**Section 9500.40 Hearings on Complaints**

a) Time and Notice of the Hearing

1) If the Board determines that a hearing on a complaint shall be held, it shall set a hearing date that is within 60 days from the date of that determination, or as soon as possible thereafter.

2) Written notice of the date, time and place of the hearing shall be served on the complainant and on the respondent, or on their designated counsel, if any, by personal service or by certified mail with return receipt requested, not less than 15 days prior to the date set for hearing.

3) Hearings before the Board shall be continued only upon written motion supported by good cause. Good cause includes, but shall not be limited to, illness of family, death in a party's family, or the need for additional time to gather evidence.

b) Conduct of Hearings

1) All available members of the Board will sit en banc at all hearings on complaints, subject to non-participation of a member when the proceedings involve his or her own conduct or the Board member is involved in the events related in the complaint such that he or she could be called as a witness in the complaint.

2) Hearings on a complaint shall proceed from day to day until the taking of any evidence and the hearing of any arguments has been completed.

3) The Board shall have present at each hearing a qualified court reporter for the purpose of making a permanent and complete record of proceedings. The original transcript of the proceedings shall be filed with the Board and will be available for inspection at the WCC offices by or on behalf of members of any party to the proceedings. Upon request and at his or her own expense, any party to the proceedings may obtain a copy of the report from the court reporter at the fair market rate of compensation.

4) The Illinois Rules of Evidence and statutory rules of evidence will not be applicable for purpose of excluding offered evidence, but they will be considered by the Board in weighing the evidence received.

5) If any complainant fails to testify at a proceeding scheduled before the Board regarding his or her previously filed complaint, the complaint shall be dismissed.

6) The respondent, personally or through designated counsel, if any, may waive in writing his or her right to appear before the Board to respond to charges.

7) The respondent or the complainant may retain counsel to represent him or her at the hearing. The Board may grant, on motion, permission to a witness to have counsel present; the counsel may not question or cross-examine witnesses, or otherwise participate in the hearing, except by permission of the Board.

8) The respondent may be questioned by the Board concerning the allegations of the complaint and will be given the opportunity to make such statements, offer such evidence, or give such information, including the names of any witnesses he or she may wish to have heard by the Board, relevant to the complaint as he or she may desire, subject to the Board's authority to place reasonable restrictions on duration of any statement or direct or cross-examination and the volume and nature of any non-testimony evidence.

c) The Board will provide a public notice of all meetings pursuant to Section 2.02 of the Open Meetings Act [5 ILCS 120/2.02].

(Source: Amended at 36 Ill. Reg. 17920, effective December 4, 2012)