

“HOW ARE DISCRIMINATION CLAIMS HANDLED?”



COMMISSION
"United for a Better Community"

The Procedures of the CITY OF DECATUR HUMAN RELATIONS COMMISSION

http://www.ci.decaturn.us/citygovernment/hr_commission.htm

CONTACT INFORMATION FOR THE COMMISSION:

**DECATUR HUMAN RELATIONS COMMISSION
#1 GARY K. ANDERSON PLAZA
DECATUR, IL 62523
(217) 424-2805**

First Edition: September, 2007

NOTICE:

This pamphlet is distributed by the City of Decatur Human Relations Commission strictly as a general summarization of the provisions of Decatur City Code, Chapter 28, Unlawful Discrimination, and the standard operating procedures of the Commission. It is not intended to be an all-inclusive, mandatory directive as to how all claims of unlawful discrimination are to be handled. This pamphlet does not contain all the provisions, definitions or limitations contained in the actual Code; therefore, complainants must consult with the Human Rights Officer or the Commission to determine whether their claim is actionable under the Code.

TABLE OF CONTENTS

<u>QUESTION</u>	<u>PAGE</u>
<i>“I’ve been treated unfairly and I want to file a discrimination claim!”</i>	5
<i>“OK. My boss fired me from my job and I want to file a charge!”</i>	6
<i>“I can show discrimination! Does that mean I will get _____?”</i>	6
<i>“So that’s it? Just because they say they didn’t discriminate against me then they’re off the hook?”</i>	7
<i>“Will it cost me anything to file my complaint and have it investigated?”</i>	7
<i>“How does the Human Rights Officer deal with my issues?”</i>	7
<i>“After the Human Rights Officer hears my story, will I get whatever remedy that I feel I am owed?”</i>	8
<i>“How long will all of this take?”</i>	8
<i>“If I file a charge, what happens then?”</i>	8
<i>“How does the Human Rights Officer conduct his investigation?”</i>	9
<i>“How will I know what is going on with my charge and the investigation?”</i>	10
<i>“Will the Human Rights Officer contact my witnesses?”</i>	10
<i>“So, if the Human Rights Officer says there’s not enough evidence and the investigation will not continue, does that mean I’m done and there is nothing else I can do?”</i>	11
<i>“What if, after I have filed my charge, I change my mind and just want to forget the whole thing?”</i>	11
<i>“What if the person or organization I accused of discrimination doesn’t answer the charge?”</i>	11
<i>“What if the person or organization I accused doesn’t answer the complaint within 30 days, either?”</i>	12
<i>“What’s this ‘Public Hearing’ thing?”</i>	12
<i>“Does that mean I have to have an attorney to represent me?”</i>	12
<i>“At the end of the Public Hearing, will I know if I won or not?”</i>	13
<i>“So, if the Commission votes and rules, does that mean it is over?”</i>	13
<i>“If I win, what can the Human Relations Commission order the person or organization that discriminated against me to do?”</i>	13
<i>“What if I don’t want to go through all of this hassle? Is there any simpler way my charge can be resolved?”</i>	14

<u>QUESTION</u>	<u>PAGE</u>
<i>“I’m not sure what happened to me amounts to discrimination...it was more harassment than anything else.”</i>	15
<i>“I was sexually harassed; what are the standards for my claim?”</i>	16
<i>“What about the other areas the City Code covers; discrimination in lending, real estate, housing or places of public accommodation?”</i>	16
• <i>Financial Credit</i>	16
• <i>Issuance of Credit Cards</i>	16
• <i>Real Estate Transactions</i>	17
• <i>Public Accommodations</i>	19
<i>“I’m afraid if I file a charge I will be the target for the wrath of the person that I filed the charge against!”</i>	20
<i>“What’s this business about ‘Public Contracts and ‘Affirmative Action?’”</i>	20
<i>“So what is the ‘Human Relations Commission’ and what’s its purpose?”</i>	21

“I’ve been treated unfairly and I want to file a discrimination claim!”

First of all, it is important to realize that just because someone has treated you unfairly, it does not necessarily mean you have been illegally discriminated against. In order to file an actionable claim, you must be able to show that the person or organization that treated you unfairly did so, either in part or solely, because of one of the protected classes to which you belong. The classes protected by Decatur City Code, Chapter 28, *Unlawful Discrimination*, are:

1. **your race**; (Whites, Blacks, Asians, Latinos, Arabs, Native Americans, Native Hawaiians and Pacific Islanders, multi-race individuals, etc.)
2. **your color**; (the specific degree of pigmentation in your skin)
3. **your religion**; (the freedom not to believe is also protected)
4. **your national origin or ancestry**; (because of your ethnicity or accent, or because it is believed that you have a particular ethnic background.)
5. **your age**; (you must be at least 40 years old, unless your complaint is against a training or apprenticeship program; in that case, you must be 18 but not yet 40 years old.)
6. **your sex**; (whether you are male or female)
7. **your sexual orientation**; (whether you are heterosexual, homosexual or bisexual)
8. **your marital status**; (whether you are married, single, separated, divorced or widowed)
9. **your handicap or disability**; (if you have a physical or mental impairment that substantially limits one or more major life activities.) or
10. **your unfavorable discharge from military service**. (includes discharge from any branch of the Armed Forces of the United States, their reserve components or any National Guard or Naval Militia. The discharge classification must be RE-3 or equivalent, but not “dishonorable”.)

The unfair treatment you were subjected to must have occurred within the last 180 days and within the corporate limits of the City of Decatur, Illinois, and during your **employment; or a financial credit or lending situation; or an unfair housing practice; or an unfair public contract administration; or while you were trying to enjoy some form of public accommodation; or as a result of the City’s affirmative action program**. Any other situations are not covered by Chapter 28.

***“OK. My boss fired me from my job because I’m _____!
That’s a protected class and I want to file a charge!”***

You can fill in the blank in the above statement with whichever of the protected classes you belong. Simply claiming your protected class was the reason you were fired or laid off from your job; or you didn’t get a promotion or pay raise; or you were disciplined harshly; or you were an applicant and weren’t hired; doesn’t necessarily mean you have an actionable claim. The courts have set some “tests” your claim must “pass” in order for your charge to proceed. The tests are:

1. You must state your protected class and, if it is not immediately evident, you must provide proof you belong to that protected class; and
2. Next, you must show that your employer knew or should have reasonably known that you belonged to that protected class; and
3. You must show that you were performing your job duties in compliance with all of the work rules, regulations and company policies; or, if you were an applicant, that you were minimally qualified to perform the job you applied for; and
4. You suffered some type of action from your employer that was harmful (termination; failure to promote; failure to hire; disciplinary action; etc.); and
5. You must show that other employees (or applicants) who do not belong to your same protected class and were in the same set of circumstances (with the same boss or supervisor) did not suffer the same type of harmful action as you suffered.

“I can do all that! Does that mean I will get _____?”

Here again, you can fill in the blank with whatever it is you hope to gain by your charge being upheld by the Human Relations Commission (your job back; a promotion; a raise; the discipline withdrawn; a monetary settlement; etc.). The answer to your question is, “Not necessarily.” The courts have established a process that protects your rights equally with the rights of those you are accusing of discrimination. Once you have made your charge of discrimination, the person you are accusing has an opportunity to respond.

The person you are accusing will answer the following questions:

1. Whether or not they agree that you belong to a protected class as you claim;
2. Whether or not they were aware that you belonged to that protected class;
3. Whether or not you were performing in accord with all of their rules, regulations and policies;
4. Whether or not they took some type of adverse job action against you;
5. Whether or not they agree that the examples of others treated better than you, which you cited in your charge, were individuals similarly situated to you and not in your protected class; and

6. What legitimate, non-discriminatory, reason they had to take the action against you.

“So that’s it? Just because they say they didn’t discriminate against me then they’re off the hook?”

Not necessarily. Now, the ball is back in your court; it is up to you to prove that the so-called legitimate, non-discriminatory, reason that they claim for taking the action against you, is an excuse rather than the real reason they took the action.

“How will I do that?”

You may not be able to do so. Unless you have credible, reliable witnesses to support your charge; or your examples of others who were in the same circumstances but treated better than you are sufficiently similar and convincing enough.

“Who will make that decision?”

The City of Decatur’s Human Rights Officer is the person who is hired to receive your complaint and investigate it. The Human Rights Officer is located in the Civic Center on the second floor, in the Human Resources Division office. The office is open Monday through Friday, 8:00 a.m. through 5:00 p.m. The office is closed on weekends and most National Holidays.

“Will it cost me anything to file my complaint and have it investigated?”

No. However, if the matter results in a Public Hearing and you choose to be represented by an attorney, you may have to pay your attorney’s fees.

“How does the Human Rights Officer deal with my issues?”

When you enter the Human Resources office, you will be greeted by a receptionist. You should explain why you are there. The receptionist will check on the immediate availability of the Human Rights Officer. If the Human Rights Officer is able to speak with you at that time, you may make your claim in person. If not, the receptionist will provide you with a packet entitled, “*You May File a Charge*”.

The packet can be filled out in the office or taken with you to be filled out and returned at a later time. Remember; you only have 180 days from the date the discrimination occurred to file your charge. Once you have completely filled out the packet, you should return it to the receptionist and the Human Rights Officer will contact you to make an appointment for an interview.

During your interview, the Human Rights Officer will ask you a series of questions to determine whether or not your initial claim qualifies, under Chapter 28 of the City Code, as unlawful discrimination. You will be asked to provide any witnesses' names and telephone numbers at that time. If you have any documents or papers that are important to your claim, you should also bring them with you to the interview. The Human Rights Officer will want to make copies of those papers.

The Human Rights Officer may also provide you with paperwork from the Illinois Department of Human Rights in Springfield so that you can file a claim with them, as well as the phone number for the Equal Employment Opportunity Commission in Chicago, if your claim involves allegations of employment discrimination.

“After the Human Rights Officer hears my story, will I get whatever remedy that I feel I am owed?”

The Human Rights Officer may elect to make contact with the person you are accusing of discrimination and ask for their side of what happened. Based upon that conversation, the Human Rights Officer may weigh your version of the issues against those of the accused person or organization and decide if sufficient grounds exist to proceed further.

You may insist on filing a charge, but from a practical standpoint, if insufficient evidence exists to support even a basic case of discrimination, you are wasting your time and that of the Human Rights Officer.

“How long will all of this take?”

The investigative process is not a quick one; some cases take over a year to resolve. In fact, the average amount of time involved in processing a charge is three to four months, even if the charge is eventually dismissed.

“If I file a charge, what happens then?”

If you insist on filing a charge, or the Human Rights Officer determines that you have enough evidence to justify a basic case of discrimination, a charge will be filed. Depending on how much time the Human Rights Officer has available following your

interview, a charge will either be prepared right then for you to sign, or you will be asked to return later when the charge has been prepared for your signature.

At the time you are asked to sign your charge, you will be asked to swear or affirm that the information on the charge is true and accurate to the best of your knowledge. There are severe penalties for anyone who signs a charge that contains information they know to be false; so be sure you read the charge thoroughly!

You will be given a copy of the charge after you have signed it. The Human Rights Officer will also send a copy of the charge to the person that you are accusing of discrimination. Along with the charge, the Human Rights Officer will send a letter to the person accused, informing them that they must respond to the charge within 30 calendar days of receiving it. The Human Rights Officer will also most likely request general information from the accused; such as how many other cases of discrimination have been filed against them, what happened with those cases, and answers to specific questions pertaining to your allegations. You will be given copies of that letter for your files.

“How does the Human Rights Officer conduct his investigation?”

The Human Rights Officer usually begins the investigation immediately after speaking with you. Your witnesses are contacted and, if they are cooperative, statements are taken from them. Once the response is received from the person or organization you have accused of discrimination, that information is reviewed and evaluated.

The Human Rights Officer may contact you and the accused to see if mediation or conciliation is a possibility (those two processes are discussed later in more detail). If more information is needed to clarify the accused’s response to your charge, the Human Rights Officer will either request it by certified mail or hold a fact-finding conference.

A fact-finding conference is a private meeting between you, the Human Rights Officer and the accused party. You may have a person of your choice to be with you during the conference, but that person may not speak. The purpose of the conference is to allow the Human Rights Officer to question your witnesses, or those of the accused, in order to gather more information or clarify the issues.

Normally, all witnesses are kept out of the conference until they are needed for questioning and they must leave the room when their questioning is finished. If you intend to offer the person you chose to be with you during the conference as a witness to be questioned, you need to remember that the person cannot be with you during the conference.

Neither you nor the accused will ask any questions of any of the witnesses. Only the Human Rights Officer will question the witnesses. Neither you nor the accused will speak directly to each other during a fact-finding conference. Both of you will speak only to the Human Rights Officer.

Raised voices, angry comments, disrespectful behavior or hostility will not be tolerated during the conference.

The Human Rights Officer will not conclude the investigation until all pertinent and relevant information has been gathered and a determination of whether or not probable cause to pursue your charge still exists.

“How will I know what is going on with my charge and the investigation?”

All correspondence between you and the Human Rights Officer pertaining to your case will be sent to you by certified mail. That means, you will be asked to sign for the letter at the time it is delivered. If you are not at home, a notice will be left by the postal carrier, informing you that you have a certified letter to be picked up at the post office. IF YOU DO NOT PICK UP YOUR LETTER OR YOU DO NOT SIGN FOR THE LETTER WHEN ASKED TO DO SO BY THE POSTAL CARRIER, THE HUMAN RIGHTS OFFICER WILL DISMISS YOUR CASE.

Certified mail is used to prove that you are kept informed on the progress of your case and that you were informed of anything further you need to do to assist with the investigation of your charge. Receiving those letters and complying with any requests from the Human Rights Officer is very important to the investigation.

“How soon will I hear something about my charge or the investigation?”

Although the person you are accusing has 30 days in which to respond to your charge, sometimes the Human Rights Officer will give them more time. More time is granted only in cases where the accused asks for the additional time and provides a good reason for the delay. Unless there are very unusual circumstances, no more than 30 additional days will be granted for the accused to respond to the charge.

When the accused mails the Human Rights Officer their response to the charge, the Human Rights Officer will look the response over. You will most likely receive a phone call from the Human Rights Officer. If you do not have a telephone, the Human Rights Officer will send you a certified letter asking you to contact the office. You will be asked to make an appointment to come in and go over the accused’s response with the Human Rights Officer.

“Will the Human Rights Officer contact my witnesses?”

Most of the time, the Human Rights Officer will contact your witnesses and interview them during the period of time between the charge being mailed to the accused and when the accused’s response is received. At the time you come in to review the accused’s response, the Human Rights Officer should have a good idea of how much evidence there is to support your charge. At that time, the Human Rights Officer will inform you

whether or not enough evidence exists to continue the investigation. If there is not enough evidence to continue, your charge will be dismissed.

“So, if the Human Rights Officer says there’s not enough evidence and the investigation will not continue, does that mean I’m done and there is nothing else I can do?”

No. You may go directly to the Human Relations Commission and ask the Commissioners to file a complaint on your behalf and to hold a Public Hearing. After hearing your request, the Commissioners will ask the Human Rights Officer why the decision was made to dismiss your charge. The Commissioners will then vote on whether or not to file a complaint on your behalf.

In fact, when your charge is not dismissed by the Human Rights Officer, but it has been over 120 days (4 months) since you filed the charge and the Human Rights Officer still hasn’t finished the investigation, you may go to the Human Relations Commission and ask them to file a complaint on your behalf.

If you also previously filed a charge with the Illinois Department of Human Rights and/or the Equal Employment Opportunity Commission, the dismissal of your claim with Decatur’s Commission will not effect the other agencies’ investigations or outcome.

“What if, after I have filed my charge, I change my mind and just want to forget the whole thing?”

That’s fine. All you have to do is come to the Human Resources Office and sign a form indicating that you wish to voluntarily withdraw your charge. In fact, you may do so at any time during the process, as long as it is before the end of a Public Hearing on your charge (should a complaint be filed).

“What if the person or organization I accused of discrimination doesn’t answer the charge?”

If the accused does not ask for more time and they do not respond within 30 days, the Human Rights Officer will file a complaint against the accused person or organization. The city ordinance mandates that the accused **MUST** answer the complaint within 30 days. In addition, a time, date and place is set for a Public Hearing to be held on the allegations contained in the complaint.

“What if the person or organization I accused doesn’t answer the complaint within 30 days, either?”

In that case, the allegations you made against the person or organization are assumed to have been admitted. There will be no need for a Public Hearing to consider the evidence in support of your allegations; only a hearing for the purposes of determining what penalties should be imposed on the accused.

“What’s this ‘Public Hearing’ thing?”

Up until the time a complaint is filed and a Public Hearing is scheduled, **the fact that you filed a charge and the Human Rights Officer investigated it, is completely confidential. You may not discuss the matter publicly and neither can the person you accused.** But, when a complaint is filed and a Public Hearing is scheduled, the matter becomes public information and there is no privacy connected with your allegations or the accused’s response. In fact, notice is sent to all the media announcing the date, time and place of the Hearing and the proceedings are open to the public.

The Public Hearing is most often presided over by a Hearing Officer who is appointed by the Human Relations Commission. The Hearing Officer may be a member of the Commission or any other person the Commission deems qualified to serve in the role. The Commission may also choose two or more Commissioners to hear the evidence during the Hearing.

The Hearing is held for the purposes of you presenting your side of the matter before the Hearing Officer, and for the purpose of the person or organization you are accusing to present their side of the story. The Hearing is conducted very similarly to a trial in court; there are rules that must be followed which govern what questions you will be allowed to ask, when you may speak, and what information you will be allowed to have considered by the Hearing Officer.

“Does that mean I have to have an attorney to represent me?”

You don’t have to have an attorney, but it is highly recommended that you have one. Attorneys have experience presenting evidence; they know the rules of what is admissible and what is not; and they understand what questions should be asked of the accused person or organization’s witnesses. The Human Rights Officer is not permitted to represent you during the Hearing. If you hire an attorney, you will have to pay for it yourself. Of course, if you win your case, you may ask the Hearing Officer to require the person you accused to pay your attorney fees.

“At the end of the Public Hearing, will I know if I won or not?”

Not immediately. The Hearing Officer or the Commissioners who preside over the Hearing, whichever the case may be, will prepare a report of their findings and make a recommendation as to whether you successfully proved your discrimination claim to the entire Human Relations Commission. The Commission will consider the report and recommendation and then vote on whether or not to adopt it as their official ruling.

It will take time for the Hearing Officer or the Commissioners who heard the evidence to compile the report. It includes not only a summary of the evidence, but most often the points of law or prior case decisions to support the finding and recommendation. That research is very time consuming.

If either you or the person or organization you accused of discrimination does not like the report or recommendation of the Hearing Officer (or the Commissioners who heard the evidence), then either one of you may file a written exception to the report and recommendation. That written exception must be supported by arguments and served on both parties and the Commission within 10 days of the date the report and recommendation was first received.

If no one files any written exceptions to the report and recommendation, or the Commission considers whatever written exceptions are filed, they still must vote, and approve by a majority of Commissioners present at the time of the vote, a ruling on the complaint.

The Human Relations Commission most often votes on their rulings at one of their regular monthly meetings, so even after the report and recommendation is completed and copies provided to the Commissioners, the matter must wait until the following Commission meeting to be voted upon.

“So, if the Commission votes and rules, does that mean it is over?”

Not necessarily. Either you or the person or organization you accused may appeal the Commission’s ruling in circuit court.

“If I win, what can the Human Relations Commission order the person or organization that discriminated against me to do?”

The Commission may direct and order the accused to:

1. stop violating any parts of Chapter 28 of the City Code;
2. pay you actual damages for injury or loss that you suffered (as reasonably determined by the Commission and supported by evidence you provide at a hearing);

3. hire, reinstate or upgrade you, with or without back-pay, and/or reinstate any fringe benefits that you were denied;
4. admit or restore you to a labor organization you were denied membership to, or a guidance program, apprenticeship training program, on the job training program, or other occupational training or retraining program;
5. admit you to the place of public accommodation that you were denied entry to;
6. extend to you the full and equal enjoyment of the good, services, facilities, privileges, advantages, or accommodations of the public place where you were denied the same;
7. pay you for all or a portion of the costs involved in making your claim, including reasonable attorney fees and any expert witness fees incurred while you were presenting your claim to the Human Rights Officer, the Human Relations Commission and the Public Hearing;
8. regularly report their compliance with Chapter 28 of the City Code;
9. Post notices in a conspicuous place which the Commission may publish which set forth the requirements for compliance with Chapter 28 or any other relevant information the Commission deems necessary to explain the City Code regarding unlawful discrimination;
10. take whatever actions as are necessary to “make the matter right” with you, including, but not limited to, paying you interest on the actual damages you were able to document to the Commission during the Hearing, as well as back-pay from the date of the discrimination; and
11. if any discriminatory actions on the part of a real estate firm were involved in your claim, the firm can be ordered to pay the City of Decatur a \$500 fine for the first offense and \$1,000 for each subsequent offense.

“What if I don’t want to go through all of this hassle? Is there any simpler way my charge can be resolved?”

Yes. Sometimes, if you and the person you accused of discrimination are willing to do so, the Human Rights Officer can arrange for a mediation or conciliation session to take place prior to any complaint being filed and Public Hearing being scheduled.

The purpose of such a session is to get both sides together and see if you can reach an understanding or agreement which is acceptable to both of you. If you are able to agree upon a resolution to your charge, the Human Rights Officer will prepare a written agreement that will be signed by you and the accused. The agreement is then submitted to the Human Relations Commission for approval.

The charge and all the proceedings remain strictly confidential between you, the accused and the Commission. If, for any reason, the mediation or conciliation session is not successful, then the processing of your charge will continue.

“I’m not sure what happened to me amounts to discrimination...it was more harassment than anything else.”

Harassment is a form of discrimination. Harassment may be outright threats or hostile comments directed toward you because of your protected class. Harassment may also be teasing, joking or name calling which refers to your protected class. Harassment can also be the posting of photos, cartoons or documents which degrade or demean your protected class. In some instances, practical jokes can constitute harassment.

Just as with discrimination claims, harassment claims have to pass the “tests” the court has set forth. In order to file a discrimination charge based on harassment, you must be able to show the following:

1. That the conduct of the person or organization you are accusing of harassment was unwelcome; in other words, that you did not encourage it, ignore it, or “go along with it”, and that you made the accused aware of your objections to their conduct; and
2. That the conduct was either severe enough in a single instance to shock the conscience of a reasonable person, or that the conduct was pervasive or widespread and repeated often; and
3. That unwelcome conduct created a “hostile or abusive environment” for you in your workplace; while you were attempting to secure a loan or while conducting some sort of real estate transaction or business; while you were attempting to secure housing or while dealing with your landlord or building management; or while you were attempting to enjoy a place of public accommodation; and
4. That the management of the place where the harassment is occurring was made aware of the harassment and either did nothing or responded ineffectively to it and allowed it to continue.

The person doing the harassing need not be a fellow employee if it occurs in the workplace. You must only show that you made your employer aware of the harassment and they did nothing or responded ineffectively.

You will have to show that you warned the accused that their conduct was offensive to you and unwelcome, and that you wanted it to stop immediately. You will also need to show that the conduct made you fearful, uncomfortable, distracted, nauseous, anxious, angry or frustrated and left you unable to concentrate on necessary tasks or able to enjoy the accommodations. These are just some examples of a “hostile or abusive environment” and the list is not intended to be all inclusive.

The courts have ruled that just because a workplace is unpleasant, it does not mean the environment is sufficiently hostile to justify a claim. Occasional vulgar banter, even that tinged with sexual innuendo or coarse, insensitive or rude behavior on the part of coworkers, is neither pervasive nor offensive enough. The courts have said the unwelcome conduct must be sufficiently pervasive that the workplace is “hellish”.

“I was sexually harassed; what are the standards for my claim?”

Sexual harassment is no different than harassment based on any other protected class. The same standards apply, except that the unwelcome conduct must be of a sexual nature.

Examples might be (but are not limited to) sexual comments, actual lewd fondling or touching, staring at body parts, repeated requests for dates or sex, or that a person in a position of authority over you is withholding a job, promotion, pay raise or transfer unless you submit to their sexual requests, or threatening to discipline or fire you unless you submit. Sexual harassment can also be lewd emails or the posting of offensive cartoons, photos or drawings to the extent that it is pervasive and creates a hostile working environment.

The charging and investigative process is the same for harassment claims as with cases of discrimination.

“What about the other areas the City Code covers; discrimination in lending, real estate, housing or places of public accommodation?”

Let’s take each of those one at a time:

FINANCIAL CREDIT – The Code prohibits any financial institution, on the grounds of unlawful discrimination, to:

- Deny you any of the services normally offered by them;
- Provide you with any service which is different from, or provided in a different manner than other persons under the same circumstances that are not of your same protected class;
- Deny you or vary the terms of a loan:
 - on the basis that some piece of real estate you offered as collateral for the loan is located in a specific geographic area; or
 - ignoring or not considering all of the regular and dependable income of all of those who would be held accountable for repayment of the loan; and
- Use lending standards that have no economic basis.

ISSUANCE OF CREDIT CARDS – The Code prohibits a person who offers credit cards to the public in the City of Decatur:

- to refuse to issue you a credit card, when you have applied appropriately, based on unlawful discrimination; and

- to fail to inform you (if you ask) of the reason that your application for a credit card was rejected.

REAL ESTATE TRANSACTIONS – The Code prohibits an owner or any other person handling a real estate transaction, or for a real estate broker or salesperson, because of unlawful discrimination or your familial status, to:

- refuse to have a real estate transaction with you or refusing to assist you with a real estate transaction;
- alter the terms, conditions or privileges of a real estate transaction or deny you the use of facilities or services in connection with a transaction;
- refuse to receive or fail to tell a seller of a bona fide offer for a real estate transaction from you;
- refuse to negotiate a real estate transaction with you;
- represent to you that a piece of property is not available for showing, sale, rental or lease when, in fact, it is available, or to fail to bring a property listing to your attention, or to refuse to permit you to see a piece of property;
- print, circulate, post, mail, or publish a written or oral statement, advertisement or sign, or to use a form of application in connection with a prospective real estate transaction, which directly or indirectly, has as its intent to engage in unlawful discrimination;
- offer, solicit, accept, use or retain a listing of property knowing that unlawful discrimination or discrimination on the basis of familial status in a real estate transaction is intended.
- to refuse to sell, rent, make unavailable or deny a place to a buyer or renter because of a handicap of that buyer or renter; a handicap of a person residing in or intending to reside in that place after it is sold, rented or made available; or a handicap of any person associated with the buyer or renter;
- to alter the terms, conditions of sale or rental of a place, or the provision of services or facilities connected to the place because of a person's handicap or a handicap of any person residing or intending to reside in that place after it is sold, rented, made available, or a handicap of any person associated with that person;
- to refuse to permit, at the expense of the handicapped person, reasonable modifications of the place occupied or to be occupied by the handicapped person, if the modifications are necessary in order for the handicapped person to fully enjoy the place. However, in the case of a rental, and if it is reasonable, the landlord can make the handicapped person agree to restore the interior of the place as it was before the modifications, taking into account reasonable wear and tear. The landlord also may not increase the security deposit for handicapped persons. However, if it is necessary to ensure that money will be available to pay for the restorations at the end of the handicapped person's lease, the landlord can negotiate a provision requiring that the handicapped person pay into an interest

- bearing escrow account, a reasonable amount of money that does not exceed the cost of the restorations. The interest in the account must accrue to the benefit of the handicapped tenant. A landlord can withhold his or her permission for a modification until the renter provides a reasonable description of the proposed modifications and reasonable assurances that the work will be done in a competent manner and that any required building permits will be obtained.
- to refuse to make reasonable adjustments in rules, policies, practices or services, when the adjustments are necessary for a person's equal opportunity to use and enjoy a place.
 - to fail to design and build multi-family places in such a manner that:
 - the public use and common areas of such places are readily accessible to handicapped persons;
 - all the doors are designed wide enough that a handicapped person in a wheelchair can pass through, and into all areas of the place and,
 - all areas within such places contain the following features:
 - an accessible route into and through the dwelling;
 - light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;
 - reinforcements in bathroom walls to allow later installation of grab bars; and,
 - usable kitchens and bathrooms so that anyone in a wheelchair can maneuver about the space.
- Compliance with the appropriate standards of the Illinois Accessibility code will satisfy the requirements.
- advertise for sale, lease or listing any residential property alleging the devaluation of other property in the immediate area because of the interest of any persons or potential sale to any persons of any particular race, color, religion, national origin, ancestry, age, sex, marital status, familial status or handicap.
 - hand out or cause to be distributed any written material or statements which would induce any owner of residential property to sell or lease his or her property because of any changes in race, color, religion, national origin, ancestry, age, sex, marital status, familial status or handicap of residents in the area of the property involved.
 - intentionally create alarm, among residents of any community in any manner, including a telephone call, whether or not conversation thereby ensues, attempting to induce any owner of residential property to sell or lease his or her property because of entry into the area of the property by any person or persons of any particular race, color, religion, national origin, ancestry, age, sex, marital status, familial status or handicap.

- It is unlawful for the owner or agent of any housing accommodation to:
 - refuse to sell or rent (after a legitimate offer) or to refuse to negotiate for the sale or rental of a property because any blind, hearing impaired or physically handicapped person has a guide, hearing or support dog.
 - discriminate against any blind, hearing impaired or physically handicapped person in the terms, conditions, or the provision of services or facilities of sale or rental property because he has a guide, hearing or support dog.
 - require, because a blind, hearing impaired or physically handicapped person has a guide, hearing or support dog, an extra charge in a lease, rental agreement, or contract of purchase or sale, other than for actual damage done to the premises by the dog.

PUBLIC ACCOMMODATIONS – a “place of public accommodation” means a business, accommodation, refreshment, entertainment, recreation, or transportation facility of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages or accommodations are extended, offered, sold, or otherwise made available to the public. By way of example, but not limited to, a “place of public accommodation” would include:

hotels and motels, restaurants, taverns, barber shops, department stores, clothing and shoe stores, restrooms, theatres, skating rinks, public golf courses, concerts, elevators, ice cream parlors, railroads, busses, airplanes, boats, funeral homes, crematories, cemeteries, public swimming pools and other places of amusement.

- No person can deny or refuse someone the full and equal enjoyment of the facilities and services of any public place of accommodation because of unlawful discrimination.
- The owner of a public place of accommodation cannot print, distribute, or display any written document which indicates the facilities of a place of public accommodation will be denied to any person or that any person is unwelcome, objectionable or unacceptable because of unlawful discrimination.
- No public official may deny or refuse to someone the full and equal enjoyment of the accommodations, advantage, facilities or privileges of the official’s office or services or of any property under the official’s care because of unlawful discrimination.
- Private clubs or establishments that are not open to the general public are exempt as are allegations of sex discrimination when a facility is distinctly private in nature such as locker rooms, restrooms, areas of health clubs, or rental of rooms only to individuals of the same sex.

“I’m afraid if I file a charge, I will be the target for the wrath of the person that I filed the charge against!”

It is a human rights violation for anyone to retaliate against you because you have taken a stand against what you reasonably believed, in good faith, was unlawful discrimination, or because you filed a charge, a complaint, testified, assisted or participated in an investigation, proceeding or hearing under the City Code.

It is also a violation for a person to aid, assist, force or coerce a person to commit an act of unlawful discrimination or to willfully interfere with the performance of a duty or the exercise of a power by the Commission or one of its members or representatives or the Human Rights Officer.

“What’s this business about ‘Public Contracts and ‘Affirmative Action?’”

PUBLIC CONTRACTS:

- Every public contract to which the City or one of its departments is a party must have, as a mandatory provision, requirements that employers, labor organizations, or employment agencies shall not commit any unlawful discriminatory practice within the corporate limits of the city.
- Any person or business entity which the Commission finds has committed unlawful discrimination, may be barred from doing business with the City or any of its departments for what ever period of time the City Council deems appropriate, up to a maximum of two years.

AFFIRMATIVE ACTION:

- The City will not contract with any general construction contractor in an amount greater than \$10,000, or purchase any goods or services from any vendor in an amount greater than \$5,000, or maintain any financial relationship with any financial institution, or use the services of any labor organization, unless:
 - the organization first submits a written commitment to the City to provide equal employment opportunities, sworn to and signed by the organization’s executive official. The commitment must contain the following agreements:
 - to maintain specific employment practices to achieve equal employment opportunity;
 - to examine all job classifications to determine if minority persons, or women, are underutilized and take appropriate affirmative

action steps to rectify any instances by setting specific goals for participation by minority groups;

- to include in any hiring advertisement that all applicants will be afforded equal opportunity without discrimination because of race, color, religion, sex, national origin or ancestry;
- when the City requests, to submit written evidence of the effectiveness of the above required practices, policies and goals;
- to submit to the City on request, statistical data concerning employee composition or membership composition on race, color, sex, and job description;
- to distribute copies of the commitment to all members of the firm who participate in recruitment, screening, referral, and selection of job applicants and prospective job applicants;
- to send to each labor organization or representative of workers that the firm may have a collective bargaining agreement, or memorandum of understanding with, a notice advertising the firm's obligations under the City Code; and
- to expressly require any subcontractor who has a contract in excess of \$5,000 to submit to the City a written commitment which contains these provisions.

“So what is the ‘Human Relations Commission’ and what’s its purpose?”

The Commission has the duty of making investigations in the field of human rights when they receive allegations of unlawful discrimination as defined by the City Code, Chapter 28. The Commission is made up of 13 members, each appointed by the Mayor with the City Council's approval.

The Commission meets at 5:30 p.m. on the second Thursday of all months but January. Most meetings are held in the City Council Chamber on the 3rd floor of the Decatur Civic Center, #1 Gary K. Anderson Plaza, Decatur, Illinois. The meetings are open to the public unless business, as allowed under the exceptions to the Closed Meeting Act, is being discussed.

The Commission has two standing Committees; Public Relations and Education and Complaints and Compliance. There are special committees appointed from time to time when the need arises. Two regular special committees are Fair Housing and the Rev. Dr. Martin Luther King, Jr. Holiday Celebration planning.

For more information about the Commission or about filing a charge of discrimination, you should contact the Human Rights Officer at 424-2805. The office is in the Human Resources Division on the 2nd floor of the Civic Center.

**DECATUR HUMAN RELATIONS
COMMISSION**

**DECATUR CIVIC CENTER
#1 GARY K. ANDERSON PLAZA
DECATUR, IL 62523
(217) 424-2805**