

### How long is a Fact-Finding Conference?

A conference will take as long as is necessary for the fact-finder to obtain relevant information from the complainant and respondent.

### Will the investigation end with the Fact-Finding Conference?

When parties are cooperative and provide information necessary to reach a finding, evidence gathered at the conference is often sufficient to make a determination. When there is insufficient information, the fact-finder informs each party what additional information is required, and the investigation will continue. When a voluntary settlement is reached, no further investigation is necessary.

### Questions about your case or Fact-Finding Conference?

Contact the fact-finder assigned to your case. A name and contact information are on your Notice of Fact-Finding Conference.

### How can I make the Fact-Finding Conference more effective?

#### Both parties should :

- At least five days before the conference, provide PHRC with all written statements, witness testimony and documentation to detail or support their position.
- Avoid rescheduling delays. Keep your original appointment if at all possible.
- At the conference, candidly present your position and supportive evidence, and listen respectfully while others present theirs.
- Consider whether a settlement is possible. If parties are willing, a settlement may be negotiated at the conference.

## The Complaint Process



\*In certain housing cases, parties can elect court action.

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# PHRC Fact-Finding Conferences



# What to expect at a Fact-Finding Conference

## What is a PHRC Fact-Finding Conference?

It is a face-to-face meeting of the complainant (the person alleging illegal discrimination) and respondent (the person, company or other entity the complaint is filed against). The PA Human Relations Commission, or PHRC, conducts conferences to allow both parties to present evidence supporting their positions, reply to the other party's position and possibly consider a voluntary settlement of the complaint.

## What is the purpose of a Fact-Finding Conference?

It is an investigative tool designed to shorten an investigation or secure an early settlement.

## Is the Fact-Finding Conference a hearing or trial?

It is neither. It is an effective, direct way for PHRC to gather facts and information by getting the concerned parties around a conference table. Law and regulations do not require PHRC to hold a Fact-Finding Conference, nor do they require either party to participate. A Fact-Finding Conference is not held in every case.

## What are the benefits of a Fact-Finding Conference?

The conference helps all parties learn the issues surrounding a complaint, including the laws prohibiting discrimination. It helps resolve issues quicker and at a lower cost to all parties.

## What happens if no Fact-Finding Conference is held?

If parties don't meet face-to-face, evidence must be secured separately from the complainant and respondent. This is more time-consuming and less cost-effective for all involved parties.

## Who conducts the Fact-Finding Conference?

An impartial PHRC staff investigator, called the fact-finder, conducts the conference. The fact-finder does not advocate for either party, but probes issues to obtain information and documentation on each party's position.

## When is the Fact-Finding Conference held?

The conference is held as soon as possible after the complaint is served. Parties are notified of the exact date and time.

## Where is the Fact-Finding Conference held?

Conferences are usually held in the PHRC Regional Office investigating the complaint.

## Who participates in the Fact-Finding Conference?

Three major participants are the fact-finder, complainant and respondent. Whoever represents the respondent should have the authority to speak for and sign agreements binding the respondent. The respondent employee(s) who made the decision pertaining to the alleged discrimination should attend. Complainants not represented by legal counsel are allowed to bring an advocate(s) to the conference for advice and moral support. That person has a strictly advisory role and may only offer information about matters of which he or she has first-hand knowledge.

## Can anyone else participate in the Fact-Finding Conference?

Witnesses who have relevant information or direct knowledge of the alleged discriminatory incident or practices may present only that information.

## May legal counsel represent the complainant and respondent?

Either party may be represented by legal counsel, if the attorney has entered a "Notice of Appearance" statement. Attorneys have a strictly advisory role toward their clients. They cannot ask direct questions of either party, and may only offer information about matters of which they have first-hand knowledge.

## What if I cannot afford an attorney?

Neither party has to have an attorney. The fact-finder is responsible for making sure each party — with or without an attorney — has a fair and full opportunity to present facts and evidence.

## How does the fact-finder secure facts about the allegations?

The fact-finder questions one party, then the other, concerning each incident or practice alleged to be discriminatory. The complainant and respondent are given opportunities to respond to or rebut each other's statements, and present information to support their own positions. The fact-finder identifies further documentation necessary to resolve the complaint.

## Does the fact-finder take notes during the conference?

The fact-finder takes informal, self-reminder notes of the statements, responses or documents, as necessary. Remember, this is not a formal hearing requiring a stenographic transcript. It is a meeting to gather facts and evidence about the issues of the complaint. In accord with PHRC Regulations, these investigative notes are privileged and may not be given to either party.

## May the complainant or respondent or their attorneys ask questions of or cross-examine each other?

There is no cross-examination. Questions are directed to the fact-finder, who will then ask questions — if relevant and appropriate — of the complainant or respondent.