



# Complaint Process

Through the receipt, investigation, and resolution of complaints of discrimination, DHR ensures that "every individual . . . has an equal opportunity to participate fully in the economic, cultural and intellectual life of the State."

## Filing a Complaint

Step  
1



Any person over 18 who believes they have been subject to unlawful discrimination (within a year in most cases) may file a complaint without an attorney. Parents and guardians may file on behalf of a minor.

The complaint form is available in digital and print at [dhr.ny.gov](http://dhr.ny.gov). DHR provides necessary accommodations for visual impairments, language needs, and other special circumstances.

As of 8/12/20  
victims of sexual  
harassment in  
employment  
have 3 yrs. to file  
a complaint.

## DHR Investigation

Step  
2



Investigators conduct interviews and evaluate all available evidence to find whether there is reason to believe that unlawful discrimination may have taken place. An investigation will conclude with a case determination of "No Probable Cause" (which can be appealed within 60 days) or "Probable Cause". Probable cause exists where, after giving credence to the complainant's version of the facts, some evidence of discrimination exists and a hearing is warranted.

DHR  
investigates  
every  
complaint.

## Public Hearing

Step  
3



After most "Probable Cause" determinations, the Division will bring both sides together to see if a settlement is possible. If the complainant is not represented by a private attorney, a Division Attorney is assigned. If settlement is reached, a stipulation of settlement is submitted to the Division's Commissioner for approval. If a settlement is not reached, the case moves to a public hearing with an Administrative Law Judge who hears the case and issues a Recommended Order outlining their recommendation for the resolution of the case. Before the public hearing begins, you may instead request to take your claim to state or federal court.

Conciliation or  
settlement is  
possible at  
any stage.

## Final Order

Step  
4



The Commissioner will review the allegations, evidence, and the recommended order and will issue a final Commissioner's Order. If the ruling is in favor of the complainant, the Order will specify a remedy such as change of policy, training, fines, and/or money damages.

Parties to the complaint have 60 days to appeal the decision to New York State Supreme Court.

Cash remedies  
in employment  
& housing may  
include punitive  
damages.

## Compliance

Step  
5



DHR makes an inquiry into whether the respondent is compliant with the Commissioner's Order no later than one year after the order was issued. DHR can initiate litigation in court to enforce action in reference to a Commissioner's Order.

In the case of settlements, DHR ensures compliance of the terms of the order before the orders are signed.

Discontinuance  
of private  
settlements  
ensures more  
compliance.

## To Get Started

Our complaint form is available at  
[dhr.ny.gov/complaint](http://dhr.ny.gov/complaint)

For more information call (888) 392-3644

Return the completed form by:

- Email at [complaints@dhr.ny.gov](mailto:complaints@dhr.ny.gov)
- Fax to (718) 741-8322
- Postal mail to the office nearest you

New fully  
digital  
complaint  
submission  
available!