**Informal Appeals Hearings & Our By-Laws**

I apologize if this is tl/dr, but I hope you can read it before the meeting when we start discussing possible changes to the by-laws. Many of my suggested changes to the by-laws are editorial. (It's my day job; I can't help myself.)  The substantive changes are to the order of business (updated to reflect current practice), awards (again to reflect current practice), and the section on hearings.

Currently the Ordinance, which trumps our by-laws, specifies a public *informal appeals hearing* (IAH) that complainants can request if they are not happy with a determination of lack of probable cause by the Human Relations Officer. (It’s described in Section 12-82, d-e.) This appeals procedure seems to me to have three problems:

1.  Our by-laws don't currently discuss informal hearings. They do, however, assume that HRC hearings will include testimony under oath, which is not required in an IAH. Despite this lack of rigor, the ruling of the IAH panel is dispositive.

2.  The by-laws specify that no HRC hearing shall be held before less than a quorum of the Commission (four commissioners).  The IAH is held before an ad-hoc panel consisting of one commissioner and two other people, appointed by the Chair, who have familiarity with the Ordinance (something which, along with objectivity, is not easy to ensure).  This also tends to make the process less rigorous, since unlike a jury, the panel might find itself wandering into interpreting or evaluating the law, but without legal training or guidance.

3.  Our complaint-handling system is designed specifically so that a complainant does not have to argue their case pro se or hire counsel; they are represented throughout by the City.  In the IAH, however, the complainant must present their own case, since they are taking issue with the City. That is a difficult position to put a complainant in.  It, too, makes the hearing less rigorous because the complainant may not be skilled at defending themselves publicly.

I'm not sure what we can or should do about these problems, if anything. In my edits, I propose that the outcome of the IAH (as currently designed) be advisory only, not binding. Other possibilities include: the hearing could be formal and before an HRC quorum; a written appeal could be made to the HRC, who could consider it and advise the Officer; or there could be no appeal within the City at this point in the process, as in Champaign. All these suggestions would require some changing of the Ordinance.

Other ideas?

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