that you received a determination of "no probable cause" once the investigation was completed. If you appealed this determination to the Commissioner of Human Rights, please evaluate the following aspects of the appeal process. If you did not appeal your determination, please mark "N/A."

	Satisfied	Somewhat satisfied	Neutral	Somewhat dissatisfied	Dissatisfied	N/A
The staff's familiarity with the facts of your case	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The fairness and impartiality of the appeal process	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The amount of time it took to consider the appeal	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Overall satisfaction

Using the same scale as shown above, please rate your satisfaction with your overall experience with the Minnesota Department of Human Rights.

The fairness and impartiality of the process	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The amount of time the process took	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The staff's ability to address your questions and concerns	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The outcome in your case	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Written comments

Do you have any additional comments about the outcome and process for your case? If you were particularly satisfied or dissatisfied with any aspects of the process or the outcome, please comment on the reasons.

Thank you for completing this survey. Please return it in the postage-paid envelope provided.
 Management Analysis & Development, State of Minnesota, 395 John Ireland Blvd.; St. Paul, MN 55155-9799.