



PRE-DETERMINATION SETTLEMENTS: AN ALTERNATIVE TO INVESTIGATIONS

The Lincoln Commission on Human Rights (LCHR) processes cases in the order in which they are received. Generally, LCHR operates with a backlog of cases awaiting assignment, which means there is often a wait before the LCHR's staff can begin an investigation. LCHR has two alternatives to this wait which allows a case to be closed if a negotiated "no-fault" settlement can be arranged through either mediation or informal offers to settle and resolve the case.

The result of both forms is an agreement known as "Pre-Determination Settlement" (PDS). A PDS agreement closes the City, State and Federal charge without any investigation by LCHR staff, and without any finding by LCHR regarding the merits of the allegations of discrimination. It is a "no-fault" agreement, in that both parties stipulate that the signing of the agreement is not an indication that the law has been violated.

For mediation, LCHR provides, at no cost, an impartial and neutral mediator who allows both sides to resolve the issues through open communication and negotiation. The mediator helps the parties discuss and attempt to resolve the dispute, resulting in a PDS both sides agree to. Mediation is completely confidential and offers a beneficial process which saves time and expenses associated with years of potential litigation.

The alternative to mediation, is for either party to inform LCHR staff of an interest in settling the case. The interested party may then present an initial offer to LCHR staff, who then present the offer to the other party, who then may accept the offer or respond with a counter-offer. This type of settlement occurs either via telephone or email and continues until an agreement is reached. Or, if no agreement is reached, either side may still request mediation.

You may wish to consider one of these methods of resolution as a more timely and economical way of resolving the matter. Should you request that LCHR attempt to resolve the case by means of mediation or informally through the investigator, and those efforts fail, the offer to settle is not considered by LCHR to be an indication that you have violated the law. There is no prejudice attached to your participation or your refusal to participate in this process. Also, any information provided about the case during the settlement process is confidential and cannot be used in the investigation.

LCHR believes there are considerable advantages to settlement including the elimination of the disruption caused by an extended investigation and potential litigation. If you are interested in pursuing the possibility of PDS, please call LCHR at 402-441-7624.