

QUESTIONS AND ANSWERS ON OFFICE FOR CIVIL RIGHTS' (OCR's) COMPLAINT PROCESS

From the Office for Civil Rights,
www.ed.gov/print/about/offices/list/ocr/qa-complaints.html

How do I file a complaint of discrimination with OCR?

You may contact an OCR enforcement office to obtain a complaint form or you may file a discrimination complaint by using the on-line complaint form.

What do I need to include in my complaint?

You should let us know which school, college or other institution you are complaining about, the person(s) who has been discriminated against, when the discrimination occurred, and you should sign and date the letter and let us know how we can reach you by phone and letter so that we can contact you. If filing on-line, you will still need to provide an original signature by mail, which may be done by printing and mailing a "Consent Form" linked from the bottom of the on-line complaint form.

How soon after the discrimination do I need to file?

You need to file your complaint within 180 calendar days after the discrimination. There are certain limited circumstances that allow our agency to grant a waiver. If you need more information about your situation, contact the OCR enforcement office responsible for the state in which the institution is located.

How promptly will OCR respond to my complaint?

OCR will promptly acknowledge receiving your complaint and will contact you by letter or telephone to let you know whether we will proceed further with your complaint.

What is OCR's role during the complaint process?

OCR's role is to be a neutral fact-finder and to promptly resolve complaints. OCR has a variety of options for resolving complaints, including facilitated resolutions and investigations. OCR does not act as an advocate for either party during the process.

What if I am already pursuing my complaint within the school district or college or with another agency?

OCR does not handle cases that are being addressed by another agency or within a school's or college's formal grievance procedure if OCR anticipates that the agency you filed with will provide you with a resolution process comparable to OCR's. Once the other complaint process is completed, you have 60 days to refile your complaint with

OCR. OCR's first step will be to determine whether to defer to the result reached in the other process.

Do I have to file an OCR complaint before I can file a claim in court?

The regulations under Title VI, Title IX, Section 504 and Title II do not require you to file with OCR prior to filing a claim under these laws in Federal court. The regulations under the Age Discrimination Act, however, allow you to file a claim in Federal court under that law only after: 1) 180 days have elapsed since you filed the complaint with OCR and OCR has made no finding, or 2) OCR issues a finding in favor of the recipient. If this occurs, OCR will promptly notify you and remind you of your right to file in court.

If you are considering filing in court, bear in mind that OCR does not represent complaining parties or provide advice regarding court filings. You would need to use the services of your own attorney. Also, if you proceed with your claim in a court, OCR will not continue to pursue your OCR complaint.

For more information you may refer to What to Expect from OCR and the OCR Case Processing Manual (CPM).