

**GUIDELINES  
FOR THE IDHR-CCHR MEMORANDUM OF UNDERSTANDING  
Effective February 1, 2000**

**I. INTRODUCTION**

In an effort to minimize duplication of efforts, the Illinois Department of Human Rights ("IDHR") and the Chicago Commission on Human Relations ("CCHR") (referred to collectively as "the Agencies") have entered into a Memorandum of Understanding. That Memorandum provides for exchange of information, joint activity and deferral of investigations for cases filed against the Chicago Transit Authority ("CTA") or the Board of Education of the City of Chicago (the "School Board") (formerly known as the Chicago School Reform Board of Trustees) which are parallel-filed at the Agencies. These Guidelines set forth the arrangement by which the Agencies shall implement and administer the Memorandum of Understanding.

For purposes of these Guidelines, the term "case" shall be used to refer to a "charge" as filed with the IDHR and a "complaint" as filed with the CCHR.

**II. IDENTIFYING PARALLEL-FILED CASES**

In order to determine whether a case is parallel-filed, CCHR shall notify the parties to all cases filed against the CTA or the School Board that they are to inform both Agencies when a case is parallel-filed. Further, each month the CCHR shall send to the IDHR a list of all cases against the CTA or the School Board which a) it has received in the prior month and b) were filed previously and are still open. This list shall include the following information: Complainant's name and address; Respondent's name and address; date filed; and nature of the claims made (including harm/issue and basis, such as: discharge/race).

Within 10 calendar days of its receipt of the list, the IDHR shall identify which cases, if any, appear to be parallel-filed, and it shall provide the CCHR with a copy of the charge in each such case. The CCHR shall review the charges from the IDHR and, within 10 calendar days of receiving them, shall determine whether the cases are parallel-filed and shall notify IDHR of that determination. For those cases which are parallel-filed, the Agencies shall proceed in accordance with Part III or IV of these Guidelines.

### **III. General Rule**

Unless the case falls into an exception, as described in Part IV below, parallel-filed cases shall generally be investigated by the IDHR. The CCHR shall defer its investigation of those cases pending the resolution of the case at the IDHR. The CCHR shall give all parties to the case written notice of its decision to defer its investigation.

In such cases, if the CCHR has already started its investigation but has not yet substantially completed the case (see Part IV(A)(2) below) when the need for deferral becomes known, it shall share the information it has gathered with the IDHR and shall defer further investigative work.

#### **A. IDHR Completes Case Other than By Determination of Whether or Not There is Substantial Evidence**

Whenever the IDHR closes a case before determining whether or not there is substantial evidence (such as by settlement agreement or withdrawal), the IDHR shall send to the CCHR a copy of the documents which close the case (such as the settlement agreement or withdrawal form and the order approving it) within 10 calendar days of the date of closure, unless impracticable.

If such a case is in the process of being closed via settlement or withdrawal, the IDHR will exert best efforts to have the CCHR case closed as part of the settlement (such as by having the CCHR case covered by any settlement agreement or by having the complainant withdraw his/her CCHR case as a term of the agreement). If the CCHR case is properly addressed, the CCHR shall dismiss the case pursuant to its regulations.

### **B. IDHR Determines Whether or Not There is Substantial Evidence**

Once the IDHR determines whether or not there is substantial evidence, it shall provide written notice to the CCHR as set forth below. It shall provide the CCHR with a copy of the document which sets forth its determination as well as its investigative report.

#### **1) IDHR Finds No Substantial Evidence**

If the IDHR dismisses a case because there is no substantial evidence of a violation and a request for review is not filed, the IDHR shall close the case and provide written notice to the CCHR within 10 calendar days of that closure. Should the IDHR dismiss a case because there is no substantial evidence and a request for review is filed, if the dismissal is sustained, the IDHR shall close the case and provide written notice to the CCHR within 10 calendar days of that decision. If the dismissal is not sustained, the IDHR shall proceed with its investigation and shall not provide notice to the CCHR at that time.

Once the CCHR has notice of a dismissal, it shall review the IDHR's investigation report and may review the entire file and copy any part of it. The CCHR shall decide, within 30 calendar days of the later of its receipt of the investigation report and its review of the investigative file, whether

it shall dismiss the case for lack of substantial evidence, conduct further investigation, find that there is substantial evidence of a violation or take other steps as appropriate. The CCHR will exert best efforts to minimize doing additional investigative work.

## **2) IDHR Finds Substantial Evidence**

If the IDHR finds substantial evidence that there has been a violation of the IHRA, the CCHR shall dismiss its case.

### **C. Parallel-Filed Cases Closed By IDHR Before the Effective Date of the Memorandum of Understanding**

For parallel-filed cases which IDHR has already closed before the effective date of the Memorandum of Understanding, the IDHR shall send the CCHR its investigation report and the investigation file, if possible, within 30 calendar days of the effective date of the Memorandum of Understanding. If IDHR found substantial evidence of a violation, then the CCHR shall close its case. If the parties entered into a settlement agreement which IDHR reviewed and approved, then the CCHR shall close its case unless the complainant provides the CCHR with good cause for not closing the case within the time specified by the CCHR. For all other dispositions, the CCHR shall determine how it shall proceed in each case, including, but not limited to, adopting a finding of no substantial evidence or doing further investigative work. To the extent possible, the CCHR will exert best efforts to minimize doing additional investigative work.

#### **IV. Exceptions to General Rule**

##### **A. IDHR Deferral to CCHR in Parallel-Filed Cases Still Open at IDHR as of the Effective Date of These Guidelines**

The IDHR shall defer to the CCHR when the CCHR has substantially completed its investigation of the case at the time that a need for deferral becomes known (such as when the case is filed at the IDHR substantially after it is filed at the CCHR). The IDHR shall give all parties to the case written notice of the decision to defer its investigation.

##### **1. CCHR Completes Case Other than By Determination of Whether or Not There is Substantial Evidence**

Whenever the CCHR closes a case before determining whether or not there is substantial evidence (such as by settlement agreement or withdrawal), the CCHR shall send to the IDHR a copy of the document/s which closes the case (such as the settlement agreement and order approving the agreement) within 10 calendar days of the date of closure, unless impracticable.

If such a case is closed via settlement or withdrawal, the CCHR will exert best efforts to have the IDHR case closed as part of the settlement (such as by having the IDHR case covered by any settlement agreement or by having the complainant withdraw his/her IDHR case as a term of the agreement). If the IDHR case is properly addressed, the IDHR shall dismiss the case pursuant to its regulations.

##### **2. CCHR Determines Whether or Not There is Substantial Evidence**

Once the CCHR determines whether or not there is substantial evidence, it shall notify the IDHR within 10 calendar days of making its determination whether or not it has found substantial

evidence, unless impracticable. It shall provide the IDHR with a copy of the document/s which sets forth its determination as well as its investigative report.

The IDHR shall review the CCHR's investigation report and may review the entire file and copy any part of it. The IDHR shall decide, within 30 calendar days of the later of its receipt of the investigation report and its review of the investigative file, whether it shall dismiss the case for lack of substantial evidence, conduct further investigation, find that there is substantial evidence of a violation or take other steps as appropriate. The IDHR will exert best efforts to minimize doing additional investigative work.

#### **B. Consultation and Joint Work**

For those cases which involve the same or similar parties but include, for example, one or more differing alleged harms, issues and/or bases of discrimination (and for other cases which the Agencies find not to be covered by Parts III or IV(A) above), the Agencies shall determine whether one agency may be able to defer to the other one on a case-by-case basis. If the Agencies determine that deferral is not appropriate, they will nonetheless exert best efforts to work jointly to the extent possible including, but not limited to, sharing information, holding joint interviews and/or joint settlement conferences, and making joint requests for documents and other written information.

#### **V. FAILURE TO COOPERATE/FAILURE TO PROCEED**

If either agency notifies a complainant in a parallel-filed case that he or she is subject to a possible dismissal for Failure to Cooperate or Failure to Proceed, the notification shall inform the complainant that the failure to comply with that agency's requirements may cause the other agency

to dismiss the case as well. If the agency which sends the notice of a possible dismissal for Failure to Cooperate closes the case for that reason, it must send the other agency a copy of the dismissal order and the notice/s sent to the complainant within 10 calendar days of the dismissal.

## **VI. DEFAULT**

If the IDHR enters a default order against a respondent in a parallel-filed case, it shall give the CCHR notice of that order within 10 calendar days of the issuance of that order. The CCHR shall then close its case.

If the CCHR enters a default order against a respondent in a parallel-filed case, it shall give the IDHR notice of that order within 10 calendar days of the issuance of that order. The IDHR shall then determine whether to investigate the case or to issue a default order itself.

## **VII. NOTICE TO PARTIES**

Whenever an agency makes a determination regarding the status or disposition of a parallel-filed case (e.g., dismissal for any reason, decision to defer, finding of substantial evidence or substantial evidence, etc.), the agency's notice of such a determination to the parties shall include an explanation of the impact of that determination on the status of the case parallel-filed at the other agency. The Agencies shall collaborate on the development of appropriate notice language for inclusion in their respective forms.

## **VIII. AMENDMENT OF CASES**

When a complainant amends a parallel-filed case, the agency at which the amendment is filed shall notify the complainant that if the complainant wishes to amend the case at the other agency,

he or she must file an amendment separately with that agency. Further, the agency at which the amendment is made shall forward the amended case to the other agency within 10 calendar days of the amendment. The Agencies shall jointly determine whether the amendment to the case necessitates a change in the deferral status of the case under these Guidelines.

## **IX. LIAISONS**

The Agencies shall each appoint one person to act as the liaison with the other agency. Each agency will notify the other in writing of the name, address and telephone number of its liaison. Each agency shall notify the other agency in writing of any change in its liaison.

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