



The Tamara D. Grigsby Office for Equity and Inclusion (OEI) Investigation Procedures 2021

1. Receive and Review Complaint, via in person/ hard copy or e-mail

- Make note of the date.
- Confirm correspondence is a complaint and if it is within OEI's purview. May need to follow up w/supervisor and/or Employee Relations.
- If OEI has received a phone call regarding a complaint, take notes to add to file.

2. Create Case File

- Make note in Excel spreadsheet w/date, complainant's name, position title, department and brief comments.
- Create a file/folder in Word, to add more detailed information and to keep documents pertaining to the case.
- If there is hard copy information, make sure to scan it into the electronic folder.

3. Should OEI keep complaint or forward it to another department or agency?

- If it stays in OEI, confirm if it is an Employee complaint (Manager of Equal Employment Opportunity handles) or Customer complaint (Contract Compliance Specialist handles) then direct to the correct staff.
- Acknowledge complaint (preferably within 15 days).
- Communicate to complainant that the complaint has been received, and is being reviewed.
- Follow up w/supervisor.
- OEI may have to work with another department on a case.

4. Determine if complaint is complete

- Is there a written explanation?
- Information to contact complainant?
- Basis of complaint i.e. type – gender, race, sexual orientation et al.
- Who the respondent is, include person, agency/organization alleged.

5. Contact the complainant if necessary (initially by telephone) ▪

Acknowledge and discuss overall procedures.

- Follow up w/written correspondence.

6. If complainant is represented by an attorney

- Contact the attorney and ask for any additional information if needed.
- Set a deadline for complainant to provide information (if not done already).
- Follow up with Dane County legal staff.

7. Timeliness

- Title VII complaints must be filed within 180 calendar days of the last date of the alleged discrimination. Some agencies may have Title VII or other program-specific regulations with different filing time limitations. The filing date is generally the earlier of:
 - Postmark of the complaint; or
 - The date the complaint is received by any County, State, or local agency

*For alleged continued pattern of discrimination, the date of discrimination for timeliness purposes is the most recent date it occurred (not when it began).

8. Pre-Investigative Administrative Closures

Once all of the information is in, determine whether to proceed to resolve.

Question: Is this complaint appropriate for investigation/resolution or should it be closed?

- Regulations implementing Title VI requiring prompt investigation whenever a complaint or other information indicates (possible) failure to comply with regulation. Exceptions for not proceeding include:
- Complaint is weak, attenuated, or insubstantial – no merit, incoherent statements, no grounds in fact.
- Complaint is continuation of a pattern of previously filed complaints with similar allegations against same person or person(s) found factually or legally insubstantial by your agency.
- Same allegations have been addressed in a recently closed complaint or compliance review.
- Complaint allegations are foreclosed by previous decision by County courts, DOJ or agency policy.
- Litigation has been filed for the same allegations. Some cases may be refiled within 60 days following termination of proceeding if no decision has been made. (Dismissal with prejudice is considered a decision on the merits.) Agency may wish to investigate or monitor.

9. Notification of Closure

Notify complainant (and recipient if it had notice of the complaint) if you are not proceeding further with complaint. The letter(s) should state the complaint is being closed with reasons explained for the

decision. The closure letter should include a reminder of retaliation prohibitions and Freedom of Information Act notice.

10. Approaches to Complaint Resolution

Once the initial “intake” analysis of a complaint, determined the complaint is complete, and decided that your agency will retain it for investigation/resolution, consider how to approach the case.

11. Monthly Follow up

Meetings with representatives from various departments: OEI, Employee Relations, Corporation Counsel, Risk Management and Department of Administration to discuss updates and give suggestions.

12. Upon completion of investigation or follow up

- Notify parties of decision.
- Update Excel Spreadsheet.
- Update the Word File.
- Add final information to any other pertaining databases.

13. Appeal process

The Director of OEI will be notified for further action.

Each case is reviewed on a case-by-case basis.

Upon completion of appeal process, the parties will be notified.

To access Complaint of Discrimination Forms:

OEI can e-mail a form

Receive information via phone

OEI website <https://oei-exec.countyofdane.com>

DCINet for Dane County employees only to access the Complaint of Discrimination Form