**Section 2520.440 Fact-Finding Conference**

a) Notice. As part of its investigation, the Department may convene a fact-finding conference for the purpose of obtaining evidence, identifying the issues in dispute, ascertaining the positions of the parties and exploring the possibility of a negotiated settlement. Notice of the conference shall be given to all parties at least ten days prior thereto, and shall identify the individuals requested to attend on behalf of each party. These time provisions may be waived by agreement of the parties and the Department.

b) Attorneys, Witnesses. A party may be accompanied at a fact-finding conference by his/her attorney or other representative, and by a translator if necessary. An attorney for a party not previously having entered an appearance must do so at the beginning of the conference. The parties may bring witnesses to the conference in addition to those whose attendance is mandated by the Department.

c) Conduct. The investigator or other employee of the Department shall conduct the conference and control the proceedings. No tape recording, stenographic report or other verbatim record of the conference can be made. The investigator shall decide which witnesses shall be heard and the order in which they are heard. The investigator may exclude witnesses and other persons from the conference, except that each party and one representative and a translator shall be permitted to remain.

d) Dismissal or Default for Non-attendance.

1) For charges filed before January 1, 1996, the failure of a party to attend the conference without good cause after due notice may result in dismissal of the charge pursuant to Section 2520.560 of this Part, in the case of a complainant, or default pursuant to Section 2520.570 of this Part, in the case of a respondent. For charges filed on or after January 1, 1996, the failure of a party to attend the conference without good cause after due notice shall result in dismissal of the charge pursuant to Section 2520.560 of this Part, in the case of a complainant, or default pursuant to Section 2520.570 of this Part, in the case of a respondent.

2) A party who appears at the conference exclusively through an attorney or other representative unfamiliar with the events at issue shall be deemed to have failed to attend, unless, with respect to a respondent, it establishes that it does not employ or control any person with knowledge of the events at issue.

3) Failure to Appear

A) Pursuant to this Section and Section 7A-102(C)(4) of the Act, good cause for failing to attend the fact-finding conference may include, but shall not be limited to:

i) death or sudden, serious illness of a party scheduled to attend the fact finding conference; or

ii) death or sudden, serious illness of an immediate family member of a party scheduled to attend the fact finding conference; or

iii) the party acted with due diligence and was not deliberate or contumacious and did not unwarrantedly disregard the fact-finding conference process, as supported by affidavit or other evidence; or

iv) circumstances beyond the non-attending party's control, as supported by affidavit or other evidence.

B) If more than one person from a party is scheduled to attend the fact-finding conference, the inability of one person to attend shall not constitute good cause for failure of other persons to attend.

4) In assessing good cause, the factors which the Department may consider shall include, but shall not be limited to, whether the party has provided timely notice of its inability to attend the fact-finding conference and whether the party has complied with the Department's request for documentation of the reason for not attending the conference.

5) Whether good cause exists and whether a fact-finding conference is rescheduled are in the sole discretion of the Department.

(Source: Amended at 30 Ill. Reg. 18715, effective November 20, 2006)