

Chapter 22 - HUMAN RIGHTS^[1]

Footnotes:

--- (1) ---

State Law reference— Powers of home rule units, Ill. Const. art. VII, § 6; Illinois Human Rights Act, Ill. Rev. Stat. Ch. 68, ¶ 1-101 et seq.

ARTICLE I. - IN GENERAL

Secs. 22-1—22-15. - Reserved.

ARTICLE II. - COMMISSION ON HUMAN RELATIONS^[2]

Preamble:

An Ordinance to establish a Human Relations Commission to provide investigative, consultative, cooperative, mediative, educational and promotional and advisory services to the residents of the City of Aurora in furtherance of the legacy of Marie Wilkinson, a lifetime resident of the City of Aurora and pioneer in the realm of social and civil activism who dedicated her life to the fight against poverty, discrimination, hunger, homelessness and injustice in the City of Aurora.

Footnotes:

--- (2) ---

Editor's note— Ord. No. O12-043, § 1, adopted June 12, 2012, amended the former Art. II, §§ 22-16—22-40, and enacted a new Art. II as set out herein. The former Art. II pertained to similar subject matter and derived from Code 1969, §§ 2-227—2-231, 2-233—2-239; Ord. No. O88-71, Exh. A, adopted June 21, 1988; Ord. No. O92-75, § 1, adopted Sept. 15, 1992; Ord. No. O99-96, § 3, adopted Oct. 9, 1999; and Ord. No. O08-65, § 1, adopted June 24, 2008.

Cross reference— Boards and commissions generally, § 2-406 et seq.; human relations commission to serve as fair housing board, § 22-47.

Sec. 22-16. - Created.

In accordance with Section 11-11.1-1 of the Illinois Municipal Code, there is created a commission on human relations (hereafter "Human Relations Commission").

It is the express intent of this chapter to further the policy of the United States and the State of Illinois as expressed in their constitutions and law; to further understanding among people; and to protect and insure peace, health, safety and the general welfare of all inhabitants of the city. It is hereby declared to be the policy of the City of Aurora that:

- (1) Discrimination based upon race, color, religion, sex, national origin, ancestry, age, order of protection status, marital status, physical or mental disability, military status, sexual orientation or unfavorable discharge from military service is hereby prohibited in connection with employment, real estate transactions, access to financial credit, and the availability of public accommodations; and
- (2) Sexual harassment and discrimination based on citizenship status is hereby prohibited in connection with employment; and

- (3) Discrimination based on familial status is hereby prohibited in connection with real estate transactions.

(Ord. No. O12-043, § 1, 6-12-12)

Sec. 22-17. - Members, meetings and officers.

- (a) The human relations commission shall consist of twelve (12) members, one (1) of whom shall be ex officio the chief of police and therefore a non-voting member, all of whom shall be residents within the corporate limits of the city, and they shall be reasonably representative of the community.
- (b) Six (6) members of the human relations commission shall be appointed by the mayor with the advice and consent of the city council, the information on the candidates for appointment shall be provided to the council two (2) weeks prior to city council action, one (1) member shall be ex officio, the chief of police of the city or his designee, and the remaining five (5) members shall be filled by the mayor from recommendations made by not-for-profit recognized organizations that conduct significant activities within the city for the benefit of minority residents, and the mayor shall assure that at least one (1) member shall be selected from representatives of city unions, and at least one (1) member shall be selected from representatives of the city business community.
- (c) Each human relations commission member shall serve for a term of three (3) years and until his successor is appointed, may serve not more than two (2) consecutive terms, and terms of office shall be staggered.
- (d) The council may, upon recommendation of the human relations commission or otherwise in its discretion, remove any member for incompetence, neglect of duty or malfeasance in office, or whenever, in its opinion, the best interests of the city and its citizens will be served by such removal.
- (e) Any vacancy on the human relations commission, whether caused by death, disability or removal of any member, or otherwise, shall be filled by the mayor with the advice and consent of the city council for the balance of the unexpired term. When a vacancy arises, the mayor shall appoint a new member in the same manner in which the member being replaced was originally chosen.
- (f) The human relations commission shall hold such meetings as are necessary to carry out the intent and provisions of this chapter. A meeting may be called by the chairman, or by any two (2) human relations commission members, upon forty-eight (48) hours written notice to every member of the human relations commission; provided however, that the prerequisite notice shall not be binding upon any meeting at which all of the members of the human relations commission are present.
- (g) Human relations commission members shall serve without compensation, but may be reimbursed for reasonable personal expenses incurred in the performance of their duties.

(Ord. No. O12-043, § 1, 6-12-12)

Sec. 22-18. - Designation of chairman.

The mayor shall annually designate a chairman from among the membership of the human relations commission. A chairman may not serve more than two (2) consecutive terms as chair. The human relations commission shall designate a vice chairman at its first meeting, and from time to time thereafter, from among its members.

(Ord. No. O12-043, § 1, 6-12-12)

Sec. 22-19. - Staff support.

- (a) Subject to budgetary constraints, the human relations commission shall have access to available funds for all necessary secretarial, legal and other appropriate expenses incurred by the human relations commission in performing its duties.
- (b) The city's human resources and legal departments are assigned to provide the human relations commission with a staff representative to provide professional guidance to the human relations commission, and may, at the discretion of the respective department heads, utilize consulting professionals as deemed appropriate.

(Ord. No. O12-043, § 1, 6-12-12)

Sec. 22-20. - Duties and functions.

- (a) Human relations commission. Working with city agencies, local groups and individuals, and relevant government agencies, the human relations commission seeks to work as an investigative, consultative, cooperative, mediative, education and promotion and advisory agency to further understanding among, and preserve recognized rights of residents of the city, and those who interact within the community, particularly in the areas of equal employment opportunity, housing and other real estate transactions, including access to public services and facilities.
- (b) The human relations commission shall endeavor to resolve grievances, advise, consult and cooperate with the mayor, city council, city departments, agencies and officials, regarding approaches it believes will foster harmonious community relations and preserve recognized rights and maintain an accessible, workable and enforceable means of assuring fair and equal treatment as defined by all applicable state and federal laws and state and federal constitutions. The human relations commission shall report semi-annually in writing to the city council on its activities.
- (c) The human relations commission shall perform the above duties and functions through the following regular activity:
 - (1) In accordance with its complaint process as outlined in section 22-26 of this chapter and its adopted rules of procedure and regulations, the human relations commission shall receive, record and investigate any written complaint alleging unequal or unfair treatment in violation of this chapter;
 - (2) Recommend administrative or other ameliorative action to be taken to assure fair and equal treatment and foster good will;
 - (3) Invite and enlist the cooperation of any citizen, organization or committee which can be of benefit in fulfilling the responsibilities of the human relations commission in carrying out specific programs designed to lessen conflicts and improve understanding in the community;
 - (4) Adopt and promulgate bylaws and rules of procedure not in conflict and as approved by the city council which the human relations commission deems necessary to conduct its meetings, conciliatory conferences, investigations, public hearings and general operations so as to carry out the purpose and provisions of this chapter;
 - (5) Cooperate and assist any person who requests such cooperation or assistance for the purpose of developing and maintaining programs to assure fair and equal treatment.

(Ord. No. O12-043, § 1, 6-12-12)

Sec. 22-21. - Cooperation by other city agencies.

- (a) All department heads of the city shall cooperate with the human relations commission in furtherance of its work.

- (b) The human relations commission shall invite and enlist the cooperation of racial and religious groups, community organizations, fraternal and benevolent societies, veterans' organizations, professional and technical organizations, and other groups and individuals in the city in order to carry out the duties and functions set forth herein.
- (c) The human relations commission shall cooperate with all governmental agencies on all levels whenever it deems such action appropriate in effectuating the policy of this chapter.

(Ord. No. O12-043, § 1, 6-12-12)

Sec. 22-22. - Jurisdictional authority.

The human relations commission shall have jurisdiction to take the action authorized herein when the conduct alleged to be in violation hereof occurs within the corporate limits of the City of Aurora. For claims occurring outside of the Aurora city limits, the human relations commission shall serve as an advisory and referral agency for Aurora residents needing assistance on how and where to file a claim in the appropriate jurisdiction.

(Ord. No. O12-043, § 1, 6-12-12)

Sec. 22-23. - Definitions.

All definitions contained herein shall be deemed to include any and all exceptions, exclusions and/or exemptions as set forth in the Illinois Human Rights Act (775 ILCS 5/1 et seq.) from time to time.

- (1) *Age* as used in this chapter shall be defined as the chronological age of a person who is at least forty (40) years old, in the case of training or apprenticeship programs, "age" means the chronological age of a person who is eighteen (18) but not yet forty (40) years old.
- (2) *Citizenship status* means the status of being 1) a born U.S. citizen; 2) a naturalized U.S. citizen; 3) a U.S. national; or 4) a person born outside the United States and not a U.S. citizen who is not an unauthorized alien and who is protected from discrimination under the provisions of Section 1324b of Title 8 of the United States Code, as now or hereafter amended.
- (3) *Human relations commission* means the City of Aurora Human Relations Commission.
- (4) *Credit transactions* means any application for credit, invitation to apply for credit, extension of credit or credit sale.
- (5) *Disability, or physical or mental disability* means a determinable physical or mental characteristic of a person, including, but not limited to, a determinable physical characteristic which necessitates the person's use of a guide, hearing or support dog, the history of such characteristic, or the perception of such characteristic by the person complained against, which may result from disease, injury, congenital condition or birth or functional disorder and which characteristic is unrelated to the person's ability to perform the duties of a particular job or position, or their ability to acquire, rent or maintain a housing accommodation, or their ability to repay, or their ability to utilize and benefit from a place of public accommodation.
- (6) *Employee* includes any and all persons who perform services under the direction and control of, and for any employer for compensation, whether in the form of wages, salary, commission or otherwise, excluding the parents, spouses or children of the employer and excluding independent contractors, although they may be subject to this chapter as employers or in any other capacity covered hereunder.
- (7) *Employer* includes any person within the City of Aurora, including, but not limited to, owners, managers, supervisors or others who serve a supervisory function, who hires or employs any employee whose services are to be partially or wholly performed in the City of Aurora.

- (8) *Employment agency* means any person regularly undertaking with, or without compensation, to procure employees for an employer, or to procure for employees opportunities to work for an employer, to recruit, refer, or place employees.
- (9) *Familial status* means one (1) or more individuals (who have not attained the age of eighteen (18) years) being domiciled with: 1) a parent or person having legal custody of such individual or individuals; or 2) the designee of such parent or other person having such custody, with the written permission of such parent or other person. The protection against discrimination on the basis of familial status apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen (18) years.
- (10) *Gender* means a person's actual or perceived sex, and includes a person's gender identity, appearance or behavior, whether or not that gender identity, appearance or behavior is different from that traditionally associated with the person's sex at birth.
- (11) *Housing accommodations* includes all buildings, structures or any portion thereof, within the City of Aurora, which are used or occupied, or are maintained, arranged or designed to be used or occupied as a home, residence or sleeping place for one (1) or more human beings.
- (12) *Language* means a person's native tongue, such as, but not limited to, Polish, Spanish, or Chinese. Language does not include such things as slang, jargon, profanity, or vulgarity.
- (13) *Marital status* means the legal status of being married, single, separated, divorced or widowed.
- (14) *Military status* means a person's status on active duty in or status as a veteran of the armed forces of the United States, status as a current member or veteran of any reserve component of the armed forces of the United States, including the United States Army Reserve, the United States Marine Corps Reserve, United States Navy Reserve, United States Air Force Reserve and United States Coast Guard Reserve, or status as a current member or veteran of the Illinois Army National Guard or Illinois Air National Guard.
- (15) *Order of protection status* means a person's status as being a person protected under an order of protection issued pursuant to the Illinois Domestic Violence Act of 1986 or an order of protection issued by a court of another state.
- (16) *Person* includes one (1) or more individuals, partnerships, associations, organizations, corporations, legal representatives, joint stock companies, mutual companies, trustee, trustees in bankruptcy, receivers and any other incorporated or unincorporated organized group. The term includes, but is not limited to, any real estate owner, lessor, assignor, builder, manager, broker, salesman or agent, or any lending institution.
- (17) *Probable cause* means that on the basis of all available information provided during the investigation, there exists evidence in the form of testimony and/or documents which leads an objective person to reasonably believe that a violation of this chapter may have occurred.
- (18) *Public accommodation* means any business, enterprise or activity consisting of or involving furnishing, providing or making available to the public any goods, services, accommodations, entertainment, amusements, facilities, advantages or privileges, including, but not limited to, inns, cafes, restaurants, taverns, hotels, barber shops, salons, retail stores, restroom, theaters, skating rinks, swimming pools, public golf driving ranges, concerts, crematories, cemeteries, airplanes, buses, boats and any other public conveyances on land, water or air, and other places of public accommodation and/or amusement. This paragraph shall not apply to any public school system.
- (19) *Religion* includes all aspects of religious observance and practice, as well as belief.
- (20) *Sexual harassment* is a form of sex discrimination and is defined as any unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature or a discriminatory nature. In the context of employment, sexual harassment includes such conduct when:

- a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
 - b. Submission to or rejection of such conduct by an individual is used as the basis for employment or decisions affecting an employee; or
 - c. Such conduct has the purpose or effect of substantially interfering with an individual's employment or performance or creating an intimidating, hostile or offensive employment environment.
- (21) *Sexual orientation* means heterosexuality, homosexuality, bisexuality, or gender-related identity, actual or perceived, whether or not traditionally associated with the person's designated sex at birth. Sexual orientation shall not be construed to protect conduct otherwise proscribed by law.
- (22) *Unfavorable military discharge* means discharges from the Armed Forces of the United States, their Reserve components or any National Guard or Naval Militia which are classified as RE-3 or the equivalent thereof, but does not include those characterized as RE-4 or "Dishonorable."

(Ord. No. O12-043, § 1, 6-12-12)

Sec. 22-24. - Prohibited discriminatory practices.

It shall be unlawful for any person to commit any of the following acts of discrimination:

- (1) To refuse to sell, lease or rent any commercial or residential real estate within the City of Aurora because of the race, color, religion, creed, national origin or ancestry, age, gender, marital status, familial status, sexual orientation, military status, unfavorable discharge from military service, physical or mental disability or order of protection status of the proposed buyer, or renter.
- (2) To make any distinction, discrimination or restriction against any person in the price, terms, conditions or privileges of any kind relating to the sale, rental, lease or occupancy of any commercial or residential real estate in the City of Aurora, or in the furnishing of any services or facilities in connection therewith, predicated upon the race, color, religion, creed, national origin or ancestry, age, gender, marital status, familial status, sexual orientation, military status, unfavorable discharge from military service, physical or mental disability, order of protection status, of any prospective buyer, lessee or renter of such property.
- (3) To publish, circulate, issue or display or to permit or cause to be published, circulated, issued or displayed any communication, notice, advertisement, sign or other writing of any kind relating to the sale, rental, or leasing of any commercial or residential real estate predicated upon the race, color, religion, creed, national origin or ancestry, age, gender, marital status, familial status, sexual orientation, military status, unfavorable discharge from military service, physical or mental disability or order of protection status of any prospective buyer, lessee or renter of such property.
- (4) To discriminate or to participate directly or indirectly in the discrimination in connection with the terms of loans, guaranteeing loans, accepting mortgages or otherwise making available funds for loans within the City of Aurora because of race, color, religion, creed, national origin or ancestry, age, gender, marital status, sexual orientation, military status, unfavorable discharge from military status, physical or mental disability or order of protection status, provided that lending money is one of the principal aspects of the person's business or is incidental to the person's principal business;
- (5) To distribute or cause to be distributed, written material or statements designed to induce any owner of commercial or residential real estate in the City of Aurora to sell or lease his or her property because of any present or prospective change the race, color, religion, creed, national origin or ancestry, age, gender, marital status, familial status, sexual orientation, military status,

unfavorable discharge from military service, physical or mental disability or order of protection status of property owners or renters.

- (6) To exploit or overcharge any person for commercial real estate or residential housing accommodations in the City of Aurora because of race, color, religion, creed national origin or ancestry, age, gender, marital status, familial status, sexual orientation, military status, unfavorable discharge from military service, physical or mental disability or order of protection status.
- (7) To solicit for sale, lease or listing for sale or lease, commercial or residential real estate within the City of Aurora on the grounds of loss of value due to the present or prospective entry into any neighborhood of a person or persons of any particular race, color, religion, creed, national origin or ancestry, age, gender, marital status, familial status, sexual orientation, military status, unfavorable discharge from military service, physical or mental disability, or order of protection status.
- (8) To refuse any listing of commercial or residential real estate within the City of Aurora to any person because of race, color, religion, creed, national origin or ancestry, age, gender, marital status, familial status, sexual orientation, military status, unfavorable discharge from military service, physical or mental disability or order of protection status.
- (9) To make any misrepresentation concerning the listing for sale or the anticipated listing for sale or the sale of any commercial real estate or housing accommodation for the purpose of inducing or attempting to induce the sale or listing for sale of any such property by representation that the presence or anticipated presence of persons of any particular race, color, religion, creed, national origin or ancestry, age, gender, marital status, familial status, sexual orientation, military status, unfavorable discharge from military service, physical or mental disability or order of protection status in the area will or may result in the lowering of property values in the block, neighborhood or area in which the property is located.
- (10) To permit or take any action which discriminately affects a person's selection, status, or eligibility for employment, promotion or transfer, or for apprenticeship, membership or conditions and privileges or benefits directly or indirectly related to one's employment because of race, color, religion, creed, national origin or ancestry, age, gender, marital status, sexual orientation, citizenship status, military status, unfavorable discharge from military service, physical or mental disability or order of protection status.
- (11) In connection with employment, to engage in any unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature or a discriminatory nature. Sexual harassment includes such conduct when:
 - a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
 - b. Submission to or rejection of such conduct by an individual is used as a basis for employment or decisions affecting an employee; or
 - c. Such conduct has the purpose or effect of substantially interfering with an individual's employment or performance or creating an intimidating, hostile or offensive employment environment.
- (12) For the purposes of employment, to impose a restriction that has the effect of prohibiting a language from being spoken by an employee in communications that are unrelated to the employee's duties.
- (13) For the purposes of employment, to request for purposes of satisfying the requirements of Section 1324a(b) of Title 8 of the United States Code, as now or hereafter amended, more or different documents than are required under such section or to refuse to honor documents tendered that on their face reasonably appear to be genuine.
- (14) To cause or permit to be published, posted or circulated any notice, advertisement, job order, requisition or request for applicants for employment or apprenticeship or for the referral thereof

which makes or has the effect of making race, color, religion, creed, national origin, ancestry, age, gender, marital status, sexual orientation, citizenship status, military status, unfavorable discharge from military service, physical or mental disability or order of protection status as a condition of applying for employment or of referral thereof or indicates the existence of such a condition except for a bona fide occupational qualification.

- (15) For an employer, employment agency or labor organization to inquire on a written application whether a job applicant has ever been arrested or to use such knowledge of an arrest as a reason for denial or termination of employment. This section shall not be construed to prohibit any employer, employment agency, or labor organization from requesting or using information or records concerning the conviction of any individual.
- (16) To discriminate against any person in the full enjoyment of goods, services, facilities, advantages or privileges of any public accommodation because of race, color, religion, creed, national origin or ancestry, age, gender, marital status, sexual orientation, military status, unfavorable discharge from military service, physical or mental disability or order of protection status.
- (17) To retaliate when it comes to any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoff, training, fringe benefits and any other term or condition of employment or to make any distinction, discrimination or restriction against any person in the price, terms, conditions or privileges of any kind relating to the sale, rental, lease or occupancy of any commercial or residential real estate in the City of Aurora because any person opposed any practice forbidden by this chapter or made a charge, filed a complaint, testified or assisted in the investigation, proceeding or hearing under this chapter.
- (18) To aid, incite, compel, coerce or participate directly or indirectly in the doing of any act or practice declared in this chapter to be prohibited, or to discriminate or take retaliatory action against any other person because such person had opposed any practice forbidden by this chapter or made a charge, filed a complaint, testified or assisted in the investigation, proceeding or hearing under this chapter.

(Ord. No. O12-043, § 1, 6-12-12)

Sec. 22-25. - Exemptions.

All exceptions, exclusions and/or exemptions set forth within the Illinois Human Rights Act (775 ILCS 5/1 et seq.) from time to time shall be deemed to be exemptions to the regulations contained within this chapter, and the following are also exempt from the regulations contained within this chapter:

- (1) The following facilities are exempt from the age provisions in this chapter:
 - a. Nursing homes licensed under the Nursing Home Care Reform Act of 1979 (210 ILCS 4011 et seq.).
 - b. Facilities receiving federal or state funds, which funds have as a condition thereof that the facility rent or lease only to persons over sixty-two (62) years of age with stipulated levels of income.
 - c. Rental or units in dwellings containing living quarters occupied or intended to be occupied by no more than four (4) families, living independently of each other, if the owner actually maintains and occupies one (1) of such living quarters as his residence.
- (2) Nothing contained in section 22-24 shall prohibit restricting the rental of rooms in a housing accommodation to persons of one (1) sex.
- (3) Nothing contained in this chapter shall prohibit an employer, employment agency or labor organization from:

- a. Hiring or selecting between persons for bona fide occupational qualifications or any reason except those prohibited practices specifically identified in section 22-24 of this chapter.
 - b. Giving preferential treatment to veterans and their relatives as required by the laws or regulations of the State of Illinois and/or United States.
- (4) Nothing contained in this chapter shall be construed to bar any religious organization from giving preference to persons of the same religious persuasion in the conduct of the organization's activities.

(Ord. No. O12-043, § 1, 6-12-12)

Sec. 22-26. - Complaint process.

- (a) Any person may file a complaint alleging a violation of this chapter with the human relations commission if the alleged violation occurred within the City of Aurora.
- (b) The human relations commission, in accordance with its bylaws and rules of procedure, shall conduct investigations regarding all complaints filed with the human relations commission and hold any hearings necessary to facilitate said investigations and to aid human relations commission members in determining whether or not there has been a violation of this chapter.
- (c) The following parameters shall govern the filing of complaints with the human relations commission:
 - (1) A complaint under this chapter must be filed with the human relations commission within one hundred and eighty (180) days from the date of the alleged occurrence of the alleged violation. If the alleged violation is of a continuing nature, the date of occurrence may be any date subsequent to the commencement of the violation, up to and including the date on which it may have ceased.
 - a. In order to preserve rights under the Illinois Human Rights Act ("Human Rights Act"), 775 ILCS 5/1-101, et seq., a contemporaneous complaint must also be filed with the Illinois Department of Human Rights ("IDHR") within one hundred and eighty (180) days from the date of the alleged occurrence of the alleged violation.
 - b. Any investigation on the part of IDHR will be independent of the Human Relations Commission's investigation and will be governed by the statutory provisions of the Human Rights Act and applicable regulations.
 - (2) A complaint will be deemed filed with the human relations commission when it has been filed with the chairperson of the human relations commission or an employee of the city designated by the chairperson to receive complaints; in person, in writing and signed by the complainant. The human relations commission may waive any of these requirements upon a showing of extraordinary circumstances. Each complaint, once filed, shall be docketed and assigned a case number by the chairperson or an employee of the city designated by the chairperson to receive complaints.
 - (3) A complaint shall be in such detail as to substantially apprise any party of the date, place and facts with respect to the alleged violation. It must contain the following: (a) the name and address of the complainant; (b) the name, address and telephone number (if known) of the respondent; and (c) a statement of the facts alleged to constitute the chapter violation, including the date(s), location(s) thereof, and basis of discrimination.
 - (4) The filing of a complaint or the failure to file a complaint with the human relations commission does not bar any person from seeking any other remedy that may be provided by law.
- (d) The human relations commission shall serve upon the respondent a copy of any complaint (original or amended) filed against said respondent and a copy of this chapter within ten (10) days of filing thereof.

- (e) Notwithstanding any other provision of this chapter, once a complaint has been served on a respondent, the respondent shall preserve all records and other material which may be relevant to the case until the matter has been closed.
- (f) If a majority of the human relations commission determines after such investigation that probable cause exists for the allegations made in the complaint, the human relations commission shall set a date for a conciliation conference. Such conciliation conference shall be informal and no record of the proceedings shall be kept. At such conference, the human relations commission or any member thereof shall interview the complainant and the person against whom the complaint has been directed and shall attempt to resolve the complaint by all proper methods of conciliation and persuasion. If such attempts at conciliation are not successful within thirty (30) days after the date of filing of the complaint, the human relations commission shall then proceed promptly with a full hearing of the complaint.
- (g) The following parameters shall govern the amendment of any complaint filed with the human relations commission:
 - (1) A complaint, or any part thereof, may be amended as a matter of right to cure technical defects or omissions at any time.
 - (2) A complaint, or any part thereof, may be amended by the complainant as matter of right to clarify or amplify allegations made therein, due to a change of circumstances, or to set forth additional facts or allegations related to the matter of the original charge, at any time before a public hearing and such amendment shall relate back to the original filing date. The amended complaint shall be in writing, shall be in the same form and shall follow the same content requirements as specified in this section, paragraphs (3)(a), (b), (c) with respect to the original complaint, unless impracticable.
 - (3) When facts not raised by the pleadings are heard at a conference or hearing by express or implied consent of the parties, they shall be treated in all respects as if they had been raised in the pleadings. Such amendment of the pleadings as may be necessary to cause them to conform to the evidence and to raise these issues may be made upon motion of any party at any time, but in any event before a final decision is reached; failure to so amend shall not affect the result of the hearing of these issues. If evidence or an amendment is objected to at a hearing on the grounds that it is not within the issues made by the pleadings, the sitting panel may allow the pleadings to be amended and shall do so freely when the presentation of the merits of the action will be served thereby and the objecting party fails to satisfy the sitting panel that the admission of such evidence would prejudice the party in maintaining the party's action or defense upon the merits. The chairperson of the human relations commission may grant a continuance to enable the objecting party to respond to such evidence.
- (h) A complaint or any part thereof may be unilaterally withdrawn by the complainant at any time prior to a determination of the human relations commission that there is probable cause to believe that the allegations made in the complaint state a violation of this chapter, or prior to the human relations commission's dismissal of the complaint. A complainant's request to withdraw a complaint shall be in writing and shall be signed by the complainant. The human relations commission shall approve the request if it is knowingly and voluntarily made, and shall promptly notify all parties in writing of the withdrawal.
- (i) Each respondent shall file a short written answer and any defenses within fourteen (14) days of receipt of the complaint. The respondent shall file the answer with the human relations commission and shall serve it upon the complainant. The answer shall not exceed five (5) typewritten pages unless the human relations commission expressly grants permission otherwise. The response shall contain the full name, address and telephone number of respondent and the name, address and telephone number of respondent's attorney if respondent is represented by counsel. The response should contain specific information that directly addresses the allegations contained in the complaint. If no response is filed within the fourteen (14) days, it is presumed that the complaint is not denied and such failure to respond will not delay processing of the complaint.

- (j) Every party has the responsibility to promptly provide the human relations commission with notice of any change in address or any prolonged absence from that current address where he or she can be located when necessary at any time while the case is pending before the human relations commission. In addition, each party is responsible for providing the human relations commission with necessary information and to be available for interviews and conferences upon reasonable notice or request by the human relations commission. If a complainant cannot be located or does not adequately respond to reasonable requests by the human relations commission, the human relations commission may dismiss the complaint. The human relations commission shall promptly serve upon the parties written notice of the dismissal. The notice shall be addressed to the complainant at the last known address, and shall advise that the complainant may obtain review of the matter by the human relations commission by filing a motion to reconsider. If a respondent does not adequately respond to reasonable requests by the human relations commission, the human relations commission may consider the lack of response as an admission of guilt by the respondent.
- (k) The human relations commission may subpoena witnesses and documents as permitted by law, union contract and/or personnel/disciplinary regulations, in order to facilitate any such investigation and/or hearing, provided, however, that subpoenas shall only be issued to persons or for documents which have a substantial evidentiary connection with a written complaint sworn to before the human relations commission, where the opposing parties cannot or will not agree to provide such information voluntarily. In regard to complaints against city employees, the issuance of a subpoena shall be further contingent upon the human relations commission's determination that any internal review procedure of a prospective subpoena recipient has concluded, and upon the human relations commission's consideration of the results thereof, that the subpoena issuance is still required in order to facilitate the proceedings pending before the human relations commission.
- (l) All members of the human relations commission shall maintain the highest level of confidentiality with regard to any and all information received in connection with their work hereunder, and in connection with any and all reports, results of investigations and recommendations it shall issue, and shall sign a confidentiality agreement to that end.
- (m) The human relations commission may issue such publications and results of investigations and hearings, subject to legal and confidentiality limitations, and may make such recommendations to complainants, accused persons and the mayor and city council as in its judgment will effectuate the policy of this chapter. Within forty-five (45) days of receipt of such recommendations, every recipient thereof must respond to the human relations commission, including a written statement of the recipient's actions, or refusal to act, in accordance with the recommendations of the human relations commission.

(Ord. No. O12-043, § 1, 6-12-12)

Sec. 22-27. - Judicial relief.

Whenever deemed necessary in order to preserve the power of the human relations commission and the rights of a complainant to resolve a complaint, the City of Aurora, through its corporation counsel, may apply to a court of competent jurisdiction for an injunction or other judicial relief to accomplish such purpose.

(Ord. No. O12-043, § 1, 6-12-12)

Sec. 22-28. - Penalty.

Any person found guilty of violating any portion of this chapter may be ordered to pay damages, benefits and/or back pay; and, if a complaint is filed in the circuit court for the County of Kane by the corporation counsel for enforcement of the human relations commission's ruling at the public hearing, the persons found in violation of this chapter can be fined up to one thousand dollars (\$1,000.00) for each offense.

(Ord. No. O12-043, § 1, 6-12-12)