**Section 5300.750 Hearing Procedures**

a) Adverse Witness – At the hearing, a witness may be called and examined as if under cross-examination in the same manner and circumstances as provided in Section 2-1102 of the Code of Civil Procedure [735 ILCS 5/2-1102].

b) Testimony and Evidence

1) All testimony taken at the hearing shall be under oath or affirmation.

2) All testimony and other evidence shall be subject to the same rules of evidence as are applicable in courts of record in the State of Illinois.

3) Compelling Appearances of Parties at Hearing – The appearances at the hearing of a Party or a person who at the time of the hearing is an officer, director, or employee of a Party may be required by serving the Party with a notice designating the person who is to appear. The notice also may require the production at the hearing of documents or tangible things. If the Party or Person is a non-resident of the county, the Administrative Law Judge may order any terms and conditions in connection with its appearance at the hearing that are just, including payment of its reasonable expenses. Upon a failure to comply with the notice, the Administrative Law Judge may enter any Order that is just.

4) No Commission or Department employee shall testify on behalf of a Party at a hearing with respect to the contents of any files, documents, reports, memoranda or records of the Commission or Department or of the results of any investigation conducted by the Department except upon Order of the Administrative Law Judge. Any Party may apply for such an Order in the form of a motion and such motion shall identify the Commission or Department employee whose testimony is desired, the nature of such person's testimony, and the specific purpose to be served thereby. The motion will be granted only upon a showing that the information to be elicited from such testimony is admissible and cannot be obtained through other means. A motion to compel a Department employee to testify shall be served by the movant on the Department to the attention of its Chief Legal Counsel.

5) No testimony or other evidence concerning attempts to settle or adjust an alleged civil rights violation shall be given or received in any hearing without the written consent of all Parties.

6) Written stipulations, signed by the Parties to be bound thereby, may be introduced in evidence. Oral stipulations may be made on the record.

c) Record of Proceedings – The Commission shall arrange for a record of the proceedings to be made, transcribed and filed in the Chicago or Springfield office of the Commission. Any such record will be made available for examination by the public in either the Chicago or Springfield office upon reasonable notice.

d) Briefs and Oral Argument – At the conclusion of the evidence, the Administrative Law Judge shall permit the Parties to argue orally and/or submit such briefs or proposed findings of fact and conclusions of law within such time as the Administrative Law Judge may determine. The Department may request leave to file an amicus brief upon an issue presented by the record in a hearing wherein it is not a Party, upon motion to the Administrative Law Judge, which motion shall be served on all Parties. Such motion shall be granted, and a briefing schedule ordered, if, in the opinion of the Administrative Law Judge, the interests of justice would be served thereby. Each Party filing a brief shall file it with the Administrative Law Judge and at the same time serve copies upon all other Parties.

e) Sanctions for Unreasonable Conduct – Should a Party fail to appear at a scheduled hearing without requesting a continuance reasonably in advance, or unreasonably refuse to comply with any Order entered under this Part, or otherwise engage in conduct which unreasonably delays or protracts proceedings, the Administrative Law Judge may file a recommendation of dismissal with prejudice or default or other appropriate Order imposing sanctions as justice may require, including requiring the offending Party or attorney to pay the reasonable expenses and attorney's fees incurred by any other Party as a result of the misconduct. In a case proceeding under the alternative hearing procedure, the Administrative Law Judge may issue a Final Order containing any sanction for unreasonable conduct which the Commission may impose under this Section.

(Source: Amended at 22 Ill. Reg. 1336, effective January 1, 1998)