

September 15, 2025

## Report to City Council from the Commission on Human Rights

When the City of Columbia Commission on Human Rights receives a complaint of discrimination, the standard practice has been to facilitate and fund mediation services (dispute resolution) *after* the Commission has determined there is probable cause, following an investigation. Recent interpretations of the ordinance (in 2025) have indicated that the City should facilitate and fund mediation *before* investigation.

The Commission on Human Rights is recommending a slight wording change for clarity in **Sec. 12-57. - Same—Investigation, resolution (subsection a), which reads:**

“Before investigating a complaint, the investigator shall determine if the complainant and respondent are willing to resolve the issues raised in the complaint through mediation or some other method of dispute resolution. If the complainant and respondent are willing, the investigator shall facilitate dispute resolution. The complainant and respondent may engage in dispute resolution at any stage in the process. If the complainant and respondent resolve the dispute prior to investigation, the case shall be closed.”

The Commission recommends that the second sentence be revised to read: “If the complainant and respondent are willing, the investigator shall ~~facilitate~~ *inform them that they are free to pursue* dispute resolution, *independent of city involvement.*”

The reasons for this suggested change include:

1. The change in wording represents what was standard practice in Columbia dating back from 2024 to at least 2017 and possibly before. The suggested revision would ensure clarity and continuity in the process.
2. Other regional cities (St. Louis, Kansas City, Springfield, and Lincoln, Nebraska) do not fund external dispute resolution or mediation prior to a meaningful investigation/probable cause determination.
3. Mediation costs prior to investigation would be prohibitively expensive for the City to cover. Furthermore, the offer to facilitate mediation for a complaint where the alleged violation has not been investigated or established is wasteful of taxpayer dollars.
4. The City of Columbia would still facilitate and fund mediation or other dispute resolution after probable cause is found (per subsection d, pasted below).

“(d) After receiving the investigator's report, the commission may direct further investigation. When the commission is satisfied that the complaint has been properly investigated, it shall determine whether there is probable cause to credit the allegations of the complaint. If the commission determines that there is no probable cause, it shall dismiss the complaint. If the commission determines that there is probable cause, it shall attempt to have the issue resolved

through mediation or some other method of dispute resolution. If the respondent is unwilling to participate in dispute resolution, the commission may forward the matter to the city prosecutor.”

We thank you for considering this revision for clarity and continuity.