

IDHR



State of Illinois
Department of Human Rights

Filing a Charge of Discrimination

UNDER THE ILLINOIS HUMAN RIGHTS ACT

ILLINOIS DEPARTMENT OF
Human Rights

*What The
Law Provides*

*How To File A
Charge Of
Discrimination*

The Illinois Department of Human Rights

The Illinois Department of Human Rights (“IDHR”) is the state agency responsible for enforcing the Illinois Human Rights Act (“Act”).

MISSION

IDHR’s mission is to secure for all individuals within the state of Illinois freedom from unlawful discrimination and to establish and promote equal opportunity and affirmative action as the policy of this state for all its residents.

The *Illinois Human Rights Act* (775 ILCS 5)¹ (“Act”) prohibits discrimination with respect to employment, financial credit, public accommodations

What is the Law?

and real estate transactions because of a person’s race, color, religion, sex (including pregnancy and sexual harassment), national origin, ancestry, age, order of protection status, marital status, disability, sexual orientation (including gender identity), citizenship status and language restrictions in employment, arrest record in employment and housing, familial status in housing (families with children under the age of 18) and more.

Employment: The law protects persons from discrimination in all terms and conditions of employment, including hiring, selection, promotion, transfer, pay, tenure, discharge, and discipline.

Fair Housing (real estate transactions): It is unlawful to discriminate in the sale or rental of residential or commercial property. A few examples of such discrimination are:

- Refusing to engage in a real estate transaction with a person.
- Altering the terms, conditions or privileges of the transaction.
- Refusing to provide housing to families with children.
- Refusing to allow reasonable accommodations/modifications for people with disabilities.
- Misrepresenting that property is not available for rental or sale.
- Using advertising, forms, or questions indicting prohibited discrimination.

¹ The Illinois Human Rights Act (“Act”) is available at: <https://ilga.gov/legislation/ilcs/ilcs5.asp?ActID=2266&ChapterID=64>

Financial Credit: All financial institutions doing business in Illinois are prohibited from discriminating in the granting of mortgages, commercial or personal loans, and credit cards.

Public Accommodations: It is unlawful to discriminate in the full and equal enjoyment of facilities, goods and services by any place of public accommodation, such as a business, recreation, lodging, entertainment, or transportation facility.

Sexual Harassment in Education: The law prohibits unwelcome advances of a sexual nature or requests for sexual favors of students by an executive, faculty member, administrative staff member, or teaching assistant in a public or private educational institution when such behavior interferes with the student's performance; creates an intimidating, hostile or offensive environment; or is a term or condition of academic or extracurricular opportunities.

You may be able to file a charge of discrimination with IDHR if:

- 1) you are subjected to discriminatory treatment by a covered individual, business, employer, labor organization, employment agency, or government agency;
- 2) the conduct was based on your status in one of the protected classes;
- 3) the conduct was based on your status in one of the protected classes;
- 4) the charge is filed with IDHR as soon as possible after the discrimination occurs and within the time specified in the Act.



How to File a Charge?

If you believe your rights have been violated, you can submit your concerns or circumstance of possible discrimination to IDHR in various ways – these include submitting an official Complainant Information Sheet (CIS) (available on IDHR’s [website](#)) or by contacting IDHR’s staff. IDHR staff will review your CIS form and information interview you and discuss the drafting of a formal charge if your allegations are covered by the Act. You must sign and date the charge under oath or affirmation. IDHR staff do not suggest reasons to file but will discuss the various types of discrimination and explain the procedures for filing a charge. In addition, IDHR may provide referrals to other agencies where appropriate.

What COMPLAINANTS Should Tell Us When Filing A Charge:

When you file a charge of discrimination, you will need to give as much detailed information as possible.

- Be sure to give your full name, mailing address, email address and a phone number where you can be reached, and information for a contact person if you cannot be reached.
- Give accurate and complete information (including name(s), address(es) and telephone number(s)) of the employer, union, individual, or other organization that you believe discriminated against you.
- Give the most recent date the alleged discrimination took place.
- Provide names and contact information for any witnesses and copies of any relevant documents.

Forms to file a charge are available on IDHR’s website. A charge may be filed with IDHR by email, mail, fax or in person. Please contact IDHR directly (phone (312) 814-6200 or email idhr.intake@illinois.gov) to verify hours of operation and possible scheduling needs if you would like to file a charge in person. A copy of the charge and an initial request for information will be served on the Respondent (the person or entity you feel discriminated against you) within the time period specified in the Act.

A mediation conference is an alternative to an investigation and may quickly resolve a charge. Mediation is an informal, no-cost process in which Complainants and Respondents (referred to as “the parties”) meet voluntarily with a trained and certified IDHR mediator who helps them explore possible resolution of the charge. The mediation process is confidential.

Mediation

During the mediation (which can take four hours or more), attorneys may be present in an advisory role. IDHR’s mediator does not impose a decision on the parties. Accepting a settlement agreement does not constitute an admission of guilt by the Respondent.

The terms of settlement can include monetary and/or non-monetary elements. After a mediation settlement is reached, the parties have a short timeframe in which they may opt out of the settlement. If the parties are unable to reach an agreement, the charge will proceed to the investigation stage.

The Investigation

The case moves to the investigation stage if the

parties do not participate in mediation or if the mediation is unsuccessful. Complainants and Respondents have a responsibility to cooperate with IDHR’s investigation. IDHR also has the power to subpoena relevant documents and persons.

IDHR’s role is to conduct a neutral investigation of the allegations in the charge. The investigator assigned to the case may contact and interview relevant witnesses and may obtain pertinent documents from the parties. **Respondents are required to preserve any records pertinent to the charge. In addition, Respondents are prohibited from retaliating against any person because they filed or otherwise participated in the investigation of a charge.** A person who believes they have been retaliated against may file a retaliation charge with IDHR.

The Fact-Finding Conference

The parties may be required to attend a fact-finding conference, which is a meeting conducted by an IDHR Investigator. The fact-finding conference is an investigative tool designed to secure either a thorough investigation or an early voluntary settlement. Each party presents its side of the dispute and responds to the opposing side. Failure to attend the fact-finding conference without a good reason can result in dismissal of the charge for Complainant or default for Respondent.

If a fact-finding conference is held, the parties may bring an attorney if the attorney has entered a “Notice of Appearance.” However, attorneys have a role that is strictly advisory and they may not testify at the conference except on matters of which they have first-hand knowledge, nor may they ask direct questions of either party.

The parties do not need to be represented by an attorney.

The investigator will make sure that all parties have a full and fair opportunity to present their facts and evidence. Complainants not represented by an attorney may bring a friend or relative to the conference for advice and moral support; however, that individual may testify only on matters of which they have first-hand knowledge relating to the charge. In addition, Complainant may bring an interpreter to the conference or, if needed, IDHR may use an interpreter service. Witnesses may also participate in the fact-finding conference but they will be present at the discretion of the Investigator.

The Investigator will question the parties and allow Complainants and Respondents alternate opportunities to respond and/or rebut the other party’s statements. During this time both parties are allowed to present documents or testimony in support of their own position. The Investigator may identify and request further documentation necessary to investigate the charge.

The Investigator takes informal notes of the statements and responses. In accordance with IDHR Regulations, these investigative notes are

privileged and may not be given to either party. The conference is not a formal hearing and IDHR does not produce stenographic transcripts.

If the Investigator does not hold a fact-finding conference, the Investigator will gather facts and evidence in separate contacts with Complainants and Respondents.

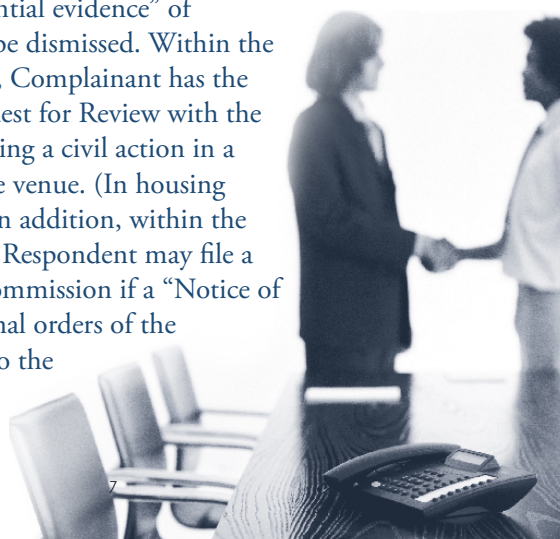
The Findings and Results

After the investigation, a written report is prepared recommending whether or not there is “substantial evidence” of a violation of the Act. A finding of “substantial evidence” means that there is enough evidence for the allegation to be decided by a trier of fact and Complainant has the option within the time period specified in the Act to either:

- 1) request that IDHR file a complaint on Complainant’s behalf with the Illinois Human Rights Commission (“Commission”), a state agency that conducts hearings on complaints filed under the Act; OR
- 2) commence a civil action in a state circuit court of appropriate venue.

In housing cases or if Complainant requests IDHR to file a complaint with the Commission, an IDHR attorney will be assigned to help the parties resolve or “conciliate” the charge. If a settlement agreement is not reached, IDHR will file a Complaint of Civil Rights Violation with the Commission on behalf of Complainant. Complainant bears the burden of proving the case before the Commission.

If IDHR finds a “lack of substantial evidence” of discrimination, the charge will be dismissed. Within the time period specified in the Act, Complainant has the option of either 1) filing a Request for Review with the Commission, OR, 2) commencing a civil action in a state circuit court of appropriate venue. (In housing cases, only option #1 applies.) In addition, within the time frame specified in the Act, Respondent may file a Request for Review with the Commission if a “Notice of Default” is issued by IDHR. Final orders of the Commission may be appealed to the appropriate appellate court.



How Long Does the Process Take?

The time period to conclude an investigation is specified in the Human Rights Act.

While IDHR makes every attempt to complete a timely investigation, the duration of an investigation may vary. The time period may be extended by written agreement of the parties. If one or both of the parties refuse to sign an extension, and if IDHR does not issue a finding within the time period specified in the Act, Complainant has the option to either file a complaint with the Commission OR commence a civil action in a state circuit court of appropriate venue. If Complainant does not file a complaint with the Commission or commence a civil action in state circuit court within the time period specified in the Act, no further action will be taken on the case. (Extensions are not needed in housing cases and the investigation will be completed within the time period specified in the Act unless it is impracticable to do so.)

The Commission is a separate state agency that conducts public hearings on complaints on Charges of Discrimination

The Illinois Human Rights Commission

filed by IDHR or the Complainant, and reviews IDHR's dismissals of a Charge of Discrimination. The Commission is a neutral judicial agency for resolving disputes of unlawful discrimination defined by the Act.

Seven Commissioners, in panels of three members, review dismissals of Charges of Discrimination by the IDHR following an IDHR investigation. If the Commission reverses the dismissal, a Complainant or IDHR may file a Complaint at the Commission in its Administrative Law Section (ALS). If the Commission sustains the IDHR's dismissal, a Complainant may file an appeal with the Illinois Appellate Court.

Through its ALS section, parties litigate Complaints involving Charges of Discrimination. Procedures for Administrative Law proceedings are presented to experienced Administrative Law Judges (ALJs). Parties may be represented by an attorney or may proceed without an attorney. A full range of written discovery and mediation services are also available to all parties.

If the Complainant is successful within the ALS, the judge can order remedies allowed by the Act to make the Complainant “whole.” Remedies may include back pay, lost benefits, clearing of personnel file, emotional damages, hiring, promotion, reinstatement, front pay where reinstatement is not possible, and attorney’s fees and costs. Punitive damages or damages intended to punish the employer are not available under the Act.

For more detailed information about the Commission and its procedures, please visit: www.illinois.gov/ihr

Relationship with **Federal Agencies** and **Federal Courts**

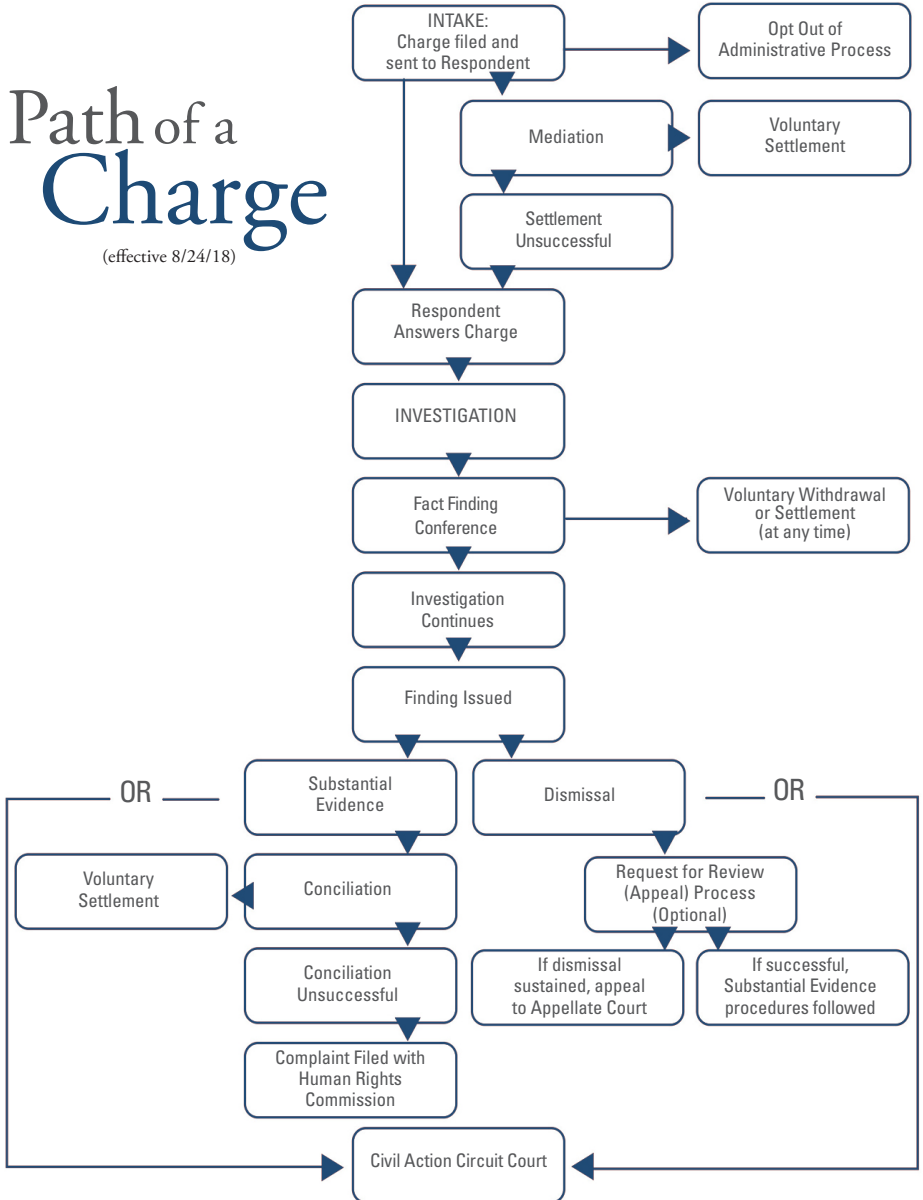
In order to preserve Complainant's federal rights, IDHR automatically cross-

files eligible employment charges with the U.S. Equal Employment Opportunity Commission ("EEOC"), and conducts the investigation for EEOC under the terms of the agencies' Worksharing Agreement. Similarly, housing cases are cross-filed with the U.S. Department of Housing and Urban Development ("HUD").

The Complainant in an employment charge may at any time request a "Right to Sue Notice" from EEOC to file the case in federal court. If a complaint with the same issues as those filed with IDHR is filed in federal court and the Complainant has not withdrawn the IDHR charge, the Respondent should provide a copy of the complaint to IDHR, and IDHR will generally administratively dismiss the investigation. In keeping with IDHR's neutral role, IDHR representatives cannot give legal advice to Complainants or Respondents.

ILLINOIS DEPARTMENT OF
 **Human Rights**

Path of a
Charge
 (effective 8/24/18)



Other Services Provided by IDHR

Training: The Institute for Training and Development (“Institute”) conducts, throughout Illinois, training designed to increase respect among diverse cultures both in the workplace and at home. Using real-life scenarios, certified trainers provide information on fair-employment laws and practices, ways to resolve conflict through better understanding, and non-discrimination requirements such as sexual harassment prevention. Handouts are supplied for independent study and on-the-job reference tools. The Institute is approved by the HR Certification Institute and offers training modules for HR Certification. Both public and private sessions are offered. Fees may apply to on-site training. For more information or to schedule training, call (312) 814-2477.

Public Contracts: All persons and companies employing 15 or more individuals at anytime during the 365 day period immediately preceding the date of filing wishing to do business with any state entity in Illinois must register for an eligible bidder number through the Public Contracts Unit to ensure that they have implemented equal employment policies and are following IDHR rules and regulations.

Affirmative Action Enforcement: The State Agency Liaison Unit monitors and provides technical assistance to state executive agencies for equal employment opportunity and affirmative action (“EEO/AA”) compliance. The Unit also represents the agency on the state Interagency Committee on Employees with Disabilities (“ICED”).

Education and Outreach: The Outreach staff is the public relations arm of IDHR. In an ongoing effort to keep the public informed about human rights issues, staff coordinates workshops, training, events and programs geared towards community and civic organizations, as well as responds to requests for information from media outlets and the general public.



For More Information Contact:

Please contact IDHR directly at (312) 814-6200 or email idhr.webmail@illinois.gov to verify office and intake interview hours.

Website: www.illinois.gov/dhr

In Chicago:

555 West Monroe Street
7th Floor
Chicago, IL 60661
(312) 814-6200 or (800) 662-3942
(866) 740-3953 (TTY)
(312) 814-6251 Fax

In Springfield:

524 S. 2nd Street,
3rd Floor
Springfield, IL 62701
(217) 785-5100
(866) 740-3953 (TTY)
(217) 785-5106 Fax

In Marion:

2309 W. Main St.
Marion, IL 62959
(618) 993-7463
(866) 740-3953 (TTY)
FAX: (618) 993-7464

This pamphlet is intended as a general guide for understanding the major services and processes of the Illinois Department of Human Rights. This guide will not answer all questions about discrimination and any individual case may proceed differently from what is described. IDHR has specific regulations and procedures it applies to each case. Please call IDHR's office nearest you with any questions about any of the topics described.

In compliance with the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, and the Illinois Human Rights Act, IDHR will ensure that all programs are readily accessible to and usable by qualified individuals with disabilities. The ADA Coordinator can provide additional information about compliance requirements, at (217)785-5119 (Voice) or (866) 740-3953 (TTY).

The IDHR provides free language assistance services for non-English speaking individuals.

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