



PROCEDURES FOR NON-HOUSING CHARGES

Complainant: _____ **Your Charge Number:** _____

Service of Charge: After the Complainant files the charge and it is given a charge number, IDHR serves the charge on the Respondent (company, union, agency, etc.). Keep a copy of your charge documents. Always refer to your charge number when calling or corresponding with IDHR.

Responsibility to Cooperate: Both Complainant and Respondent (“the parties to the charge”) have a responsibility to cooperate with IDHR, and must notify us of any change in address or telephone number immediately. If we cannot reach the Complainant by telephone and do not get a response to our letters, we have to dismiss the case. The Complainant also has a responsibility to lessen the damages, including a responsibility to work.

Role of IDHR: IDHR’s role is to conduct a NEUTRAL and FAIR investigation of the allegations in the charge. Although we represent the state’s interest in eliminating discriminatory practices in Illinois, we do not represent either party. You must obtain your own attorney if you want someone to advocate for you or represent you but an attorney is not required.

Mediation Option: Mediation is an opportunity for the parties to the charge to meet and discuss how the issues raised in the charge can be resolved before the investigation begins. A mediator facilitates the mediation conference, and there is no cost to either party. Mediation is available for any employment or public accommodation charge, and conferences are held in IDHR’s Chicago office. Request mediation by calling (312) 814-6889 or email “IDHR.Mediation@illinois.gov”.

Investigation: Once the case is assigned to an investigator, the investigator contacts both parties to discuss the case in more detail, and reviews the Respondent’s response to IDHR’s charge and questionnaire. The investigator will also ask both parties to consider a voluntary settlement that would resolve the matter. Both parties are required to attend a fact-finding conference, which is a meeting conducted by the investigator where the Complainant and representatives of the Respondent answer questions so the investigator can determine if there was a violation of the Human Rights Act. The investigator obtains pertinent documents from both parties and contacts relevant witnesses. Both parties should answer the investigator’s questions and provide as much relevant information as possible to assist in the investigation, including helping the investigator to identify pertinent documents and locate witnesses. The Human Rights Act requires that IDHR conclude all proceedings and make a finding within 365 days of the perfected charge being filed. If necessary, the investigator will request that both parties sign an extension form to give IDHR more time to complete the investigation. If IDHR does not make a finding by the 365th day, or within any extension of that period agreed to in writing by all parties, the Complainant may file a complaint at the Human Rights Commission (“HRC”) or commence a civil action in a state circuit court of appropriate venue during the 90-day period following the expiration of the time allowed for investigation.

Investigation Report: After completing the investigation, the investigator writes a report summarizing the information obtained and making a recommended finding based upon the relevant evidence. After approval, IDHR sends a copy of the report to both parties to the charge.

Appeal Rights: If IDHR dismisses the case, the Complainant has the option of either (within the time periods specified in the Act) 1) filing a Request for Review with the HRC, OR, 2) commencing a civil action in a state circuit court of appropriate venue. The Respondent may file a request for review within 30 days of a notice of default recommendation.

Public Hearing: If evidence of discrimination is found, then Complainant has the option of either (within the time period specified in the Act) 1) requesting IDHR to file a complaint on Complainant’s behalf with the HRC, OR, 2) commencing a civil action in a state circuit court of appropriate venue. If Complainant requests IDHR to file a complaint with the HRC, an IDHR attorney will be assigned to help the parties resolve or “conciliate” the charge. If a settlement agreement is not reached, the Department will file a Complaint of Civil Rights Violation with the HRC on behalf of Complainant, which terminates the IDHR process. The Complainant then bears the burden of proving the case before the HRC.

Federal Court: An employment charge may be cross-filed with the EEOC (A, E, or F in the charge number). A cross-filed charge is assigned an EEOC charge number to protect the Complainant’s federal rights, but IDHR will conduct the investigation on EEOC’s behalf. At any time, the Complainant may request a Right to Sue notice from the EEOC and file the case in federal court. Note: Complainants have no right to proceed in federal court against state agency Respondents under the ADA or ADEA. IDHR advises consulting an attorney before withdrawing the charge to determine if this is the best course. IDHR cannot give legal advice. If the case is filed in federal court and the Complainant has not withdrawn, IDHR will stay the investigation.