



# Minnesota Department of Human Rights (MDHR): Complaint Resolution Process

Update to 2020 Evaluation Report

January 2021

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## Problems Identified

- **Lack of Clarity in Law.** State law outlines certain process and timeliness requirements pertaining to MDHR's investigations of alleged discrimination cases. However, aspects of the law were unclear. For example, it was not clear how MDHR should prioritize certain types of cases, nor was it clear how quickly MDHR must issue determinations for certain cases. Further, the responding party's right to appeal in law was unclear.
- **Significant Case Backlog.** At the end of Fiscal Year 2019, nearly 800 cases of alleged discrimination were awaiting determination. Investigators had high caseloads and the number of cases awaiting determination had increased in recent years.
- **Delayed Investigations.** MDHR issued a timely determination as required by law for only 40 percent of cases of alleged discrimination in recent years. MDHR did not have an effective case triage process to help allocate its limited resources, and prior to 2019, the agency conducted minimal screening of complaints before accepting them as cases.

## Changes Implemented

- **Case Triage Process Expanded.** In July 2020, MDHR expanded upon its process for triaging the backlog of cases awaiting determination. The agency implemented a system to more quickly address cases that require little to no investigation.

## Action Needed

- **Update the Minnesota Human Rights Act.** The Legislature should update and clarify various aspects of the complaint resolution process in law, including clarifying the responding party's right to appeal and how quickly MDHR must issue determinations for certain cases. The Legislature should also amend statutes to give responding parties more time to reply to charges, and consider eliminating the requirement that MDHR always pursue litigation for cases when conciliation is unsuccessful.
- **Address Ongoing Investigation Delays.** According to MDHR's most recent report, the agency has not reduced its backlog of cases since we released our evaluation, and the agency continues to fail to issue determinations in a timely manner. The agency should develop a clear plan for meeting statutory timeliness requirements and submit it to the Legislature for review. The Legislature should review MDHR's plan for meeting statutory timeliness requirements and ensure it reflects the needs and priorities of the state.