

# RULES OF PRACTICE

The Kansas Human Rights Commission enforces the Kansas Act Against Discrimination, K.S.A. 44-1001 et seq. and supplemental acts adopted thereunder, and the Kansas Age Discrimination in Employment Act, K.S.A. 44-1101 et. seq. Those acts and the Commission's administrative rules and regulations govern the Commission's jurisdiction and authority.

In addition, these Rules of Practice were adopted by the Commission pursuant to K.S.A. 44-1005(o) on April 19, 2024, for the purpose of effectuating the procedures set forth in K.S.A. 44-1005:

## Section 1 GENERAL PROVISIONS

- 1.1. **Rules of order.** Meetings of the commission shall be governed by Robert's Rules of Order, with the exception that the chairman may make motions, second motions already made and vote upon any matters.
- 1.2. **Production of commission records.**
  - (a) The Executive Director is the records officer for purposes of responding to requests for documents pursuant to the Kansas Open Records Act.
  - (b) The Executive Director is authorized to respond to court orders and subpoenas directing the production of documents, except at the public hearing stage. Subpoenas presented at a public hearing are governed by K.S.A. 44-1005(g).
  - (c) In the absence of the Executive Director, the Assistant Director shall be responsible for responding to the foregoing document requests.

## Section 2 INITIAL PROCEEDINGS

- 2.1. **Communications and filings generally.**
  - (a) For questions regarding filing a complaint of discrimination, contact commission intake staff in the commission's Topeka office. Contact may be initiated by telephone, email, online employment intake questionnaire, U.S. Postal service, courier delivery service, facsimile, or in-person at the commission's Topeka office.
  - (b) Commission intake staff are available to assist in drafting a complaint based on information provided by the individual, the individual's legally recognized representative, or their attorney representative. If the matter does not fall within the commission's jurisdiction or cannot be filed for other reasons, commission staff will notify the prospective complainant of the reason(s) for not filing a complaint.

(c) Upon the formal filing of a complaint with the commission, the commission will notify each complainant by providing a complaint filing notification packet to the complainant, the complainant's legally recognized representative, and/or attorney representative; and will provide each respondent with a complaint filing notification packet. The complaint filing notification packets will include a copy of the complaint formally filed with the commission, a copy of any dual-filed U.S. Equal Employment Opportunity Commission complaint, if applicable, and other information as determined relevant by the commission to include, but not limited to, information about the next steps in the process and instructions for submission of documents or information important to processing the complaint.

(d) Further communications should clearly designate the parties named in the complaint and the docket number employed by the commission and include a short title. The person communicating shall state the person's contact information and the party represented.

**2.2. Timely filing required.**

(a) Complaints, responses to complaints or other documents required or permitted to be filed under the commission's rules and regulations or any other provision of law must be received for filing at the commission's office within the time limits, if any, for such filing. The date of receipt at the office of the agency and not the date of deposit in the mails is determinative.

(b) Except as otherwise provided by law, in computing any period of time prescribed or allowed, the date of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is Saturday, Sunday, or a "legal holiday" as defined in K.S.A. 60-206, in which event the period shall run until the end of the next day which is neither a Saturday, Sunday, nor a legal holiday. A part-day holiday shall be considered as other days and not as a holiday. Intermediate Saturdays, Sundays, and legal holidays shall be included in the computation.

**2.3. Representation during Commission investigations.**

(a) An individual may appear on his or her own behalf. A member of a partnership may represent the partnership; a bona fide officer of a corporation, trust or association may represent the corporation, trust or association; and an officer or employee of another public agency or of a political subdivision may represent the public agency or political subdivision.

(b) A complainant or respondent may be represented by an attorney.

(c) The commission, acting through the Executive Director or his or her designee, may deny, temporarily or permanently, the privilege of appearing or

practicing before it in any way to any person who is found to have engaged in unethical or improper conduct.

2.4. **Probable cause notice.**

(a) Upon completion of an investigation, the parties to the proceeding shall be notified by the commission of the investigating commissioner's determination of probable cause or no probable cause.

(b) Probable cause means the presence of a reasonable ground for belief in the existence of the alleged facts of a violation of any statutory or other authority, orders, rules or regulations over which the commission may have jurisdiction or which the commission may enforce.

Section 3 PUBLIC HEARINGS

3.1 **Public Hearings.** If a complaint proceeds to a public hearing, the hearing is governed by the Kansas administrative procedure act, K.S.A. 77-513 through 77-532.



Signed: \_\_\_\_\_

**Christal Watson, Chair**  
**Kansas Human Rights Commission**

Dated: \_\_\_\_\_ April 20, 2024