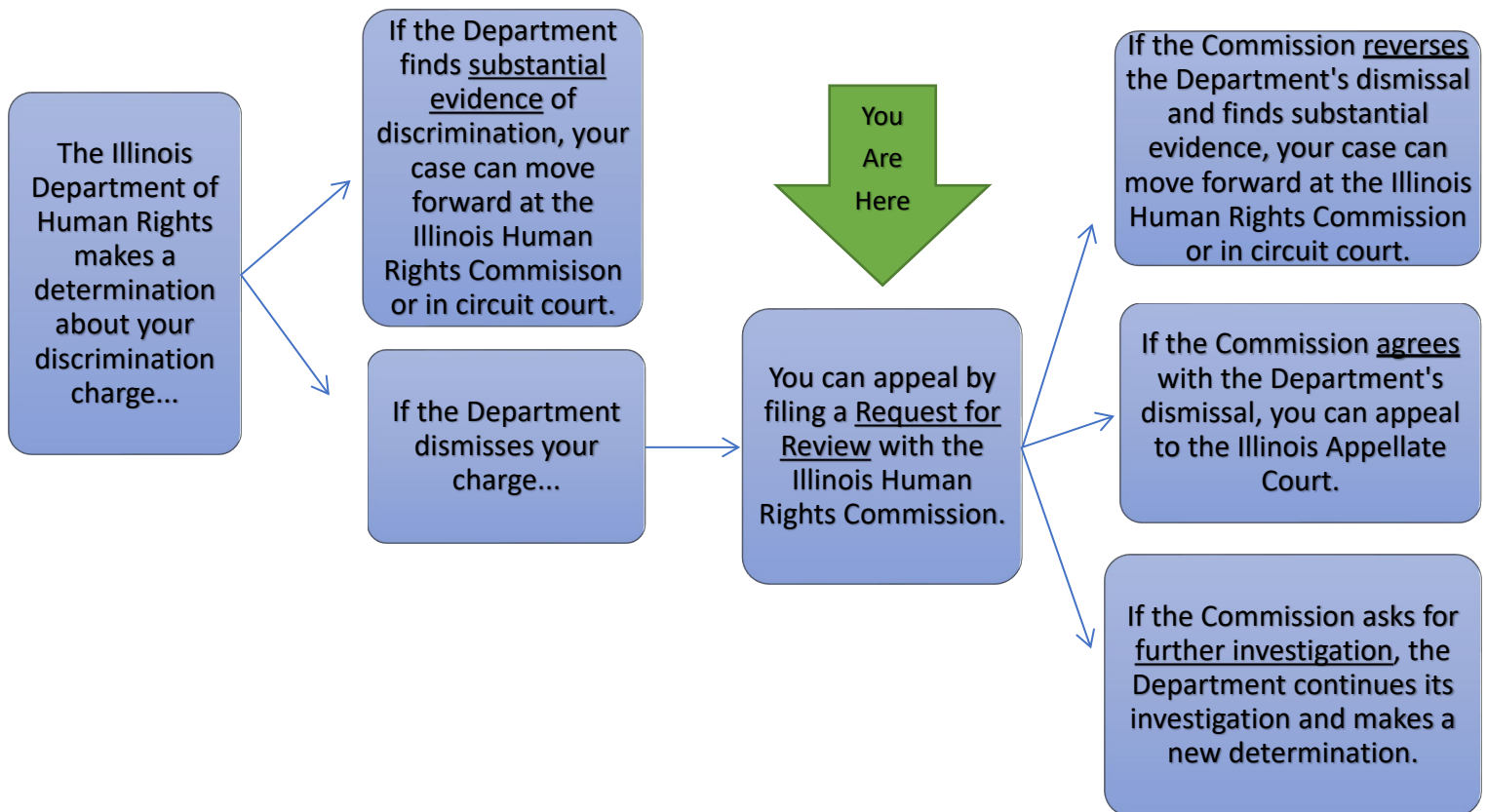




STATE OF ILLINOIS Human Rights Commission

Frequently Asked Questions About the Request for Review Process



Who are these FAQs for?

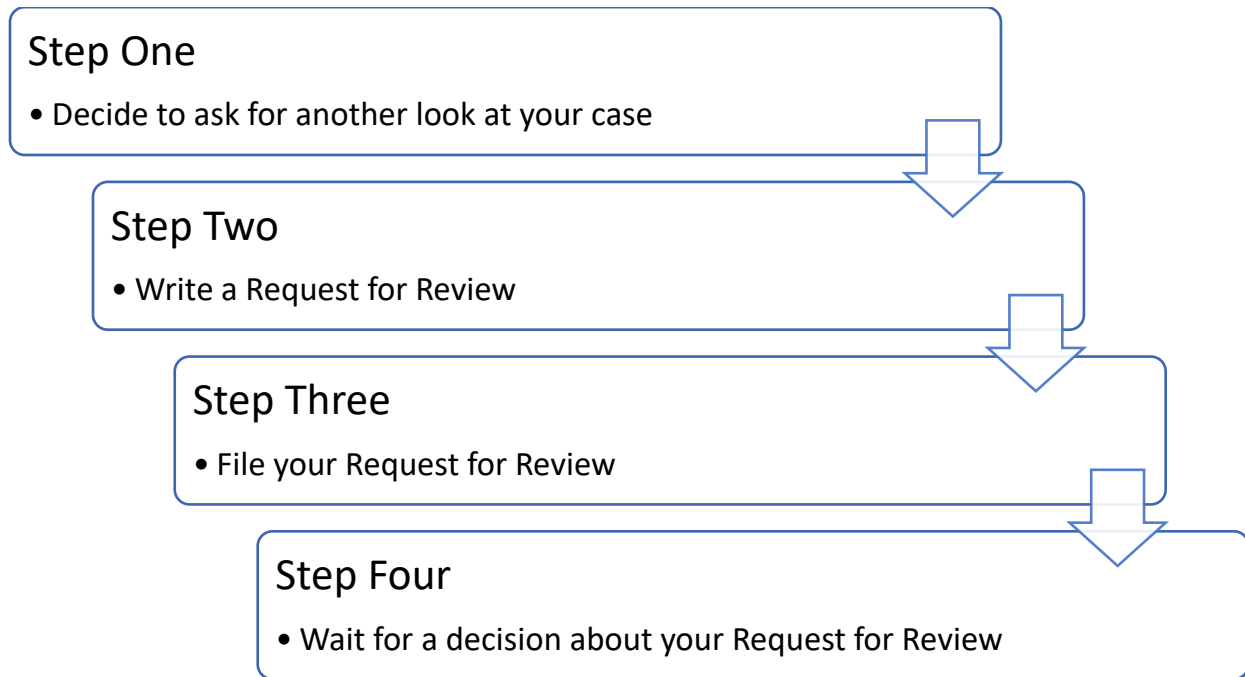
This guide is designed to assist people who have already filed a discrimination charge with the Illinois Department of Human Rights and have had that charge dismissed. It covers the steps for asking the Illinois Human Rights Commission to review the Department's dismissal of the charge. **This guide is meant to be used for informational purposes only and does not constitute legal advice.**

If you believe that you have been discriminated against and have not yet filed a charge with the Department, go to the ["Filing a Charge" page](#) of the Department's website to get more information on the charge process.

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The Request for Review Process



Step One: Decide to ask for another look at your case

The Department of Human Rights dismissed my discrimination charge. Why did this happen?

The Department of Human Rights investigates discrimination charges. They decide if there is **substantial evidence** to support a charge. If the Department finds that there is not substantial evidence, they will dismiss all or part of your charge.

The Department also may dismiss your discrimination charge for **lack of jurisdiction** or your **failure to proceed** with the investigation. The Department's Notice of Dismissal explains why they dismissed your charge.

What if I don't agree with the dismissal?

If you do not agree with the Department's dismissal, you can file a **Request for Review** with the Human Rights Commission. Some reasons that you might not agree include:

- you think the Department missed something important,
- you think the Department made a mistake, or
- you think the Department came to the wrong conclusion.

What is the Human Rights Commission?

The Human Rights Commission is an administrative court system. The Commission makes decisions on complaints of discrimination, approves settlements, and reviews the Department's dismissal of discrimination charges. The Commission has seven Commissioners, including a Chair. They are all appointed by the Governor of Illinois. The Commissioners are quasi-judicial officials with a range of civil rights experience. The Commissioners come from a variety of fields and bring unique perspectives to the Commission.

The Commission's mission is to provide a neutral forum for resolving complaints of discrimination filed under the Illinois Human Rights Act. The Commission is also responsible for furnishing information to the public about the Act and the Commission. To fulfill this mission, the Commission strives to provide professional, competent, and considerate service to everyone who seeks information from us or who has a case before the Commission.

What is a Request for Review?

A **Request for Review** is a written document asking the Commission to review a determination made by the Department of Human Rights. It is just like an appeal.

The Notice of Dismissal that you receive from the Department has a [Request for Review form](#). If you want the Commission to review your case, you must fill out the Request for Review form and file it with the Commission.

There will be a deadline on the Request for Review form that you receive. You must file the Request for Review or ask for an extension by this deadline. Go to the ["I don't have enough time to finish my Request for Review by the deadline. Can I get an extension?" section](#) to learn more.

Step Two: Write a Request for Review

Do I need a lawyer to fill out the Request for Review?

You do not need a lawyer, but you can hire a lawyer to help you. The Commission does not provide lawyers or offer legal help. Go to the ["Information for Self-Represented Litigants" page](#) of the Commission's website for information on getting legal help.

Is there a deadline to file a Request for Review?

There will be a deadline on the Request for Review form that you received. You **must** file the Request for Review by this deadline or ask for an extension.

I don't have enough time to finish my Request for Review by the deadline. Can I get an extension?

If you are not able to file your Request for Review by the deadline, you can ask for a 30-day extension. To ask for an extension, you must file a Motion for Extension of Time to File a Request for Review. The Commission's website has a [fillable "Request for Review / Motion for Extension of Time" form](#).

File a motion the same way you file the Request for Review. Go to the ["I finished writing my Request for Review. How do I file it?" section](#) to learn more.

The first time you ask for an extension, it is automatically granted. If you ask for more extensions, a panel of three Commissioners decides if you should receive the extension.

What if I don't file my Request for Review by the deadline?

You must file your Request for Review by the original filing deadline or any extension deadline.

If you do not file in time, **your case will be over**. This means the Department's determination will be the final decision in your case. The Commission cannot consider any Requests for Review filed late.

How do I fill out the Request for Review form? What do I put in it?

All you need to say is that you want the Commission to review your case because you think the Department's decision was wrong.

But you can give the Commission more information about your case.

For example, you can:

- explain why the Commission should review your case,
- say why you disagree with the Department's determination,
- give the Commission facts you thought the Department missed,
- ask for more investigation of important or missed facts, and/or
- share new evidence that supports your charge.

You also can include **supporting materials or evidence** that prove your case. This evidence can include information you gave to the Department during its investigation. It also can include new documents or evidence.

You can include a copy of your charge and the Department's investigation report. But you do not have to include these documents. The Commission always receives copies of the charge and investigation report.

Why should I include documents that I already gave to the Department?

The Department is not required to give their entire investigation file to the Commission. If you want the Commission to consider any documents or exhibits contained in your investigation file, you must include them with your Request for Review.

The form is only one page. What if I need more space?

You can attach more pages if you need to.

How long can the Request for Review be?

Your Request for Review cannot be longer than 45 single-spaced pages. This includes any supporting materials or evidence. The Commission will not look at any information after page 45.

Will the information in my Request for Review be confidential?

No, the Request for Review is a public record under the Freedom of Information Act (FOIA). This means that the Commission must give copies of the Request for Review and other documents related to your case if someone asks for them in a FOIA request.

The Commission also must publish its decisions on the Commission's website and give them to online legal research databases. Although the Request for Review is not published, information in the Request for Review might be part of the decision. You can look at published decisions on the ["Commission Decisions" page](#) of the Commission's website for examples.

I need information from the Department about my case. How can I get it?

You can look at and make copies of the Department's investigation file to help prepare your Request for Review. Call the Department at (312) 814-6262 to set up a date and time to look at the file. You will need to call at least 3 business days before you want to look at the file. Do not wait until the last minute to ask to look at the file. Files larger than 50 pages will be sent to an outside vendor for copying. The Department is not responsible for fees charged by the vendor.

I have information about my case on a DVD, CD, flash drive, or a cloud storage platform. Can I give the Commission one of these storage devices or cloud links?

No, you cannot use DVDs, CDs, or portable flash drives to give the Commission any information. You also cannot use hyperlinks to cloud storage platforms (for example, Google Drive, Microsoft OneDrive, Apple iCloud, or Dropbox) in your Request for Review.

Step Three: File your Request for Review

I finished writing my Request for Review. How do I file it?

You can file your Request for Review in **one** of the following ways:

- **Email** the Request for Review to HRC.News@illinois.gov. Your Request for Review is considered “filed” with the Commission on the date it was emailed.

Save your Request for Review as a PDF file. This means that you will need to put all your evidence or supporting materials into one PDF file. The Commission cannot accept any other document types by email (for example, .doc, .docx, .txt, .jpeg, or .png).

- **Mail** a paper copy of your Request for Review to:

Illinois Human Rights Commission
Michael A. Bilandic Building
160 N. LaSalle Street, Suite N-1000
Chicago, IL 60601

Your Request for Review is considered “filed” with the Commission on the postmark date. Do not wait until the deadline to mail your Request for Review.

- **Personally deliver** your Request for Review to:

Illinois Human Rights Commission
Michael A. Bilandic Building
160 N. LaSalle Street, Suite N-1000
Chicago, IL 60601

You must go from 8:30 a.m. to 5:00 p.m., Monday through Friday. You cannot go on a [State holiday](#).

- **Fax** your Request for Review to (312) 814-6517. Your Request for Review is considered “filed” with the Commission on the date it was faxed.

Is there a fee to file a Request for Review?

No, there are no fees or charges to file a Request for Review with the Commission.

Step Four: Wait for a decision about your Request for Review

I filed the Request for Review. What happens now?

An attorney from the Commission's Office of the General Counsel takes a fresh look at the case. The attorney will look at your original charge and the information and evidence you include in your Request for Review. The attorney will make a legal recommendation to a panel of three Commissioners. The Commissioners will make a final decision about your case. They will look at the recommendation and use their own expertise to make this decision.

Will other people and agencies give the Commission information about my case?

The Department always files a response to your Request for Review. They have 30 days to do this. The Department must send you a copy of their response. You have 15 days to file a reply to the Department's response.

The person, business, or organization you made a charge against also may file a response to your Request for Review (called a "position statement"). They have 15 days after they receive the Department's response to do this. They must send you a copy of their position statement. You cannot file a reply to the position statement.

Do I have to file a reply to the Department's response? What do I put in it?

No, you can choose whether to file a reply to the Department's response. If you decide to file a reply, you can respond to the issues or arguments covered in the Department's response. File your reply the same way you file the Request for Review. Go to the ["I finished writing my Request for Review. How do I file it?" section](#) to learn more.

How long will it take for the Commission to make a decision about my case?

The Commission needs at least six months to review your case and make a decision. The Commission may take more time depending on the number of cases before it.

Is there a way I can talk to the Commissioners about my case?

You cannot talk to the Commissioners about your case or argue your case in front of the Commissioners.

However, you can attend Commission meetings and listen while the Commissioners discuss your case. Commission meetings are open to the public. Go to the ["Commission Meetings" page](#) of

the Commission's website to find the dates and times for future meetings. You also can see the agendas with the list of cases set for the meetings.

What kind of decisions can the Commission make about my case?

The Commission can:

1. change the Department's dismissal because they find substantial evidence of discrimination (this means your case can move forward),
2. agree with the Department's dismissal, or
3. send the case back to the Department for more investigation.

What if I don't agree with the Commission's decision?

You can appeal the Commission's decision to the Illinois Appellate Court. Go to the ["Resources for Self-Represented Litigants in Civil Appeals" page](#) of the Access to Justice Commission's website to get more information.

What if the Commission changes the Department's dismissal? Does that mean that I win my case?

Your case can now move forward in a court. You can:

1. file your case in the Commission's Administrative Law Section (go to the ["Administrative Law Section" page](#) of the Commission's website to get more information), or
2. file your case in the appropriate circuit court.