



SUMMARY OF THE MEMORANDUM OF UNDERSTANDING
between the
ILLINOIS DEPARTMENT OF HUMAN RIGHTS
and the
CHICAGO COMMISSION ON HUMAN RELATIONS
February 2000

The Illinois Department of Human Rights ("IDHR") and the Chicago Commission on Human Relations ("CCHR") have entered into a Memorandum of Understanding (Agreement@) as part of the CCHR=s resolution of a jurisdictional dispute with the Board of Education of the City of Chicago (ASchool Board@) and the Chicago Transit Authority (ACTA@). (The terms Agency@ and Agencies@ refer to the IDHR and the CCHR individually or collectively.) The following summarizes this agreement.

Coverage -- The agreement covers substantially-similar cases which the complainant files at both agencies against either the School Board or the CTA. It does not cause a complaint at one agency to be filed at the other.

Determination of Cases Covered by the Agreement -- The agencies review complaints against the School Board or the CTA which appear similar; they compare the complainants and the bases and harms alleged in each complaint. Decisions about how to proceed are made on a case-by-case basis.

Parallel-Filed Cases -- Complaints which are substantially similar ("parallel-filed" cases) shall be subject to deferral by one agency.

Differing Cases -- Where cases which are similar but include, for example, some differing alleged harms, issues and/or bases of discrimination, one agency may not be able to defer to the other. In such instances the agencies will attempt to work jointly. Joint work may include sharing information and holding joint interviews and settlement conferences.

Who Proceeds --

IDHR Proceeds -- Parallel-filed cases shall generally be investigated by the IDHR unless the case falls into an exception, as described below.

Further, at the time of the effective date of this agreement (February 2000), there were some cases which CCHR had been holding in abeyance pending the resolution of its disputes with the School Board and CTA. For such parallel-filed cases which IDHR has already closed before the effective date of the agreement, IDHR shall send CCHR its investigation report and CCHR shall determine whether it shall adopt IDHR=s determination or whether it shall investigate further. Where IDHR closed such a case by an agreement which IDHR reviewed and approved, CCHR shall close its case unless the complainant provides the CCHR with good cause for not closing the case. For any other disposition, CCHR shall make a case-by-case review.

CCHR Proceeds B The CCHR shall investigate a parallel-filed case 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).

Notice to Parties -- Once a decision is made, the agencies send the parties notices about which agency shall defer and which agency shall proceed. The agencies also notify the parties when they decide to

work jointly. Subsequent notices in parallel-filed cases shall inform the parties of the next steps for that case.

Settling -- If a settlement is being negotiated at the processing agency, that agency will attempt to have the parties include the case filed at the other agency covered by the agreement. This may mean having the parties' agreement meet both agencies' settlement requirements or may mean that the complainant will withdraw his or her case at the deferring agency.

Investigation Completed -- (For cases filed after the effective date of the agreement:) When the processing agency completes its investigation of the case, it makes a determination about whether or not there is "substantial evidence" and informs the parties and the deferring agency of those results. The deferring agency then determines its next step which is described, in general, below:

IDHR Finds No Substantial Evidence B 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 within 30 calendar days of the later of its receipt of the investigation report and its review of the investigative file, CCHR shall determine 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.

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.

CCHR Determines Whether or Not There is Substantial Evidence -- Once the CCHR determines whether or not there is substantial evidence, it shall send the IDHR within 10 calendar days of making its determination 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 material and 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.

Failure to Cooperate -- If the processing agency notifies the 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 failure to comply with the processing agency's requirements may be grounds for the deferring agency to dismiss the case as well.

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

Amending Complaint -- If a complainant decides to amend his or her complaints, he or she will be counseled to do so at both agencies. Amending the complaint at one agency does not automatically amend the complaint at the other one.