

Human Relations Committee  
Practice & Procedure for Complaints

A. Complaint

1. A complaint, in writing and under oath, alleging a charge of discrimination will be filed in the Community Development Office.
2. The complaint shall contain the following information:
  - a. The name and contact information for the complainant;
  - b. The identity of the Respondent and any contact information for such person or entity;
  - c. The names of any witnesses and any contact information available for such witnesses;
  - d. The facts on which the complaint is based in sufficient detail as would apprise any interested party as to the time, place and facts surrounding the alleged violation.
3. Within 10 days of the filing of the complaint, it shall be served on the Respondent by certified mail, return receipt requested.
  - (i) If the Respondent is a person, the complaint shall be sent to the last known address;

- (ii) If the Respondent is a corporation or similar entity, the complaint shall be sent to its registered agent as well as the appropriate local office.

## B. Response to Complaint

1. Within 30 days from the date the complaint was served on Respondent, Respondent shall file a written response to the complaint.
2. The Respondent shall serve the response upon the complainant and the Committee by first class mail.
3. If the Respondent fails to file a response within the 30-day period, a default may be entered against the Respondent.

## C. Investigation

1. After the Respondent has been notified of the complaint, the Committee, or any sub-committee, shall conduct an investigation.
2. The Committee, or any sub-committee, may issue subpoenas for the attendance of a witness or for the production of any records or documents.
3. Upon completion of the investigation, the Committee, or any sub-committee, shall prepare a preliminary determination in

- writing stating whether or not there is reasonable cause to believe a violation has been committed and on what facts such determination is based.
4. If the preliminary determination finds no reasonable cause to believe a violation has been committed, the Committee shall issue an order dismissing the complaint. The order shall be served on all appropriate parties.

#### D. Conciliation

1. If the Committee makes a preliminary determination of reasonable cause that a violation was committed, an attempt shall be made to eliminate the alleged discriminatory practice or violation by informal methods of conciliation.
2. If the Respondent and Complainant agree to a conciliation agreement, such agreement shall be presented to the Committee and the Committee shall dismiss the complaint stating the terms of the agreement and furnish a copy of the dismissal and agreement on the parties. A complaint may be reinstated if the Respondent fails to comply with the terms of the conciliation agreement.
3. Nothing said or done during the course of conciliation may be made public or used in any subsequent proceeding.

4. The Committee may dismiss a complaint if it is satisfied that:
  - (i) The Respondent has eliminated the effects of the violation charged and has taken steps to prevent its reoccurrence;
  - (ii) The Respondent offers and the Complainant declines to accept the terms of a conciliation settlement which the Committee finds are sufficient to eliminate the effect of the violation charged and prevent its reoccurrence; or,
  - (iii) The Complainant fails or refuses to negotiate or accept a reasonable conciliation agreement.

#### E. Timing

1. When a complaint has been filed, the Committee shall, within 90 days:
  - (i) Issue an order finding no reasonable cause and dismissing the complaint; or
  - (ii) Issue an order dismissing the complaint pursuant to a conciliation agreement between the parties; or,
  - (iii) Schedule a hearing on the complaint.

## F. Public Hearing

1. Upon a preliminary determination of reasonable cause and the failure to reach a conciliation agreement, a complaint for hearing shall be prepared and a hearing date assigned. The complaint for hearing need not be limited to the facts or grounds contained in the initial complaint submitted by the Complainant.
2. Within 10 days of the complaint for hearing being prepared, the complaint for hearing and notice of the hearing shall be served on Respondent by certified mail, return receipt requested.
3. The hearing on the complaint shall be scheduled not less than 30 days nor more than 90 days after the date of service of the complaint and notice of hearing.
4. Respondent shall have 14 days from the date of service of the complaint for hearing to file a verified response.
5. The Chair of the Committee shall appoint a hearing officer to preside over the hearing, rule on motions, and conduct the hearing according to Committee Rules.
6. Pre-hearing conferences may be conducted to determine any possible stipulations, consent orders, agreed settlements, or similar matters.

7. The Village Attorney shall present the Village's case before the Committee.
8. The Committee or Hearing Officer shall issue subpoenas whenever necessary to compel the attendance of a witness or to produce for examination any documents or other evidence at the hearing.
9. The rules of evidence as applied in civil cases in the circuit courts of this state shall be followed.
10. Any proceedings or information with respect to conciliation or settlement shall not be received into evidence at a hearing.
11. If either the Complainant or Respondent fails to appear at a hearing, such party shall be deemed to have waived their right to the hearing and the hearing shall be conducted in their absence.
12. At the conclusion of the hearing, the Committee may ask the Village Attorney and Respondent to submit written statements to summarize the evidence, present any authority in support of their position, and any suggested remedies.

#### G. Decision

1. Within 28 days after the conclusion of the hearing, or within 21 days after the receipt of written statements of the Village

- Attorney and Respondent, the Committee shall render a decision as to whether or not the respondent has committed a violation.
2. If the Committee determines that Respondent has not engaged in any unlawful practice, the Committee shall issue an order dismissing the case. The order of dismissal shall be served on the Complainant and Respondent.
  3. If the Committee determines that Respondent has committed a violation or engaged in an unlawful practice, the Committee shall issue a decision and order, accompanied by findings of fact and conclusions of law, requiring the Respondent to cease and desist from such unlawful practice and providing remedies on behalf of the Complainant. The order shall be served on the Complainant and Respondent.

#### H. Remedies

1. Remedies the Committee may impose shall include, but may not be limited to, the following:
  - (i) The extension of full, equal and unsegregated accommodations, advantages, facilities and privileges;
  - (ii) Payment of compensatory damages;

- (iii) Extending credit;
  - (iv) Selling, exchanging or leasing real property, or providing housing accommodations; or,
  - (v) A civil penalty to vindicate the public interest in an amount not to exceed \_\_\_\_\_.
2. The remedies provided may be imposed individually or in combination with one another.

#### I. Enforcement

1. If the Committee determines that the Respondent has not, within 30 days following service of its order, complied with its order and corrected the unlawful practice, the Committee shall refer the matter to the Village Attorney for enforcement proceedings.
2. The Village Attorney shall institute, in the name of the Village, civil proceedings, including seeking any restraining orders and temporary or permanent injunctions as may be necessary to obtain complete compliance with the Committee's order.

#### J. Licenses, permits, franchises

If the Committee enters an order finding a Respondent has committed a violation or engaged in unlawful activity and such Respondent is a holder of, or an applicant for, any permit, license, franchise, benefit, exemption or advantage issued by the Village, the Committee may recommend to the issuing authority that the issuing authority revoke, suspend, restrict or refuse to issue any license, permit, franchise, benefit, exemption or advantage to such Respondent.

#### K. Judicial Review

1. Any person affected or aggrieved by an order or decision of the Committee is entitled to judicial review thereof upon filing a written petition for such review with the circuit court or any court of competent jurisdiction.
2. Any review of a final order of the Committee shall be conducted pursuant to the Illinois Administrative Review Act.