

# GUIDE FOR RESPONDENT

Pursuant to SDCL chapter 20-13 a charge of discrimination has been filed with the South Dakota Division of Human Rights by the person named on the charge. You have been named Respondent. If the charge alleges discrimination in employment and you have 15 or more employees the charge has also been filed with the Federal Equal Employment Opportunity Commission (EEOC).

The Charging Party has provided enough information to establish our jurisdiction over the matter. The acceptance of the charge, however, does not indicate that the Charging Party's allegations do, in fact, support a finding of discrimination. An impartial investigation will be conducted by Division of Human Rights to determine all facts relevant to this charge, after which a final determination will be made. You are asked to cooperate in providing relevant information.

Offers of settlement will be entertained at any point in the proceedings. Prior to final determination a settlement is termed "No-Fault". There is no admission of guilt by you, and the Charging Party agrees to waive his or her rights to pursue the matter further. At this point Division of Human Rights would accept any offer agreeable to both parties. We would dismiss the charge upon completion of the terms called for in the agreement. The advantage to a Respondent of "No-Fault Settlement" is the amount of time, money, and possible liability for damages which can be saved a prompt resolution.

The first step in the investigation of this charge will be a determination of the facts in one of the following ways:

- a. You (Respondent) and the person filing (Charging Party) will be contacted separately to give your accounts of what happened. You will be asked to respond to any allegations made.

or:

- b. A fact finding conference will be scheduled at which you and the Charging Party will both be present to answer questions asked by the investigator.

If settlement does not take place before or during the investigation a determination will be made that there is:

- a. Probable cause to believe that there was discrimination and formal settlement proceedings started.

or:

- b. No probable cause to believe there was discrimination and the charge dismissed, after which the Charging Party may appeal to a South Dakota Circuit Court.

If probable cause is found and further attempts to settle are not successful the investigator will submit copies of this charge and your answer to the Commission on Human Rights, which may schedule a public hearing.

As respondent, you are prohibited from taking any retaliatory action against the Charging Party for filing this charge. The Charging Party has been advised to contact Division of Human Rights if any such action is taken against him or her or anyone who has been a witness or otherwise assisted in the filing of the charge.