

WHAT DOES A MIXED INITIAL DETERMINATION OF PROBABLE CAUSE AND NO PROBABLE CAUSE MEAN?

A mixed determination of both “probable cause” and “no probable cause” means that the Investigator determined that with at least one of your claims, there is reason to believe that discrimination may have happened (probable cause) and with your other claims, there is not enough evidence to believe discrimination happened (no probable cause).

WHAT ARE MY OPTIONS AFTER RECEIVING THIS DETERMINATION?

You can choose to do one of two things. You can either:

(a) **Choose not to appeal the “no probable cause” part of the determination.** You have 15 days to appeal a finding of “no probable cause.”

If you choose not to appeal, then the “no probable cause” part of your case closes.

The part of your case that received a determination of “probable cause” goes to the next stage of the complaint process, called Conciliation.

OR

(b) **Choose to appeal the part of your case that was determined to have “no probable cause.”**

You must file your appeal with the EOC offices within 15 days of the receipt of the Investigator’s Initial Determination (ID). **This appeal must be in writing.** Your case will then be assigned to the EOC Hearing Examiner

for review. The Hearing Examiner may either agree with the Initial Determination of “no probable cause” or overturn the decision.

As mentioned, you must file your appeal with the EOC within 15 days of receiving your ID. The day you or someone in your household signs for the ID is counted as day one of your appeal period. Weekends and holidays count in determining this deadline. The only exception to this is if the last day falls on a day that the EOC is closed, then you will be given one additional business day to file your appeal.

The EOC Hearing Examiner will notify both parties that they have 30 days to submit any additional information they want to be considered. You may come to the Department of Civil Rights, Equal Opportunities Division, offices to review your file during business hours (Monday-Friday, 8:00 a.m.- 4:15 p.m.). It is important that you make sure that all of the information you can provide to support your claims is in your file.

The Hearing Examiner will only review the materials in the file and additional materials submitted by the parties. The Examiner will not seek additional information on his own.

If the Examiner finds “no probable cause,” you may appeal that decision to the Equal Opportunities Commission (EOC) for review. It is important to remember that the EOC cannot consider any new evidence once you appeal. So if you have any information you want to be considered, be sure to submit it to the Hearing Examiner, before he/she makes a decision.

If you do not appeal the Hearing Examiner’s finding of “no probable cause,” the case will be closed.

The EOC may overturn the Hearing Examiner's decision if it finds "probable cause" to believe that discrimination may have happened. It may also agree with the Examiner and find that there is "no probable cause" to believe that discrimination took place. If this happens and you would like to appeal the Commission's decision, you may appeal to Dane County Circuit Court.

Your appeal must be filed with the Clerk of Courts for the Circuit Court of Dane County within 30 days after you receive the Commission's decision. Contact the Dane County Clerk of Courts for detailed instructions.

The "probable cause" claims will not be considered until all of the "no probable cause" claims are resolved.

Please feel free to contact the Department of Civil Rights, Equal Opportunities Division, during business hours, Monday-Friday, 8:00 am-4:30 pm at (608) 266-4910 with any questions that you have.

PLEASE NOTE:

If you need materials in alternate formats or other accommodations in order to access this service, please contact the Department of Civil Rights, Equal Opportunities Division.

Paul R. Soglin, Mayor
Lucía Núñez, Director
Department of Civil Rights
Equal Opportunities Division
210 Martin Luther King, Jr. Blvd., Room 523
Madison, WI 53703-3346

(608) 266-4910 (Voice)
(608) 266-6514 (Fax)
www.cityofmadison.com/dcr



WHAT DOES A MIXED INITIAL DETERMINATION OF **PROBABLE CAUSE AND NO PROBABLE CAUSE** MEAN?

