**Section 2520.407 Response to Charge**

a) For charges filed on or after September 8, 2017, pursuant to Section 7A-102(B) of the Act, the Department may require respondent to file a response to the allegations in the charge. Respondent shall file a response to the charge within 60 days after service of the Department's request. If the Department does not require a response, Respondent may still choose to file a response to the charge within 60 days after service of the charge. Respondent shall serve a copy of the response to the charge on complainant or complainant's representative and shall show proof to the Department that the copy was served on complainant or complainant's representative.

b) For charges filed on or after September 8, 2017, pursuant to Section 7B-102(B) of the Act, the Department may require respondent to file a response to the allegations in the charge. Respondent shall file a response to the charge within 30 days after service of the Department's request. If the Department does not require a response, respondent may still choose to file a response to the charge within 30 days after service of the charge. Respondent shall serve a copy of the response to the charge on complainant or complainant's representative and shall show proof to the Department that the copy was served on complainant or complainant's representative.

c) Reasons for the Department to request that respondent file a response to the charge may include, but are not limited to:

1) Circumstances of the allegations in the pending charge; or

2) Multiple charges have been filed or are pending against respondent; or

3) Complainant filing a substantive amendment to the charge or a new charge that includes new allegations; or

4) Conflicting or insufficient evidence regarding the legal name or identity of respondent; or

5) Respondent's failure to cooperate during the investigation of the pending charge; or

6) The charge was initiated by the Director.

d) For charges filed on or after September 8, 2017, pursuant to Sections 7A-102(B) and 7B-102(B) of the Act, good cause for untimely filing a response required by the Department may include, but shall not be limited to:

1) Death or sudden, serious illness of respondent or respondent's representative; or

2) Death or sudden, serious illness of an immediate family member of respondent or respondent's representative; or

3) Respondent filed and served a timely response, but the Department later determined that respondent's response was defective; or

4) Respondent acted with due diligence and was not deliberate or contumacious and did not unwarrantedly disregard the response process, as supported by affidavit or other evidence; or

5) Respondent's failure to timely file a response was due to circumstances beyond respondent's control, as supported by affidavit or other evidence.

e) Whether to request a response and whether good cause exists are in the sole discretion of the Department.

f) When respondent is responding to a notice to show cause for failing to timely file the response to a charge required by the Department and/or when respondent is responding to a notice to show cause for failing to timely serve a copy of the response to charge on complainant or complainant's representative, respondent shall include the response to the charge with the response to the notice to show cause and show proof that respondent has served the response on complainant or complainant's representative.

(Source: Added at 42 Ill. Reg. 17235, effective September 17, 2018)