



**TOMPKINS COUNTY  
HUMAN RIGHTS COMMISSION**

*Frequently Asked Questions*

**If You Are a Victim of Discrimination Call the Human Rights Commission**

Office: 120 West State Street, Ithaca, NY 14850 | B: (607) 277-4080 | F: (607) 277-4106

**What is the Tompkins County Human Rights Commission ("TCHRC")?**

The department is a neutral county agency that investigates charges of illegal discrimination.

**What type of cases fall under the jurisdiction of the Commission (TCHRC)?**

TCHRC has jurisdiction to investigate cases in the following subject-matter areas: credit, education, employment, housing, and public accommodation.

**What is a protected class?**

Although discrimination may occur in various forms, TCHRC has jurisdiction under Tompkins County Anti-Discrimination Law, State, and Federal law to file complaints on the following basis: age, arrest/conviction record, disability, familial status, gender identity and expression, genetic disposition, carrier status, marital status, national origin, race/color, religion, sex, and sexual orientation. New York State Human Rights Law and Federal Civil Rights Law does not include gender identity and expression as a protected class, and federal law does not include sexual orientation as a protected class.

**What is TCHRC's statutory authority?**

New York Municipal Law, Article 12D, Tompkins County Local Law 290 (1963), and Tompkins County Anti-Discrimination Law. Also, the New York State Division of Human Rights Law, Article 15 and applicable federal civil rights laws.

**What is the statute of limitation for filing a charge?**

The statute of limitation for filing a charge under the TCHRC is one year from the date of the incident.

**Do I need an attorney to file a charge with the department?**

You do not need to have an attorney, however you may choose to hire an attorney at any time during the process.

**Do I need to make an appointment to see speak with a member of TCHRC?**

No, we accept walk-ins during our normal business hours: 9 AM to 4:30 PM. After the initial intake application is completed, TCHRC will schedule a follow-up appointment to discuss the details of your case. At that time, TCHRC asked that you provide any additional documentation that supports the allegation made in your complaint; and the names, titles, addresses, and phone numbers of all persons alleged to have discriminated against you.

**If I'm disabled or unable to come into the office what are my options?**

If you are unable to file a complaint in person, call the office, explain the details, and request that a complaint be prepared and forwarded to you for review and notarized signature.

**What is the cost of filing a charge?**

There is no cost to the Charging Party (the person filing the charge).

**How old do I have to be to file a charge of discrimination?**

At TCHRC, a person may file and sign of complaint if they are at least age of majority (18), or a parent or guardian may file on their behalf if they are under the age of 18.

**How long will the process take?**

The department has 180 days to make a determination. The time limit can be suspended if parties are participating in alternative dispute resolution sanctioned by TCHRC. The case may also be extended beyond the 180 days statute of limitations to allow ample time to complete an investigation.

**Do I have to file with the State Division of Human Rights and Equal Employment Opportunity Commission (EEOC) separately?**

No, TCHRC is authorized through a memorandum-of-understanding to file a complaint on your behalf with the State Division of Human Rights and EEOC for employment based discrimination cases.

**I received an Equal Employment Opportunity Commission ("EEOC") notification of cross-filing letter? What does this letter mean?**

The state and federal agencies can accept charges for each other when both have jurisdiction. A charge filed with the state Human Rights Department or with EEOC will be "cross-filed" with the other, so that only one agency investigates the claim. In general, cases filed by TCHRC, will be investigated by TCHRC. The exception to this rule, are cases that will be considered a conflict of interest.

**What happens next?**

TCHRC will draft and file a complaint of discrimination on your behalf, and notifies the Respondent. The Respondent is a person or entity about whose action you complain.

**What happens during an investigation?**

TCHRC investigates through appropriate methods such as written inquiry, field investigations, fact-finding interviews/interrogatories, or conferences. If there is a finding of **no probable cause or lack of jurisdiction**, the complainant may appeal to the State Supreme Court within 60 days. If there is a finding of **probable cause** the case will be calendared for a public hearing.

**What happens if the department makes a probable cause finding?**

The department will attempt to settle the matter through conciliation. If the parties are not able to agree on a settlement, the case will be heard before an Administrative Law Judge assigned by the New York State Division of Human Rights.

**What happens at the public hearing?**

The New York State Division of Human Rights General Counsel department will assign an attorney to represent you or you may elect to retain outside counsel. A Notice of Hearing is issued to all parties. The case may be adjourned only for good cause. An Administrative Law Judge presides over the hearing. The proposed order is prepared and approved by the Commissioner of the State Division of Human Rights.

**How long does the hearing usually last?**

The hearing may last one or more days, not always consecutive.

**What can the Commissioner impose in an Order?**

A Commissioner's Order can either dismiss the complaint or find discrimination. In the latter case, it orders the respondent to cease and desist and take appropriate action. The Division may order damages and/or back pay.

**Can I appeal if I disagree with the Commissioner's Order?**

Yes, The Commissioner's Order may be appealed by either party to the State Supreme Court within 60 days.