
What Is Unlawful Discrimination?

Discrimination means being treated differently. It is unlawful to be treated differently than other people in employment, housing, services offered by businesses, governmental services, or credit transactions because of your:

- Race
- Color
- Religion
- National Origin
- Sex
- Age (40 years of age or older)
- Disability (mental or physical)
- Marital Status
- Status as a Recipient of Public Assistance
- Familial Status (having children under age 18, being pregnant, or being in the process of securing legal custody of a child under age 18) (housing only)
- Status as a victim of domestic violence in certain circumstances (housing only)
- Participation in lawful activity off the employer's premises outside of regular work hours that is not in direct conflict with the business-related interests of the employer (employment only)

What Can I Do If I Think I Have Been Discriminated Against?

Contact the North Dakota Department of Labor and Human Rights (Department). Staff there will talk with you about what happened to you and help you understand your options. Alternatively, if you prefer, you may contact a private attorney of your choosing to seek advice.

This brochure is intended to help people who believe they have experienced discrimination understand how to file a complaint with the Human Rights Division.

How Do I File A Discrimination Complaint With The Department?

The first step in filing a discrimination complaint with the Department is to complete the "intake" process. This simply means to provide the Department with initial, specific information about what happened to you. The intake process can be completed in any one of three ways:

1. You can describe what happened to you in writing using an *Intake Questionnaire* form. The Intake Questionnaire form may be completed and submitted electronically from the Department's website. Alternatively, you may obtain the form by contacting the Department or you may print it from the Department's web site. Once you have filled out the form, return it to the Department.
2. You can contact the Department and ask to have your intake information taken by telephone.
3. Your intake information may be submitted in person. Department staff are regularly available to meet with you in person, by appointment, during regular office hours at the State Capitol located in Bismarck, or by appointment in Fargo, N.D.

After the intake process is completed, the Department will assess the information you provided to determine whether there is a basis to file a formal discrimination complaint for investigation.

The Department may need to request additional information from you to make this determination. If the intake information you provide does establish a basis for a formal complaint, the Department will draft a complaint for you to sign. A discrimination complaint is considered filed when the signed complaint is returned to the Department.

What Happens After I File A Discrimination Complaint With The Department?

The Department will serve as a neutral third party to investigate your complaint and work to resolve your complaint through informal means such as mediation and/or conciliation.

You will need to participate in your complaint - be available to the Department and provide any information that may be relevant to your complaint.

Some complaints will be resolved quickly while others may take time - six months or longer - to thoroughly investigate.

Do I Need To Hire An Attorney To File A Discrimination Complaint With The Department?

You may choose to seek legal advice from a private attorney at any time, but you are not required to have an attorney to file a complaint with the Department.

May I File My Discrimination Complaint Directly In Court If I Prefer?

Yes. You have the right to file a discrimination complaint directly in state court instead of with the Department. You do not have to file your complaint with the Department first. If you decide to bring an action in district court, any pending action with the Department will be immediately dismissed.

How Much Time Do I Have To File A Discrimination Complaint?

You have limited time to file a discrimination complaint from the date the alleged discrimination occurred or ended. The length of time you have to file a complaint depends upon the type of discrimination you feel you have experienced:

- Discrimination in Employment or Credit Transactions = 300 Days
- Discrimination in Housing = One Year
- Discrimination in Business or Governmental Services = 180 Days

If a complaint is filed with the Department, you have ninety days from the date the Department dismisses the action or issues a written probable cause determination to file in court. In addition, if your complaint is against the State of North Dakota or a state employee and you wish to seek monetary relief, you must provide written notice of your injury and the amount of relief demanded to the Director of the Office of Management and Budget within 180 days of the date the alleged discrimination occurred.

How Do I Contact The Department?

The North Dakota Department of Labor and Human Rights is located in the State Capitol. The Department's regular business hours are Monday through Friday from 8:00 A.M. to 5:00 P.M. CST.

Contact information for the Department is as follows:

**North Dakota Department of
Labor and Human Rights**

**600 East Boulevard Avenue, Dept. 406
Bismarck, ND 58505-0340**

**Phone – (701)328-2660 locally or
1-800-582-8032 toll-free in ND**

**TTY (Relay ND) – 1-800-366-6888
or 1-800-366-6889**

Fax – (701)328-2031

**E-Mail – labor@nd.gov
Web Site – nd.gov/labor**



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