



STANDARD OPERATION PROCEDURES MANUAL

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About The Office of Human Rights

The DC Office of Human Rights (OHR) is an agency of the District of Columbia government that seeks to eradicate discrimination, increase equal opportunity, and protect human rights in the city. The OHR enforces the DC Human Rights Act (DCHRA) of 1977 and other laws and policies on nondiscrimination through the investigation and rendering of probable/no probable cause determinations. The OHR is also an advocate for the practice of good human relations and mutual understanding among the various racial, ethnic and religious groups in the District of Columbia. In this role, it provides outreach and education to District government agencies, businesses, and communities throughout the District.

As a 706 status agency with the United States Equal Employment Opportunity Commission (EEOC), the OHR has a work-share agreement with the EEOC and is committed to enforcement of laws filed on the bases of Title VII of the 1964 Civil Rights Act, as amended; the Age Discrimination and Employment Act (ADEA); and the Americans with Disabilities Act (ADA). The OHR is also a Fair Housing Substantially Equivalent agency approved by the U.S. Department of Housing and Community Development (HUD). As such, OHR has a work-share agreement with HUD and is committed to the enforcement of laws filed on the basis of Title VIII of the Fair Housing Act of 1968, as amended.

As a human rights agency, the OHR is further committed to the practice of providing human resource development training to government agencies and private sector entities for establishing environments free of discrimination. The OHR is charged with the enforcement of the D.C. Language Access Act of 2004 to ensure equal access to residents with limited and/or no-English proficiency (LEP/NEP) that seek and require services and involvement with District government agencies. Further, the OHR has a Mediation Program that utilizes proactive measures to resolve cases that are filed with the agency before an investigation commences.

About The Commission of Human Rights

The District of Columbia Commission on Human Rights (the Commission) adjudicates private sector complaints that have received probable cause determinations and have been certified to it by the Office of Human Rights. An administrative, trial-type hearing is conducted either before an Administrative Law Judge or a panel of commissioners. Upon a finding of discrimination, the Commission may issue injunctive relief and award damages including front and back pay, compensatory damages, civil penalties, and attorney's fees. Appeals of all Commission decisions may be brought before the DC Court of Appeals.

MISSION STATEMENT

The District of Columbia Office of Human Rights (OHR) is a municipal government agency established to eradicate discrimination, increase equal opportunity and protect human rights for persons who live, visit or conduct business in the District of Columbia.

SERVICES

The DC OHR investigates and resolves complaints of discrimination in employment, housing, places of public accommodation, and educational institutions under the DC Human Rights Act of 1977 and other local and federal laws. OHR also seeks to confront discrimination by providing training and education to DC government employees, private employers, workers, and the community at-large of their rights and responsibilities under the law. OHR monitors compliance with the Language Access Act of 2004 and investigates allegations of non-compliance with this Act by DC government agencies. The agency also investigates complaints and conditions that cause community tension and conflict leading to breaches of the peace. The Commission of Human Rights is the adjudicatory body that decides private sector cases after OHR has found “probable cause” of discrimination.

OVERALL ORGANIZATIONAL OBJECTIVES (Based on Agency Plan for FY2009)

Objective 1: Improve the effectiveness of the agency’s enforcement functions by shortening response times and strengthening quality controls.

Objective 2: Promote awareness of local and federal antidiscrimination laws by educating employers, workers and residents of the District of Columbia in order to prevent discrimination.

Objective 3: Effectively collaborate with DC government agencies and the community to promote and enforce equal access to government services by Limited English Proficient (LEP/NEP) populations that live, work and visit the District.

ABOUT THIS MANUAL

This Standard Operations Procedures Manual applies to employees of the Office of Human Rights and Commission of Human Rights. The Manual is intended to achieve consistency and compliance with fundamental norms under which employees must perform their duties and responsibilities. This Manual is not intended to supersede preexisting rules and regulations subject to the operations of a District Government Agency. This Manual is a guide for employees to fulfill the expected level of efficiency and efficacy in their roles and functions. This Manual will be referenced in cases of performance reviews and program evaluation.

The quality and outcomes of production in any organization are the most reliable indices of organizational effectiveness. If an organization is effective, the organization, as well as its employees attain a prominent reputation in the District as well the public. Effective and efficient investigations require effective planning. Effective planning and preparation produce a logical, systematic approach to the investigation of each case. Careful preparation significantly reduces the likelihood of poor performance and increases the likelihood of a successful and comprehensive investigation.

Chapter 2 Case Management Procedures

INTAKE PROCEDURES

Investigators are assigned to Intake twenty percent (20%) of their work time. Intake shall be on a rotating basis completed in two (2) steps: scheduled appointments and walk-ins. To begin the intake process, the Complainant must schedule an office interview. During the office interview the Duty Intake Officer will elicit from the Complainant (CP) all pertinent information with regard to the alleged discriminatory act(s) and/or the alleged acts of non-compliance with the DC Language Access Act of 2004 (LAA). In addition, the Complainant shall be required to cooperate with OHR's limited investigation in accordance with §710.2 a-d.

Intake shall be conducted in a professional manner and shall always have the customer in mind. This means that duty intake officers should explain as necessary and detail as possible the purpose of intake, the functions of the office, and the steps and expectations from all parties (Complainants, Respondents, and OHR) involved in the investigative process.

OHR has investigative requirements for Language Access Public Complaints. Under the D.C. Language Access Act of 2004 and Chapter 12 of DCMR IV, OHR is required to comply with similar investigative requirements and procedures subject to this manual.

CUSTOMER SURVEYS: Several times per year, the Intake Supervisor will implement a customer satisfaction survey for all intake appointments. These surveys are optional for customers. The survey will reveal accuracy and quality of the intake process, including but not limited to the knowledge gained by the customer during intake regarding OHR's investigative procedures, OHR jurisdiction, discrimination bases, the concept of a *prima facie* case, and other required explanations according to Section I (i) of this Chapter.

ONLINE QUESTIONNAIRES

In order to provide more expeditious intake and case proceedings, facilitate convenience to customers, and make better use of today's technology, OHR has implemented online tools to collect information from customers about allegations of discrimination and language access violations. These online questionnaires (www.ohr.dc.gov) are not intended to be official complaint forms, but rather a summary of basic information that can help OHR make an informative decision about proceeding with an intake appointment. **Please note: For statute of limitations purposes, the submission of the questionnaire will constitute the date of filing.**

All inquires through the OHR online questionnaire must be answered by the Intake Supervisor, corresponding Program Manager, or their designees, within 24 hours or the next business day.

I. SCHEDULED APPOINTMENTS

- i. Explain the role of OHR, the applicable discrimination laws and the protected categories. Inform Complainant of the complaint process and investigative procedure, noting the burdens of proof necessary to prove discriminatory conduct. In addition:
 1. Explain the remedies available through OHR and ascertain the remedies desired by the Complainant. Have Complainant list any expenses (for example loss wages, sick leave, annual leave, health benefits and any other normal or usual benefits lost during the violation including expenses associated with seeking other employment). Submit supporting documents within five (5) days.
 2. Inform Complainant of the mandatory Mediation process and that the case is simultaneously assigned to the Investigation Unit for limited investigation. (Position Statement, Rebuttals, and Documents).
 3. Inform Complainant that should Mediation fail, the case will proceed for full investigation. (Interrogatories, Affidavits, Interviews).
 4. Inform Complainant that the case will be cross-filed with the EEOC if the jurisdictional guidelines warrant.
- B. If Complainant is represented by Counsel, Counsel should be present or submit a letter authorizing the Intake Interview to proceed without their presence. The Counsel can only advise Complainant; Complainant is required to answer the Intake questions directly. If a Complainant is represented by a non-attorney personal representative, the Complainant must sign an OHR Complainant's Acknowledgement of Representation Form.
- C. **Determine if OHR has jurisdiction.** In general, the OHR may not have jurisdiction over the complaint for many reasons, including, but not limited to:

Lack of Jurisdiction over the Respondent:

1. federal entity-must go to EEOC or court
2. WMATA-the metro-federal jurisdiction
3. Individual Police Officers-Police Complaint Board
4. Respondent is not the employer-Complainant is a contractor (certain exceptions may apply)
5. Complaints from Prisoners/Inmates – US Bureau of Prisons
6. Complaints Against the DC Bar – DC Court of Appeals

7. Complaints Against the DC and Federal Court Systems

Lack of Jurisdiction over Subject Matter:

8. Complainant does not state a claim under the DCHRA- not based on a protected category, no adverse action, did not treat others outside of the class more favorably (treated everyone poorly!)
9. The matter involves a fair labor issue-Fair Labor Standards Act through the Department of Labor

- D. Determine if a basis of discrimination is present, as well as a legitimate claim.
- E. If jurisdiction or the merits of complaint are questionable, refer to a Supervisor. If a Supervisor is unavailable, refer to the Legal Unit or Office of the General Counsel.
- F. Gather information pertaining to the charge, including, but not limited to, information and specifics of the allegation (s), date and time, location, person taking the action, witnesses, what witnesses can attest to, copy documents in Complainant's possession at the time of filing. (Complainant's documents should be identified and labeled).
- G. Intake officers shall provide a written Memo to the Intake Supervisor explaining the reason for concluding that a case should be **administratively dismissed**. The Memo is forwarded to the legal unit for confirmation; after which, a letter of Administrative Dismissal is signed by the Director and sent to Complainant within 10 days.
 - The reasons for administratively dismissing a case are:
 - a) Complainant is absent and has failed to contact or cannot be contacted by the office; b) the Complainant fails to state a basis and a claim for which relief can be granted, such as allegations of adverse action; and/or c) the OHR lacks jurisdiction.

PRIMA FACIE CASE

- H. Accepting the Complainant's allegations as true, if such allegations meet the jurisdictional requirements and establish a *prima facie* case, the Investigator must formalize the complaint and perform the following tasks:
 1. Secure a Docket Number from the Docket Book and complete all necessary information in the Docket Book.
 2. Input the complaint information into the EEOC Integrated Mission System (IMS), or TEAPOTS (if a Housing case).

3. Ensure that the Charge of Discrimination Forms (5 copies) and the OHR Affidavit are signed and notarized.
 4. For allegations of sexual harassment, District government employees do not have to file an internal EEO complaint prior to filing with the OHR.
 5. Determine if case meets the jurisdictional requirement for dual-filing with EEOC (300 day statute of limitation).
 6. Generate all Intake Forms (212, 131A) and return them with the Mediation package to the Intake Supervisor.
- I. If Complaint filed is based on Human Rights Act's protected categories and not Title VII, follow the steps below:
7. Complaint is generated using the IMS System
 8. Follow steps 1-6-F above.
- J. If Complainant is a **DC Government employee**:
1. Make sure the allegation occurred within 180 days; allegations of sexual harassment have a one (1) year statute of limitation.
 2. Complainant filed an internal complaint with their agency EEO Counselor or EEO Officer.
 3. For allegations of sexual harassment, Complainant does not have to file an internal complaint prior to filing with the OHR.
 4. Complainant has an Exit Letter from the EEO Counselor and the case is filed in OHR within the fifteen (15) day guideline.
- K. After the complaint has been notarized and the Complainant has signed all necessary documents and has left the OHR, the Investigator will perform the following tasks:
1. Assign a docket number to the case from the next available number listed in the docket book.
 2. Generate all necessary Intake Forms from the IMS System.
 3. Forward the Complaint Form, Charge of Discrimination, Affidavits, and other Intake documents to the Intake Supervisor at the end of the Intake day for case docketing and assignment.

4. Intake Supervisor assigns the case to an Investigator within five (5) days of the case being docketed. **100% of cases must be assigned within 5 days of being docketed.**
 5. Verbally notify Respondent of charge during the intake process and inquire as to the number of persons currently employed by Respondent and at the time of the alleged incident.
 - aa. Explain function of OHR.
 - bb. Explain the allegation(s) made against them.
 - cc. Inform Respondent that he/she will receive a written Notice of Charge, request for Position Statement and Request for Information.
 - dd. Obtain name (s) to which company personnel inquiries should be directed, as well as for the agent capable of making settlement decisions during mediation, for participation in fact-finding conferences, that has power to agree to resolutions, and is able to set-up on-site investigations.
- L. Within five (5) working days of assignment and docketing, the Investigator shall serve (by certified mail) upon the Respondent and the Complainant a copy of the complaint. To accomplish this task, the Investigator shall perform the following:
1. Send Introduction Letters to Complainant and Respondent.
 2. Submit the EEOC Form 212 Packet for dual-filing with EEOC.
 3. Submit the Mediation Packet to the Intake Supervisor within twenty-four (24) hours of the case assignment. The Mediation packet shall not include extensive information other than the complaint form and contact information to ensure neutrality and independence of the mediation process.
 4. Serve, upon Respondent, a Request for Production of Documents, OHR's first set of Interrogatories and Request for Position Statement.
 - aa. All Position Statements, and other requested documents shall be submitted to OHR within twenty (20) business days of receipt of the request.

bb. At the request of Respondent, an additional four (4) business day extension shall be allowed to permit the Respondent to be in compliance. All requests for extensions shall be in writing. Faxed requests and emails are acceptable.

- M. Within five (5) days of complaint being docketed, the Intake Supervisor will send to the Mediation Supervisor the Mediation Packet for scheduling of mediation. An email confirming this transaction must be forwarded to the Mediation Supervisor by the Intake Supervisor.
- N. Within fifteen (15) days of docketing, the Mediation Supervisor shall schedule a mediation conference with all necessary parties.
- O. If mediation fails, the Mediation Supervisor will provide a report to the Intake Supervisor indicating so within 48 hours of the mediation session. The Mediation unit is strictly prohibited from sharing with any OHR employee, other than the Director and Legal unit, details of the mediation session. Intake and Investigations are strictly prohibited from inquiring about information of any mediation. Disciplinary action will apply to this policy. (See Mediation Guidelines under Attachments)
- P. If mediation fails, OHR shall immediately continue the full investigation. It shall include, but not be limited to, on site visits, interviews of witnesses and inspections of records. Mediation shall continue to be optional to both parties throughout the complaint process.
- Q. If mediation is successful, a Settlement Agreement, and an enforceable Order of OHR shall be drafted and signed by all Parties, including the Director of OHR and the case administratively closed by OHR. For DC government cases, closure letters/orders upon settlement shall be served to the agency head as well as to other pertinent parties.
- R. If mediation is successful, the Mediation Administrative Assistant will give the Intake Supervisor a copy of the Administrative Closure Letter and Settlement Agreement signed by the Director. **The mediation file (i.e. settlement agreement; final order and closure letter) must be included in the investigative file** after 5 days of the agreement and closure letter being signed by all parties, with the exception of confidential notes taken during mediation by the assigned mediator.

SCHEDULED APPOINTMENTS ONLY FOR Language Access Complaints:

The following procedures apply with respect to processing language access complaints.

- i. Explain the role of OHR, the applicable provisions of the D.C. Language Access Act, the complaint process, the investigative procedure, and determination of compliance. The Duty Intake Officer will emphasize the difference between a language access complaint of non-compliance and a discrimination complaint filed under the D.C. Human Rights Act. The D.C. Language Access Act is a compliance law and does not allow for a private right of action.
- ii. Inform Complainant that mediation is not required for language access complaints. The Language Access Director shall facilitate the resolution of the complaint if possible. If immediate resolution is not possible or if the Complainant no longer needs the services rendered, investigation will immediately follow the filing of such complaints.
- iii. Inform Complainants that once a complaint is assigned to an Investigator, the Investigator will immediately commence a full investigation. (Interrogatories, Affidavits, Onsite Investigations, Interviews.)
- iv. If Complainant is represented by Counsel, Counsel should be present or submit a letter authorizing the Intake Interview to proceed without their presence. The Counsel can only advise Complainant; Complainant is required to answer the Intake questions directly.
- v. Determine if OHR has jurisdiction. In general, the OHR may not have jurisdiction over the complaint for reasons including, but not limited to:

Lack of Jurisdiction over Respondent:

- a) No jurisdiction over federal government entities. If a Complainant raises a language access complaint against a federal entity, s/he shall be referred to the U.S. Department of Justice to file a Title VI complaint. The contact information for DOJ is:

Coordination and Review Section– NWB
Civil Rights Division
U.S. Department of Justice
950 Pennsylvania Ave., N.W.
Washington, D.C. 20530
(202) 307-2222 (voice);
(202) 307-2678 (TDD)
www.usdoj.gov/crt/cor/complaint

- b) No jurisdiction over other municipal entities outside of the District of Columbia.
- c) No jurisdiction over non-District government agencies or entities that do not receive funds from the District government to provide a public service.

Lack of Jurisdiction Over Subject Matter:

- d) Complainant does not state a claim under the D.C. Language Access Act.
- vi. Determine if a basis for non-compliance is present, as well as a legitimate claim.
 - vii. If jurisdiction or merits of complaint are questionable, refer to a Supervisor. If a Supervisor is unavailable, refer to the Legal Unit.
 - viii. Follow steps E through G from Section I of Chapter Two.
 - ix. Accepting the Complainant's allegations as true and OHR has jurisdiction to investigate the complaint, the Investigator must formalize the complaint and perform the following tasks:
 - a) Secure a Docket Number from the OHR Docket Book and complete all necessary information in the Docket Book.
 - b) Draft a copy of the complaint using the Language Access Public Complaint template. The complaint must then be translated into the non-English language of the Complainant if s/he opts to communicate in a language other than English.
 - c) Ensure that the complaint form is signed and notarized by the Complainant.
 - d) Ensure that Complainant signs the Complainant Affidavit for Language Access Complaints.
 - x. After the complaint has been notarized and the Complainant has signed all necessary documents and has left the OHR, the Investigator will perform the following tasks:
 - a) Forward the complaint form and other Intake documents to the Intake Supervisor at the end of the Intake day for case docketing and assignment.

- b) Intake supervisor assigns the case to an Investigator within five (5) days of the case being docketed.
- c) Follow step K(5) from Section I of Chapter Two.
- d) Within five (5) working days of assignment and docketing (or as soon as the complaint has been translated by way of Complainant's request), the Investigator shall serve (by certified mail) upon the Respondent and the Complainant (if Complainant is not represented by Counsel) a copy of the complaint. To accomplish this task, the Investigator shall perform the following:
 - 1. Send Introduction Letters to Complainant and Respondent. Introduction Letter to Complainants must be in the language they are able to communicate in. A copy of the English and translated version will go in the file.
 - 2. Serve, upon Respondent, a Request for Production of Documents, OHR's first set of Interrogatories and Request for Position Statement and other requested documents. Said documents shall be submitted to OHR within twenty (20) business days of receipt.
 - 3. At the request of Respondent, an additional four (4) business day extension shall be allowed to permit the Respondent to be in compliance. All requests for extension shall be in writing. Faxed requests and emails are acceptable.

II. WALK-IN'S

- A. All Complainants that do not have a scheduled Intake appointment are considered walk-ins.
- B. Walk-ins should be accepted at a minimum. Most walk-ins should be provided an appointment for the next available date. The receptionist will keep an appointment log.
- C. At discretion of the Intake Supervisor, some walk-ins may be seen the same day.
- D. Inform the walk-in that the OHR allows the scheduled Intake appointment a grace period of fifteen (15) minutes to show up for their appointment.
- E. If after the fifteen (15) minute grace period, the scheduled Intake does not show, the Intake Officer may see the Walk-in upon supervisor's approval.

III. EEOC Referrals

- A. When cases are transferred from the Equal Employment Opportunity Commission (EEOC) to OHR for Investigation, the following steps should be taken:
1. Case is assigned a docket number by the Intake Supervisor.
 2. Intake Supervisor will enter a transfer code in the Charge Data System.
 3. EEOC accepts the transfer code.
 4. Intake Supervisor assigns the case to an Investigator.
 5. Investigator sends Introduction Letters to Complainant and Respondent advising of case transfer, case assignment, Request for Position Statement, if needed, Documents, Interrogatories.
 6. Investigator gives Mediation Packet to Intake Supervisor.
 7. Intake Supervisor submits packet to Mediation program Manager for Mediation scheduling.

Freedom of Information Act (FOIA) Requests

- A. If the OHR receives any request for documents or a part of the investigative file, the person receiving the call must inform the caller that they may receive documents from the file after the investigation is complete and after a determination has been issued.
- B. The person receiving the call may tell the caller to put the request in writing and send it to the Office of Human Rights, Attention: Freedom of Information Act Officer.

IV. CONFIDENTIALITY AND FILE SECURITY (General Policy)

- A. Complainant's files may be included in the jointly shared filing system of the OHR and it shall be a matter of policy that any information pertaining to these files remains confidential.
- B. No information regarding the file of a Complainant shall be given over the telephone or by any other method unless authorized by Director.

- C. Information regarding the investigation, i.e. witness statements, shall not be provided during the investigation process. After a case is closed, the Complainant or Respondent may request information through the Freedom of Information Act. (FOIA). If a case is open, Complainant or Respondent may be advised that the case is in the investigation process or has been forwarded to the Investigator's Supervisor for review. (See Appendices)
- D. Representatives of parties who have cases before the Commission may review investigation files if they submit a written request and it is approved by the Director.

V. ORDER OF CASE INVESTIGATIONS

- A. Generally, the OHR investigates cases in the order that they were filed.
- B. Investigators will investigate the oldest case in their inventory unless due to other circumstances you are directed by your Supervisor or the Director to deviate from the aforementioned order.
- C. If an Investigator has a situation or circumstance that deems that a case should be investigated out of the prescribed order, they should discuss the situation with their Supervisor.
- D. Cases in which time is a factor will have their cases expedited as approved by the Director.

VI. FAIR HOUSING INVESTIGATIONS

OHR's investigative requirements for Fair Housing investigations is governed by Federal guidelines (Title VIII of Fair Housing Act of 1968). Under the Fair Housing Assistance Program (FHAP) approved by HUD, OHR is required to comply with similar investigative requirements and procedures subject to this Manual. The following procedures apply with respect to documenting a Complainant's initial contact. For cases initially filed with a FHAP agency, the agency must complete the following:

- A. Maintain records of each Complainant's initial contact with the agency, including records of all telephone, e-mail, letters, and in-person contacts,
- B. Place the original record of a Complainant's initial contact, or a copy of that record, in the case file under the Complainant's evidence section of the file, consistent with the requirements of Chapter 10 of the Title VIII Manual,
- C. Ensure that the Initial Contact Date field in TEAPOTS reflects the earliest date of contact referenced in the case file.

WALK-IN CLIENTS

- A. Complainant (CP) completes a fair housing questionnaire. The questionnaire is time and date stamped by the receptionist and given to the Intake and housing supervisor(s) for review.
- B. The investigator (EOS) assigns a docket number after he/she has discussed the issues presented on the questionnaire with the housing supervisor.
- C. Interview is scheduled by Investigator via mail (scheduled intakes are placed on the housing calendar). *If jurisdiction or the merits of the complaint are questionable it should be referred to housing supervisor.*
- D. The investigator conducts interview and generates the complaint to be signed and notarized, and a docket number is obtained after supervisor's review.
 - i. *If there are federal violations the complaint is cross-filed with HUD*
 - 1. HUD 903 Form is to be completed and signed.
 - 2. Transfer letter is generated to send to HUD for cross-filing.
 - 3. **All cross-filings must be completed in 5 days.**
 - 4. Case is entered into Teapots and OHR Access housing data base

- ii. *If complaint is filed based on local protections*
 - 1. Complaint is generated.
 - 2. Case is logged into the OHR Housing Database System.
 - iii. *If it is determined at intake that testing should be conducted.*
 - 1. Investigator should meet with the housing supervisor to formulate a profile.
 - 2. The housing supervisor or designee will contact fair housing agency to conduct the test.
 - 3. OHR or contractor will conduct the test within 24-48 hours of notification.
 - 4. Results will be submitted to the housing supervisor and Office of General Counsel or Legal Unit for analysis.
 - 5. Testing questionnaire should be completed in the Teapots system.
- E. Investigator sends notification letter to parties, request for information, documents and position statement within three (3) days.

HUD REFERRALS

- A. Transfer documents from HUD (includes copy of the complaint, and transfer letter).
- B. Transfer letter is signed and dated by the housing supervisor and returned to HUD (copy is maintained for in-house file.)
- C. Case is accepted into Teapots and assigned an OHR docket number; copy of complaint is generated and mailed to all parties by OHR within three (3) days.
- D. Investigator schedules an interview with the CP.

HOUSING CASE ASSIGNMENT PROCEDURES

The same basic case assignment procedures are implemented for Fair Housing cases with the following additions:

- A. Housing supervisor assigns the case to investigator. The case also must be assigned to the investigator in Teapots. All non-complex cases should be completed within 90 days (see HUD complaint processing performance

measures).

- B. Maintain regular contact with the parties to a complaint - do not allow more than 20 days to pass without some form of contact with the parties to let them know what is going on with respect to their case.
- C. 100 day letter must be mailed to the Complainant and Respondent if the complaint is not investigated within 100 days.
- D. **Mediation for Housing cases shall be scheduled within 20 days of receipt by the Mediation unit.** If a scheduling problem persists with a housing mediation, the Mediation Supervisor is authorized to reschedule another scheduled mediation session in lieu of the housing mediation. Parties have 20 days at the onset to resolve the matter in mediation, if mediation is unsuccessful a full investigation must commence on the 30th day.

UNSUCCESSFUL MEDIATION ATTEMPTS

- A. All mediation efforts should be well documented in the Final Investigation Report. Documentation showing failed mediation efforts must include:
 - a. A copy of the correspondence or other documentation that reports on the failed mediation attempt(s) including pertinent dates must be entered into TEAPOTS.
 - b. If a settlement was reached the resolution (monetary amount, housing, etc.) must be entered into TEAPOTS.
- B. Investigative procedure for Fact Finding Conference.
- C. The supervisor must approve all cases designated for a Fact Finding Conference.
- D. Send scheduling letters to Complainant and Respondent with the date specified for the Fact Finding Conference. Include any requests for documentary evidence and/or logistical arrangements. The notice shall invite the parties to identify additional individuals whom they believe may serve as witnesses.
- E. The investigator will include a copy of the complaint with the scheduling letter to the Respondent.
- F. Respondent may have no more than twenty (20) work days after receipt of the data request to submit the requested information. However, in all instances, the requested information shall be submitted to OHR five (5) work days before the scheduled fact-finding conference.

- G. Upon receipt of the Request for Information (RFI) from Respondent, investigator will summarize the position statement and send a copy to Complainant prior to the conference. Investigator will inform Complainant to submit a copy of rebuttal to OHR prior to or during the conference.
- H. Prior to the conference the investigator will also gather other documents known to be necessary or germane to the matter(s).

Training Requirement

- A. All investigators must attend and pass the five (5) week course offered by the HUD National Fair Housing Training Academy (NFHTA).

FAIR HOUSING UNIT SUCCESSFUL MEDIATION ATTEMPTS (HUD)

The settlement agreement must meet the following requirements:

- A. The agreement must be in writing with clearly defined terms and conditions. It must be signed by the Complainant, Respondent, and the State or local agency representative authorized to enter into such agreements;
- B. It must include terms which remedy the unlawful discrimination identified in the complaint and provide relief or compensation for the Complainant;
- C. It must contain provisions to adequately vindicate the public interest, and prohibit recurring future discriminatory housing practices by the Respondent;
- D. It must specifically state that the agreement constitutes closure of the complaint filed with HUD and the State or local agency;
- E. It must contain a provision stating that the agreement shall be made public unless the Complainant and Respondent otherwise agree, and the authorized representative of the agency determines that disclosure is not required to further the purposes of the State or local agency;

CONCILIATION PROCEDURES AND GUIDELINES

- A. After a determination of “probable cause” the Administrative Assistant submits the file to the Mediation Supervisor for conciliation scheduling.
- B. If the case is settled, the Mediation Unit obtains a Settlement Agreement along with an enforceable Order of OHR signed by the Director and all parties. Upon obtaining all required signatures, the case shall be administratively closed.
- C. If the parties decline conciliation or if efforts to conciliate fail, the case shall be certified to the Commission on Human Rights for a hearing.

Chapter Three
Special Services

“Interpretation Services for Non-English Speakers and the Hearing Impaired.”

I. TRANSLATION AND INTERPRETATIONS

- A. General Procedures for Requests for Translations and Interpretations are as follows:
- B. Interpreters are to be contacted upon request and need. Usually, interpreters are used for intake, mediation, conciliation, hearings, and public events. Should a LEP/NEP customer make the informed decision of waiving his/her rights to interpretation or translation services offered by the OHR, OHR must have the customer sign a written waiver acknowledging this decision. This waiver is only enforceable for the circumstance at hand, meaning the customer can return to OHR for additional service(s) and request and receive an interpreter through the OHR.
- C. The OHR shall open two purchase orders at the beginning of each fiscal year based on specific qualifications outlined in a statement of work for the following:
 - 1. Written translation of OHR documents and/or outside correspondence to and from English and the target non-English language by qualified and professional translators;
 - 2. Qualified contract interpreters for OHR proceedings and/or public events.
 - 3. A purchase order for translation into Braille and for American Sign Language (ASL) interpretation will be opened as needed.

LANGUAGE LINE

- A. The OHR shall maintain an open account with Language Line Services each fiscal year for the purpose of providing over-the-phone interpretation services in over 100 languages to OHR’s limited and non-English proficient (LEP/NEP) customers.
 - 1. OHR’s Language Access Director or his/her designee shall be responsible for coordinating the training of all OHR staff on the usage of Language Line Services.
 - 2. Refresher training shall occur once each fiscal year and mandatory training will occur with all new employees

during new staff orientation. Additional training may occur upon request.

B. Appropriate Use of Language Line Services:

1. Language Line Services (LLS) are appropriate to use when OHR staff members do not speak the language of the individual who is seeking an immediate service from OHR (e.g. to respond to a question, to follow up with questions, etc.).
2. LLS is not to be used during mediation, intakes (unless necessary), or during any comprehensive administrative procedure, such as a Fact-Finding procedure or a hearing before the Commission of Human Rights. If witness interviews are to be conducted over the phone, then LLS would be appropriate to use during those circumstances.

WRITTEN TRANSLATION/BRAILLE

A. Procedures when requesting a written translation (including Braille):

1. Determine the Language(s) needed for Translation.
 - aa. Who is your target audience?
 - bb. If the language can not be determined from a piece of correspondence received at the Office, forward the document to OHR's Language Access Director (LAD) or his/her designee. The LAD or designee will forward it to OHR's translation vendor who will determine the language for the OHR.
2. Review and revise the English text.
 - aa. Ensure that the text is written in "plain language"
 - bb. Avoid culture-bound clichés
 - cc. Is the English text meeting the purpose of the document?
3. Ensure that graphics are appropriate to the limited-English proficient (LEP) communities that comprise the audience.

- aa. Graphics should be culturally sensitive and appropriate to the target audience.
- 4. “Finalize” the English version of the document before having the document translated.
 - aa. Having translators work from a draft-in-progress will almost always be time-consuming (i.e. more expensive) than waiting for the final text to be ready.
 - bb. Ensure that all desktop publishing (DTP) has been completed.
- 5. Prepare a “translation brief”.
 - aa. A “translation brief” summarizes the project for translation in one page for the translator. It identifies the agency’s name; the point person’s contact information; the title of the document in English; the purpose of the translation; the target audience; and the agency’s glossary of terms for the specific document in question. The purpose of the brief is to inform the translator of *what* exactly is being requested for the document/project in question and *how* it should be executed. There should be no “gray” area for the translator when translating the project.
 - bb. The translation brief template can be found in the Appendix.
- 6. Forward translation brief, agency glossary of terms, and English document in its original format to OHR’s Language Access Director or designee who will forward it to the vendor.
 - aa. An agency “glossary of terms” is agency-specific terminology that has been defined by the agency. Such a glossary assists translators in accurately translating specific terminology that is relevant to the agency and document in question. For example, the term “intake” may vary from agency to agency.
 - bb. Do not forward a PDF document to a translation vendor. PDFs cannot be reformatted or revised as a document. This may cost the agency more money as it will require the translation vendor to recreate a document (i.e. fonts, text, graphics, etc.).

7. Review the “final” translation product prior to printing/disseminating/posting.
 - aa. “Vet” the translation with community members and/or bilingual staff prior to approving the final version by the translator. OHR is the client so the vendor must provide an output based on the OHR’s needs, specifications, and satisfaction.

ORAL INTERPRETATION SERVICES AND SERVICES FOR THE HEARING IMPAIRED

A. Procedures for requesting oral interpretation services and/or American Sign Language (ASL) interpretation services:

1. Prior to providing services, please contact the Office of Disability Rights (ODR) or the Language Access Director.
2. Interpreters are to be contacted upon request and need. Usually, interpreters are used for intake, mediation, conciliation, hearings, and public events.
3. Complete a “Request for Interpreter” form (see Appendix) and submit it to OHR’s Language Access Director or designated staff member 72 hours prior to the needed date/time for the interpretation session. The LAD or designee will submit a request with OHR’s interpretation vendor and notify the requestor with a confirmation from the vendor.
4. OHR’s interpreter cancellation policy presently stands at 48 hours notice prior to the scheduled date. Complainants are not to be told that OHR will cancel an interpreter if they do not show up on their scheduled date.
5. All interpreters are to review, sign, and submit OHR’s **Interpreter Oath** (see Appendix) prior to engaging in any interpretation service. This Oath must be submitted to OHR’s Language Access Director or designee upon completion of the interpretation session. This oath is meant to ensure at a professional level that OHR is working with a qualified/professional interpreter and that the interpreter is aware that OHR is serious about the services it provides to its LEP customers.

APPENDICES