

At the conclusion of each discrimination case investigation, the E. O. Director shall make a determination as to whether reasonable cause exists to believe that an unlawful discriminatory practice has occurred or is about to occur.

The director and/or the director's designee shall report the results of the investigation and his determination to the Human Rights Board.

The board, in its discretion, may order that the matter be closed or may order, by a three-fourths majority vote, such further investigation as may be deemed necessary.

If the board determines that reasonable cause exists to believe that a discriminatory practice has occurred or is about to occur, it shall issue a written notice of determination of reasonable cause.

If the Board issues a Notice of Determination of reasonable cause, the aggrieved person may either:

1. Bring a civil action against the person named in the complaint in any court of competent jurisdiction no later than one year after the date of the written notice of reasonable cause by the board;
or
2. Request an administrative hearing. The request for an administrative hearing must be in writing and must be made no later than 35 days after the date of the written notice of reasonable cause by the board.

- a. If a request for an administrative hearing is timely made, an evidentiary hearing on the merits shall be held.
- b. In conducting any administrative hearing, all parties shall have an opportunity to respond, to present evidence and argument on all issues involved, to conduct cross-examination and submit rebuttal evidence, to submit proposed findings of facts and orders, to file exceptions to the presiding officer's recommended order, and to be represented by counsel or other qualified representative.
- c. The hearing officer shall prepare a recommended order consisting of findings of fact, conclusions of law and affirmative relief, if applicable. The board may either adopt the recommended order as the final order, or by a three-fourths majority vote, remand the recommended order along with the delineated deficiencies back to the hearing officer for consideration of the deficiencies. The hearing officer's order shall be the final order of the board.
- d. Final orders of the board are subject to certiorari review. Unless specifically ordered by a court of competent jurisdiction, the commencement of any appeal does not suspend or stay an order of the board.