

12-1700-14362-2

DHR No: 36193

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE MINNESOTA DEPARTMENT OF HUMAN RIGHTS

Penny S. Cierzan,
Complainant,

**NOTICE OF AND ORDER FOR
HEARING
AND PREHEARING CONFERENCE**

vs.

Hamline University,
Respondent.

1. On June 22, 2001, the Commissioner of Human Rights referred to the Office of Administrative Hearings a discrimination charge filed with the Department of Human Rights by the Complainant. The referral was made under Minn. Stat. § 363.071, subd. 1a.

2. Based upon the Commissioner's referral and the Complainant's request, Notice is hereby given and it is hereby Ordered:

A. A hearing will be held in the above-captioned matter to consider the allegations contained in a charge of discrimination filed by the Complainant alleging that the Respondent engaged in unfair discriminatory practices in the area of employment because of gender and reprisal violating Minn. Stat. § 363.03, subsd. 1(2) and 7. If the Complainant's allegations are proved, the Administrative Law Judge may grant the relief requested in the Complainant's Complaint under Minn. Stat. § 363.071.

B. A prehearing conference will be held on July 19, 2001, commencing at 2:30 p.m. at the Office of Administrative Hearings before Administrative Law Judge Steve M. Mihalchick, whose address is 100 Washington Square, Suite 1700, 100 Washington Avenue South, Minneapolis, Minnesota 55401-2138, telephone number 612-349-2544. The purpose of the prehearing conference, as set forth in Minn. Rules 1400.6500, subp. 1, is to identify and simplify the issues to be decided, to obtain stipulations regarding the foundation for testimony or exhibits, to obtain stipulations or agreements on nondisputed facts, to identify the

parties' proposed witnesses and their discovery needs, and to establish a discovery deadline and a hearing date and location.

C. By July 19, 2001, the Complainant shall file, and serve upon the Respondent, a Complaint setting forth the basis for her charges against the Respondent and the relief requested consistent with the provisions of Minn. Rules, pt. 5000.0900. By August 8, 2001, the Respondent shall file and serve an Answer to the Complaint as set forth in Minn. Rules 5000.1200.

3. At the hearing, each party will have the right to present evidence, rebuttal testimony, argument with respect to the issues, and to cross-examine witnesses. The parties must bring to the hearing all documents, records, and witnesses needed to support their respective positions. The attendance of witnesses or the production of documents may be compelled by subpoena pursuant to Minn. Rules pt. 1400.7000. The parties may retain legal counsel to represent them in this proceeding, represent themselves, or be represented by a person of their choice if such representation is not otherwise prohibited as the unauthorized practice of law.

4. The hearing will be conducted in accordance with Minn. Stat. §§ 14.57-14.69 and 363.071, and Minn. Rules, 1400.5100-1400.8400 and 5000.0100-5000.2400. Copies of the cited rules may be obtained from the State Register or the Public Documents Division of the Department of Administration, 117 University Avenue, St. Paul, Minnesota 55155.

5. In the event that data which are "not public" within the meaning of Minn. Stat. § 13.02, subd. 9 are admitted into evidence at the hearing, they may become public unless a party objects and asks for relief under Minn. Stat. § 14.60, subd. 2.

6. If you need reasonable accommodation for a disability in order to participate in the hearing process, such an accommodation can be made available upon advance request. Examples of reasonable accommodations include wheelchair accessibility, an interpreter, or Braille or large-print materials. To arrange an accommodation, you may contact Michael Lewis at the Office of Administrative Hearings, 100 Washington Square, 100 Washington Avenue South, Suite 1700, Minneapolis, MN 55401-2138, or you may call: Voice: 612 341-7610; TDD: 612 341-7346.

7. If the parties intend to appear at the hearing, they are further required by Minn. Rules 1400.5700 to file a Notice of Appearance with the Administrative Law Judge within 20 days after service of this Notice of and Order for Hearing and Prehearing Order. Failure to file and serve a Complaint shall result in the dismissal of the Complainant's charges. Failure to answer the Complaint or failure by the Respondent to appear at the prehearing conference or the hearing may be deemed an admission of the allegations contained in the Complaint and may result in the award to Complainant of all the relief sought in this case.

Dated June 23, 2001.

S/KENNETH A NICKOLAI
KENNETH A. NICKOLAI
Chief Administrative Law Judge
