

**RULES OF PROCEDURE OF THE
CITY OF HIGHLAND PARK HUMAN RELATIONS COMMISSION,
LAKE COUNTY, ILLINOIS**

I. DEFINITIONS AND GENERAL PROVISIONS

- A. Definitions. The following terms shall have the following meanings when used in these Rules of Procedure:

"*Answer*" means a reply to a Complaint, verified on oath, and filed with the Commission, in the manner and form set forth in these guidelines.

"*Chairman*" means the appointed Chairman of the Commission.

"*City*" means the City of Highland Park, Lake County, Illinois.

"*City Council*" means the Mayor and City Council of the City of Highland Park, Lake County, Illinois.

"*Code*" means the Highland Park Code (1968), as it has been and may be amended from time to time.

"*Commission*" means the Human Relations Commission of the City of Highland Park, Lake County, Illinois.

"*Complainant*" means any person or persons that has filed a Complaint with the Commission.

"*Complaint*" means a written allegation on a form supplied by, and filed with, the Commission alleging an act of Discriminatory Conduct committed by an officer or employee of the City.

"*Discriminatory Conduct*" means an act of discrimination committed by an employee or officer of the City against a person because of his or her race, color, religion, gender, sexual orientation, national origin, or ancestry.

"*National Origin*" means the place in which a person or one of his or her ancestors was born.

"*Public Safety Committee*" means the City Council's Public Safety Committee.

"*Religion*" includes all aspects of religious observance and practice, as well as belief.

"*Respondent*" means any person or persons who is an employee or officer of the City and is accused by a Complainant of engaging in Discriminatory Conduct against a Complainant.

"*Secretary*" means the individual that is appointed to be the Secretary of the Commission pursuant to Section II-F of these Rules.

"*Supervisor*" means the current head of the City department in which the Respondent was

employed at the time that the Discriminatory Conduct was alleged to have occurred.

"*Vice-Chairman*" means the individual that is appointed to be the Vice-Chairman of the Commission pursuant to Section II-D of these Rules.

- B. Tense and Form. Words used or defined in one tense or form shall include other tenses and derivative forms.
- C. Gender. The masculine gender shall include the feminine and neuter. The feminine gender shall include the masculine and neuter. The neuter gender shall include the masculine and feminine.
- D. Calendar Days. Any reference herein to "day" or "days" shall mean calendar and not business days. If the date for giving of any notice required to be given hereunder or the performance of any obligation hereunder falls on a Saturday, Sunday or Federal holiday, then said notice or obligation may be given or performed on the next business day after such Saturday, Sunday or Federal holiday.
- E. Headings. Headings provided are intended as a convenience to the user. In case of any difference of meaning or implication between the text of these Rules and any heading, the text shall control.
- F. Conflicts. In the case of a conflict between these Rules and the codes and ordinances of the City or the laws of the State of Illinois or the United States, such codes, ordinances and laws shall control.
- G. Amendments. These Rules may be amended only upon compliance with the requirements of the Code for the adoption of Commission Rules. A copy of any proposed amendment shall be provided to all members of the Commission not less than three days prior to a vote on the adoption thereof.
- H. Waiver. The Chairman may, upon good cause shown, waive any Rule that relates solely to the conduct of the Commission's meeting or hearing and is not mandated by City codes or ordinances or State law.

II. COMMISSION CREATION AND ORGANIZATION

- A. Creation. The City Council established the Commission pursuant to the City's authority as a home rule municipality. The establishment of the Commission is found in Section 33.501 of the Code.
- B. Powers and Duties. The Commission has the powers and duties assigned to it by the City Council by the following codes, ordinances and other actions:
 - 1. Article V entitled "Human Relations Commission" of Chapter 33 entitled "Boards and Commissions" of the Code; and
 - 2. Such other powers and duties as may lawfully be assigned to it from time to time.
- C. Members. The Commission shall consist of nine voting members and one ex-officio member,

or such other number as may be established in the Code. [HPC, Section 33.502] The members shall be appointed to, serve on, and removed from, the Commission in the manner established in the Code. [HPC, Sections 33.502, 33.503]

- D. Officers. The Commission shall have a Chairman, who shall be appointed as provided in the Code, and a Vice-Chairman, who shall be appointed by the Commission. In the absence of the Chairman and Vice-Chairman, the Commission shall elect a temporary chairman to act as Chairman. [HPC, Section 33.504]
- E. Creation of Subcommittees. The Chairman, with the consent of a majority of the voting members present at the meeting at which the consent vote is taken, may establish and appoint a subcommittee chairman and members to such subcommittees of the Commission as may be necessary from time to time to make reports to the full Commission in connection with the duties assigned to the Commission.
- F. Secretary of the Commission. For purposes of these Rules, the Secretary of the Commission shall be the City staff member designated by the City Manager to be the staff liaison to the Commission.
- G. Quorum. A quorum shall consist of five of the voting members of the Commission meeting in compliance with the Illinois Open Meetings Act.

III. COMMISSION MEETINGS

- A. Open Meetings Act. All meetings of the Commission, and any subcommittees thereof, shall be scheduled and held, and notice thereof shall be given, in the manner provided in the Illinois Open Meetings Act.
- B. Regular Meetings. The Commission shall hold its regular meetings on the second Thursday of each month. The Commission shall establish a schedule of its meetings for each calendar year prior to the beginning of each calendar year in accordance with the requirements of the Illinois Open Meetings Act.
- C. Special Meetings. The Commission may call and conduct such special or emergency meetings as it determines may be necessary from time to time.
- D. Robert's Rules of Order. *Robert's Rules of Order Newly Revised*, current edition, shall govern the conduct of meetings of the Commission and any subcommittees thereof. However, *Robert's Rules of Order* shall not govern where they conflict with these Rules of Procedure or other applicable law.
- E. Workshops. The Commission may hold such workshop sessions as it determines may be necessary from time to time.
- F. Closed Meetings. The Commission may hold meetings or portions of meetings that are closed to the public only in accordance with applicable law.

- G. Notice of Absence. All members of the Commission shall notify the Chairman, his or her designee, or the staff liaison if they are unable to attend any meeting of the Commission. Such notice shall be provided as far in advance as is practical under the circumstances.

IV. ORDER OF BUSINESS/AGENDAS

- A. Establishing the Agenda. The Chairman shall establish the items to be included on the agenda for each meeting of the Commission. Each agenda shall be established in consultation with the Secretary. In establishing each agenda, the Chairman and Secretary shall consider the number of pending Complaints and other agenda items, the complexity of such Complaints and other agenda items, and any applicable time constraints for the processing of such Complaints and other agenda items.
- B. Order of Business. In general, the order of business for each agenda shall contain the following items in the following order:
1. Call to Order. Performed by the Chairman, the Vice-Chairman or the temporary Chairman.
 2. Roll Call. Performed by the Secretary or his or her designee.
 3. Consideration of Minutes. Consideration of any unapproved minutes of any previous Commission meetings.
 4. Communications Received. Report by the Chairman of any correspondence or other communications received by the Commission since the last meeting, including City Council and Public Safety Committee actions on Commission reports, actions of other City boards and commissions on Commission reports, related City staff activities, and pending legislation.
 5. Discriminatory Conduct Complaints.
 - a. Reports. Consideration of reports of findings and Commission recommendations.
 - b. Continued Complaints. Consideration of Complaints for which the hearing or meeting has previously been convened and continued by the Commission, and on which testimony has been heard by the Commission.
 - c. New Complaints. Consideration of Complaints for which no hearing or meeting has previously been convened or on which no testimony has been heard by the Commission.
 6. Other Agenda Items. Consideration of other items not related to Complaints.
 7. Old Business. Consideration of any matters previously before the Commission.
 8. New Business. Consideration of any matters not previously before the Commission.
 9. Comments from the Public. Members of the public may speak without interruption for a duration of time determined by the Chairman. The Chairman may limit the number of questions Commission members may direct to the speaking

members of the public.

10. Adjournment.

C. Modification of Order of Business. The order of items on the agenda as distributed may be modified or rearranged by the Chairman, for good cause shown, with the consent of the Commission, provided, however, that in the case of a special meeting, no items may be discussed that are not on the posted agenda.

D. Distribution of Agenda and Related Materials. The agenda for each Commission meeting shall be posted in accordance with applicable law. The agenda and all relevant materials prepared by Complainants or City staff shall be distributed to each Commission member by the Secretary. When meetings are scheduled for a Thursday evening, the distribution shall be no later than the immediately preceding Tuesday evening. When meetings are scheduled for other times, the distribution shall be at a time designated by the Chairman.

E. Voting.

1. General Matters. Except as required by Paragraph 3 below, the Commission may take action to conduct its business without a written resolution before it. In such cases, the vote required to approve such an action shall be a majority of those voting members present, unless another vote is specifically required.

2. Minority or Dissenting Reports. Members of the Commission may file minority or dissenting reports in support of any position concerning a matter brought before the Commission.

3. Complaints. The Commission shall vote to approve a report of findings and to make a recommendation on a Complaint only by adoption of a written resolution. In such cases, the vote required to pass such resolution shall be a majority of the voting members of the Commission present at the meeting at which the vote is taken; provided that the affirmative vote of at least four of the voting members of the Commission shall be required to pass such resolution. A roll call vote shall be taken on all resolutions. Members absent from all or any portion of a hearing on a Complaint shall not be qualified to vote on the matter unless they first certify that they have reviewed the entire record of such missed portion of the hearing and have fully informed themselves of the essential facts and issues of the matter being heard so as to be able to cast an informed and independent vote. Nothing herein shall preclude a member of the Commission who was not a member of a subcommittee that furnished a report of findings to the full Commission, from voting on the resolution approving the subcommittee's report of findings, or making a recommendation based on the subcommittee's report of findings.

V. DISCRIMINATORY CONDUCT COMPLAINT PROCEDURES

A. Filing Procedures for Complaints of Discriminatory Conduct.

1. Filing a Complaint of Discriminatory Conduct . The following procedures shall be employed by individuals seeking redress through the Commission for alleged Discriminatory Conduct by an employee or officer of the City.

a. Eligibility For Filing. Any person claiming to be aggrieved by Discriminatory Conduct of an employee or officer of the City while acting within the scope of his or her employment may file a Complaint.

b. Complaint Form. Persons wishing to file Complaints must submit the particulars of their Complaints on a standardized Complaint form provided by the office of the City Manager and approved by the Commission.

c. Place of Filing. The Complainant shall return the Complaint either by regular mail, facsimile, or in person to the address designated on the Complaint.

d. Time of Filing. A Complaint must be filed no later than 60 days from the date of the last occurrence of the alleged Discriminatory Conduct.

e. Response to Filing. Within 30 days of receiving a fully executed and completed Complaint the City staff liaison to the Commission shall:

(i) schedule a Commission hearing on the Complaint in accordance with provisions of the Illinois Open Meetings Act, on a date not later than 60 days after receiving the fully executed and completed Complaint, unless automatically postponed pursuant to Section V-A-1-f of these Rules or waived by the Complainant pursuant to Section V-A-1-g of these Rules; and

(ii) deliver a copy of the Complaint to the parties listed below, along with a written notice of the time and place of the hearing (unless waived by the Complainant):

- a. the Complainant;
- b. the Chairman and the other members of the Commission;
- c. the Supervisor; and
- d. the City Manager.

The notice to the Supervisor shall advise the Supervisor that the Respondent, or the Supervisor, or both, may attend the hearing and present testimony to the Commission on the scheduled date. It shall be the responsibility of the Supervisor to notify the Respondent of the Complaint.

f. Automatic Postponement for Pending Litigation. Notwithstanding anything in these Rules to the contrary, no hearing shall be scheduled or conducted with respect to a Complaint that is related to, or concerns, a matter that is the subject of pending litigation in a court of law in which the Complainant is a party defendant until the date that is at least 30 days after the final

disposition and adjudication of such litigation.

g. Waiver. A Complainant may waive his or her right to a hearing. In such event, the Commission shall base its report of findings, and any recommendation, on the Complaint and the written Answer, if any, provided by the Supervisor or the Respondent.

2. Answering a Complaint. The Supervisor and the Respondent shall have the right, but not the obligation, to respond to the Complaint. Any such response shall be in accordance with the following:

a. Place of Filing. The Answer may be filed by the Supervisor or the Respondent by regular mail, facsimile, or in person to the Secretary c/o the office of the City Manager at City Hall.

b. Content of the Answer. The Answer shall contain the full name of the Respondent, and if represented by an attorney, the name and address of the attorney. The Answer may contain a denial, a rebuttal, or an admission of the Complaint, in part or in whole, as well as evidence to indicate the verity of such denial.

c. Time of Filing. The Answer shall be filed within 14 days from the date of service of the Complaint upon the Supervisor.

B. Commission and Subcommittee Procedures for Complaint Hearings.

1. Hearing by Full Commission or Subcommittee. At least ten days prior to the date set for any hearing, the Chairman, with the consent of a majority of the voting members present at the meeting at which the consent vote is taken, shall have the right, to determine whether the full Commission or a subcommittee appointed pursuant to Section II-E of these Rules shall preside at the hearing. The procedures set forth in this Section V-B shall apply to hearings conducted by either the full Commission or by a subcommittee of the Commission, unless specifically stated otherwise. Any reference to the Chairman in this Section V-B shall also mean the appointed subcommittee chairman, but only in the context of subcommittee meetings.

2. Standards of Decorum. All Commission members and all others attending hearings of the Commission shall conduct themselves in a manner that shall not disrupt the business of the Commission. The use of cellular phones in the meeting room is prohibited. The Chairman may indicate that persons who become personally abusive or in other ways violate ordinary standards of decorum will be ruled out of order.

3. Introduction by the Chairman.

a. General. The Chairman shall begin each hearing by announcing the name of the Complainant and the title of the Complaint. The Chairman shall explain the procedures for conducting the hearing.

b. Swearing In Witnesses. The Chairman shall administer an oath to all persons intending to testify during the course of the hearing, whether for the

Complainant, the Supervisor or for the Respondent.

- c. Counsel. Parties to the Complaint will be permitted to attend the hearing accompanied by attorneys, but such attorneys will be allowed to participate in the hearing only as advisors, refraining from speaking on the behalf of their clients or cross examining other parties.
 - d. Time Limits. Prior to the start of the hearing or meeting, the Chairman, in conjunction with appropriate City staff, shall establish reasonable time limits for the oral presentation of the Complaint by the Complainant, for the Answer by the Supervisor and, or the Respondent, if attending, and for the testimony of witnesses, if any.
4. Chairman's Summary of Complaint. The Chairman or his or her designee shall explain, in summary form, the basic facts of, and relief requested in, the Complaint.
 5. Complainant's Presentation. The Complainant shall present the Complaint in such form and with testimony of witnesses and other evidence as the Complainant deems desirable. In general, the Commission shall allow the Complainant to make this presentation without interruption, except for those questions allowed by the Chairman that may be immediately necessary to aid the Commission in understanding the material being presented.
 6. Supervisor and Respondent's Presentation. If in attendance, the Supervisor, based on his or her internal investigation, and the Respondent, on his or her own behalf, and if he or she so chooses, may answer the Complaint in such form and with testimony of witnesses and other evidence as he or she deems desirable. In general, the Commission shall allow the Supervisor and, or the Respondent to make this presentation without interruption, except for those questions allowed by the Chairman that may be immediately necessary to aid the Commission in understanding the material being presented.
 7. Prohibition of Cross-Examination. No party shall be entitled or permitted to cross examine, or ask questions of, any other party. All questions and comments shall be directed to the Commission.
 8. Questions by the Human Relations Commission. At the conclusion of each presentation, the Commission members may ask such questions of the Complainant, the Supervisor, the Respondent, or the witnesses as may be necessary to clarify the material presented.
 9. Commission Statements. Members of the Commission may read statements related to the Complaint into the hearing record.
 10. Commission Discussion and Deliberation. Following testimony, the Commission may close the hearing and discuss, in an orderly fashion, the Complaint and all material presented. During this discussion, members of the Commission may ask the Chairman to direct additional questions to the Complainant, the Supervisor, the Respondent or witnesses during this portion of the meeting without the consent of the

Chairman.

11. Report of Findings. At the conclusion of any hearing, conducted by either the Commission or by a subcommittee, a draft report of findings shall be prepared by the Commission or the subcommittee and distributed to the Commission, which shall review it at the next scheduled meeting.

The report of findings shall be limited to the matters provided by the Complainant, the Supervisor and, or the Respondent, and delineated at the hearing. It shall include:

- a. findings of fact;
- b. the solutions the Complainant seeks;
- c. the recommended solution of the Supervisor and, or the Respondent; and
- d. a determination of whether the Complaint has merit.

12. Commission Action. Upon receipt and review of the report of findings, the Commission shall, by resolution duly adopted, either (a) approve the report of findings in the form as drafted or (b) approve the report of findings with designated modifications. The Commission may also, but shall have no obligation to, include in such resolution a recommendation with respect to the Complaint.

13. Transmittal of Commission Action Documents. The Secretary shall, within 14 days after the conclusion of the meeting at which the Commission approved a report of findings and, if applicable, a recommendation, transmit the same, and any minority reports to the Public Safety Committee. In addition, the Secretary shall identify any changes in the materials submitted to the Commission that are made following the Commission action, as well as any change in circumstances affecting the matter between Commission action and transmittal to the Public Safety Committee.

14. Continuances. Any Complainant may request, and shall be granted, one continuance, without cause, of a hearing on a Complaint. If a Complainant fails to appear at a scheduled hearing without giving prior written notice to the Secretary, the hearing shall be continued so long as the Complainant has not previously used said continuance. Any further requests for a continuance by the Complainant shall be subject to the approval of the Commission for good cause shown.

15. Withdrawal of Complaint. If the Complainant chooses to withdraw his or her Complaint, then the proceeding shall be deemed complete and the Commission shall have no obligation to transmit a report of findings or a recommendation to the Public Safety Committee. Notwithstanding the prior sentence, if the Complainant alleges that he or she withdrew his or her Complaint because he or she was the subject of overt acts of retaliation, harassment or threats committed by an employee or officer of the City, then the Complainant may renew his or her prior Complaint within 60 days of the alleged overt retaliatory, harassing or threatening act in conformity with these Rules.

IX. EFFECTIVE DATE

These Rules shall be effective upon:

- A. Approval of a majority vote of the voting members of the Commission;
- B. Review and approval by the Corporation Counsel; and
- C. Ratification by the City Council.

ADOPTED BY THE HUMAN RELATIONS COMMISSION OF THE
CITY OF HIGHLAND PARK ON AUGUST 10, 2000

AYES: (8)

NAYS: (0)

ABSENT: (1)

ABSTAIN: ()

RESOLUTION NO.

Chairman, Human Relations
Commission