

Guidelines, Policies and Procedures

Resolution of Informal Complaints of Discrimination through Princeton Civil Rights Commission Voluntary Non-Binding Conflict Resolution Process **Adopted by the Princeton Council on November 28, 2016, and Revised on February 25, 2019 by Resolution No. 19-84**

The Princeton Civil Rights Commission is authorized by Ordinance No. 2016-38, as revised by Ordinance No. 2019-4, to receive and attempt to resolve informal complaints of discrimination made by any person and allegedly taking place in Princeton. The following policies, guidelines and procedures shall govern this process.

1. Filing A Complaint.

A person can file a complaint in person at the Human Services Office. A person may also use a complaint form which shall be available at the Municipal Clerk's Office on the Municipal website or from a member of the Civil Rights Commission.

2. Generally – Processing Services by Human Services Department.

The purpose of processing is to:

- Obtain information about the complainant's claim;
- Provide educational materials to the complainant advising them of their rights;
- Conduct initial information gathering and report back to the complainant; and
- Determine if parties are willing to engage in voluntary resolution, which includes:
 - Outside mediation services at no cost to participants or
 - Voluntary Non-Binding Conflict Resolution ("VNCR") Process by Civil Rights Commission.

*The Executive Director shall **not** make a determination on the manner in which the complainant shall proceed; rather, the Executive Director shall only be responsible for advising the complainant of the available options and the complainant shall be responsible for determining whether or how they may wish to proceed.*

Following the above procedure shall be a prerequisite to filing a complaint with the Civil Rights Commission.

3. Civil Rights Commission Review.

- A. If the complainant seeks to have their claim addressed through the Civil Rights Commission's VNCR process, then the Executive Director shall forward the person's complaint to the Civil Rights Commission for informal resolution by the members of the Civil Rights Commission designated by the Chairperson for this purpose.

- B. The main goal of the VNCR Process is to provide an informal framework for access to a venue to amicably resolve disputes concerning claims of discrimination that have not yet escalated and are not being prosecuted through the State Division of Civil Rights or any state or federal court. The goal is to encourage resolution at a convenient place for those concerned and encourage early intervention and resolution.
- C. The designated members of the Civil Rights Commission shall promptly review the matter and endeavor to bring the parties together to eliminate the discrimination by conference, conciliation and negotiation. The remedy or resolution may include, but shall not be limited to, an acknowledgment and apology and/or a commitment to change procedures to prevent future incidents. The Commission members may, if the parties agree, make a referral to mediation. Notice of VNCR meetings between members of the Civil Rights Commission and parties shall be filed with the Municipal Clerk's office and given to the Council liaison to the Civil Rights Commission. No individual members of the Civil Rights Commission shall have the ability to resolve complaints on their own.
- D. To the extent permitted by law, VNCR sessions shall be undertaken in a confidential and private matter.
- E. The parties shall be advised in writing and verbally as follows:
 - a. In general, the documents provided to and generated by the Municipality in connection with the VNCR sessions, including the written complaint and any supporting materials, are considered "government records" under the New Jersey Open Public Records Act and as such, may be disclosed publicly during or even after the informal resolution.
 - b. Participation by either party is completely voluntary and neither party can be required to provide any documentation or to participate, nor can either party be punished or sanctioned in any way by the Municipality for failing to appear or to provide any documentation or information. Any agreed-upon form of resolution is also voluntary.
 - c. Participation does not take the place of the more traditional, formal types of resolution of claims of discrimination, such as those available through administrative agencies or the courts. Therefore, at any time during or even following the conclusion of the process, the person claiming to be aggrieved by discrimination retains the right to and has the right to elect to formally pursue their claims of discrimination with any administrative agency, including the State Division of Civil Rights as well as any state or federal court with jurisdiction to hear the matter. At any time said person may also request that their claim be referred to a qualified mediator independent of the Municipality, as set forth above in Section 2.

4. Reporting.

The Human Services Director shall provide a monthly written report to the Civil Rights Commission. The report will provide a summary of complaints received during the month. To ensure as much privacy as possible, the report will only describe the general nature of the

complaint and the resolution achieved, if any. The Human Services Director shall provide relevant general details to allow the Civil Rights Commission to make policy recommendations to Mayor and Council.

5. Affirmative Action Officer.

The Commission shall refer all complaints concerning Princeton officers or employees to the Affirmative Action Officer to initially counsel and investigate all complaints of discrimination involving such officers and/or employees in accordance with Princeton's policies and procedures. The Affirmative Action Officer shall endeavor to complete their own initial investigation within thirty days of receiving any such complaint.

6. Additional Policies and Procedures.

The Council may provide additional policies and procedures for administering this process. Any such additional policies and procedures shall be in writing and consistent with any applicable laws, regulations or ordinances. From time to time, the Civil Rights Commission shall provide recommendations to the Mayor and Council regarding these additional policies and procedures. The Mayor and Council, with advice from the Civil Rights Commission, may review the policies and procedures on an annual basis or as needed.