How Does the Complaint Process Work: Part 2

The HRC determines whether to proceed to the Conciliation Stage OR directly to the Hearing Stage

**Conciliation Stage**
Day 60 - 90

- Both the Complainant and the subject of the complaint will be notified that the complaint has entered the Conciliation Stage.
- Conciliation may involve discussions and meetings with the Complainants and the subject of the complaint and/or their representatives, separately or jointly as determined by the HRC. This process should be completed within 90 calendar days of filing.
- Conciliation discussions will either: Yield an agreement to correct the discriminatory practices OR it will not yield an agreement.

**Hearing Stage**
Day 90 - 120

- The Hearing Stage will be initiated by the HRC serving a copy of the complaint along with a notice to answer the charges upon the subject of the complaint, hereafter referred to as the Respondent. Service shall be made in the manner required for service of civil actions pursuant to the West Virginia Rules of Civil Procedure. The notice will state the time and date of the hearing before the Commission. The date will be 30 calendar days after service of the notice on the Respondent.
- The Respondent may file a written answer to the complaint at any time up to the date of the hearing.
- The Hearing will be conducted by a Hearing Examiner chosen by the HRC. The Hearing Examiner may determine what types of testimony and evidence will be considered. Both the Respondent and the Complainant may participate in the hearing and offer evidence and testimony, directly or by counsel. The hearing will be recorded.
- The Hearing Examiner will prepare written findings and conclusions determine whether discrimination occurred within 120 days of filing. These findings will be submitted to the HRC for review. They will determine if discrimination has occurred or is occurring.

**Agreement Made**

- Satisfactory
- Non-Satisfactory

**No Agreement Made**

- The HRC deems the agreement either satisfactory or not satisfactory
- The Complainant will be notified by the HRC that the matter has been resolved and no further action will be taken.
- The Complainant will be notified by the HRC that Conciliation was unsuccessful and that the complaint is proceeding to the Hearing Process

For more detailed information visit our website: [https://morgantownwv.gov/272/Human-Rights-Commission](https://morgantownwv.gov/272/Human-Rights-Commission)

None Found

- Discrimination Found

The Complainant will be notified with a copy of the Order. The letter may indicate that they individually have the option to pursue private civil action to redress any issues not resolved by the HRC's order.