



## Information for Business Operators WHAT TO DO IF A DISCRIMINATION COMPLAINT IS FILED AGAINST YOU

As the operator of a business in Chicago, you are subject to laws that prohibit discrimination. Chicago has its own Human Rights Ordinance and Fair Housing Ordinance. The Illinois Human Rights Act and the federal civil rights laws may also apply to your business.

The City wants business and property owners to know about these laws so that (1) you will be able to comply, (2) you will prevent discrimination claims, and (3) your employees and clientele will be protected from discriminatory practices.

### **A complaint is not a *decision* that you discriminated.**

Anyone can file a complaint alleging a violation of the Human Rights or Fair Housing Ordinance. Accepting a complaint does *not* mean the Commission has decided that a violation occurred. The complaint filing only starts the process of deciding the case. The procedures for receiving, investigating, and adjudicating discrimination complaints under the Chicago Human Rights and Fair Housing Ordinances are stated in Section 2-120-510(e)-(q) of the Chicago Municipal Code and in more detail in the Commission's regulations.

### **You must respond to the complaint.**

If a complaint is filed against your business or you individually, you must respond to it in writing. This is your opportunity to tell your side of the story and assist with the investigation. If you do not file a timely and complete response, the Commission may (a) order you to do so and then enter an order of default if you do not comply; (b) treat as admitted any allegation in the complaint to which you did not respond when deciding whether there is *substantial evidence* of an ordinance violation; or (c) complete the investigation without any more input from you.

### **How to submit your response.**

After a complaint is filed, the Commission notifies each named respondent by mail. The mailing includes a copy of the complaint, a deadline to submit a written response, and information to help you respond. You may be able to obtain an *extension of time* to respond if you can show good cause for the extra time. Your mailing includes forms and instructions which you may use to submit your response and supporting documentation, or to seek an extension of time. Commission Regulations 210.240 and 210.250 (available on the Commission's website) state what a response must contain.

### **About the investigation process.**

The Commission on Human Relations is required to conduct an investigation of every discrimination complaint filed by a member of the public. The purpose of the investigation is to decide whether there is *substantial evidence* of a violation of the Human Rights or Fair Housing Ordinance. If you promptly provide a response along with documentary evidence to support your position, and participate in any interviews the investigator requests, you improve the chances for a decision in your favor without need for an administrative hearing. But even if the Commission finds *substantial evidence*, that still is not a finding that you violated the ordinance, but only that there is enough evidence to send the case to hearing. The complainant must still prove the case in the administrative hearing. If you avoid default by following the procedures, you will be able to present your defenses to the complaint in the hearing process.

More information about the Commission on Human Relations and Chicago's discrimination ordinances is available on the second page of this flyer and at [www.cityofchicago.org/humanrelations](http://www.cityofchicago.org/humanrelations).

## **Selected Regulations RESPONDING TO COMPLAINTS**

### **Reg. 210.210 Notice of Response Requirements**

At the time the Commission serves a complaint or amended complaint, it shall notify each respondent of the procedure to file and serve a written response and the possible penalties for failure to respond. If the Commission believes a complaint does not meet its jurisdictional requirements or does not state a claim on which relief may be granted, the Commission may issue an order dismissing the complaint.

### **Reg. 210.260 Failure to Respond**

If a respondent fails to file or serve a timely, complete response, the Commission may take one or more of the following actions:

- (a) Order the respondent to cure any deficiency and then enter an order of default if the respondent fails to comply.
- (b) Deem admitted any allegation in the complaint for which there is no response, when determining whether there is substantial evidence of an ordinance violation.
- (c) Proceed to determine whether there is substantial evidence of an ordinance violation without further inquiry to the respondent.

### **Reg. 210.270 Respondent Obligations**

- (a) Preservation of Records

Once a respondent has knowledge of the complaint, the respondent must preserve all records and other material which may be relevant to the case until the matter is closed. If a respondent knowingly destroys or fails to maintain records and other material (i) in anticipation of the filing of the complaint, (ii) due to the filing of the complaint or the Commission's investigation, or (iii) otherwise with intent to defeat the purposes of the ordinances, the Commission or hearing officer may impose appropriate sanctions.

- (b) Updating of Contact Information and Status

Once a respondent has knowledge of a complaint, it has a continuing obligation to keep the Commission informed of current contact information and status, as follows:

- (1) Any business, corporation, organization, or other non-individual entity must inform the Commission of any change in its own or its contact person's name, address, and telephone number. In addition, it must inform the Commission whenever the status of the entity changes, such as when it closes, files for bankruptcy protection, or is sold....
- (2) Any individual respondent must inform the Commission of any change in address or telephone number. A representative must inform the Commission when an individual respondent dies and provide the name, address, and telephone number of the individual's successor.

If a respondent fails to update the Commission about contact information and status, the Commission shall send orders, notices, and other documents to the most recent address the Commission has and that shall be deemed sufficient. A respondent that does not update contact information cannot later rely on failure to receive any order, notice, or other document as a defense.