

**Rules of Procedures for**

**City of Beloit**

**Equal Opportunities Commission**

**Approved by EOC on June 18, 2014**  
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## 1.0 General Provisions

### 1.1 Commission Officers

- (a) The Commission at its regular meeting in August of each year shall elect a Chair and Vice Chair.
- (b) The Chair shall preside over all meetings of the Commission and shall decide all points of procedure subject to reversal by a majority of the members of the Commission.
- (c) The City shall appoint a staff liaison to the EOC. The EOC staff liaison shall prepare minutes of all meetings and shall mail or email a copy to each member of the Commission at least five (5) calendar days before a regular meeting and at least 24 hours before special meetings. The original copy of the minutes shall be filed with the City Clerk's Office.

### 1.2 Powers and Duties. The powers and duties of the Commission shall be those set forth in section 1.82(6) of the Code of General Ordinances for the City of Beloit.

### 1.3 Quorum

- (a) A quorum for a meeting of the Equal Opportunities Commission shall be interpreted consistently with the requirements found in section 1.82(9) of the Code of General Ordinances for the City of Beloit.
- (b) Section 1.82(10) of the Code of General Ordinances for the City of Beloit shall define the votes necessary to pass motions by the Equal Opportunities Commission.

### 1.4 Regular and Special Meetings

- (a) Regular meetings of the Commission shall be held the third Wednesday of each even-numbered month or as otherwise scheduled by the EOC at a time and place as officially posted, in accordance with section 1.82(7) of the Code of General Ordinances for the City of Beloit.
- (b) Commission Attendance. All Commissioners shall contact the EOC staff liaison when unable to attend a Commission meeting or hearing. When possible, contact shall be made at least one day prior to the scheduled meeting. Commissioners shall attend meetings in

accordance with section 1.82(14) of the Code of General Ordinances for the City of Beloit.

- (c) Special meetings may be called by the Chair, or by written request of any three members of the Commission in accordance with section 1.82(7) of the Code of General Ordinances for the City of Beloit.
  - (1) Public notice of special meetings shall be given in accordance with the open meeting law of the State of Wisconsin, §19.81 to §19.87, Wis. Stats.
  - (2) Notice of special meetings shall be mailed or emailed to each member at least 24 (twenty-four) hours before the time of the meeting or by notice given orally at least 24 (twenty-four) hours before the time of the meeting. If notice is only given orally, then city staff will keep a log of date and time each commissioner was notified.
  - (3) Oral notices shall be deemed sufficient if oral notice is left with someone at the member's place of business or abode.
- (d) Any matter that may be considered at a regular meeting of the Commission may be considered at a special meeting.

1.5 Committees. The Commission may periodically establish committees to assist in the discharge of its duties. To establish committees, a majority vote shall be taken by those Commission members in attendance. The nature and scope of committee activities shall be subject to Commission discretion.

- (a) Regular and Ad Hoc Committees
  - (1) Regular Committees are groups created by the Commission which are expected to have an on-going role in carrying out the Commission's mission.
  - (2) Ad Hoc Committees are created by the Commission to address a specific issue and which are expected to meet for a limited period of time.
  - (3) Membership on regular and ad hoc committees shall be composed exclusively of Commission members. Members are appointed by the Chair.

- (4) A quorum for any meeting of a regular or ad hoc committee of the Equal Opportunities Commission shall be composed of more than one-half of appointed members.

(b) Special Committees

- (1) Special Committees are created to assist the Commission in carrying out its mission where the Commission has determined that outside expertise or additional resources are needed.
- (2) Membership on any Special Committee shall consist of a maximum of twenty-five (25) voting members. Additional persons may participate as non-voting members, including serving on subcommittees and task forces and participating in discussions.
- (3) Upon creation of a new Special Committee, the EOC staff liaison and the Commission shall recommend committee members for a period of one year unless otherwise determined by the Commission.
- (4) Where possible, the membership of Special Committees shall be representative of advocacy groups, residents, and protected classes as contained in the Ordinance, private sector representatives and social service agencies as may have concern with the subject matter of the committee, and shall be committed to the principle of equal opportunities.

- (c) Attendance at Committee meetings shall be governed by section 1.82(14) of the Code of General Ordinances for the City of Beloit.
- (d) Each committee shall elect a chair and vice chair at its first meeting. Those committees remaining in service shall conduct elections annually thereafter. The chair will preside over all meetings of the committee and shall decide all points of procedure subject to reversal by a majority of the voting committee members.

1.6 Amendments and Rules of Order

- (a) These Rules may be amended by a vote of a majority of the members of the Commission in attendance at any regular or special meeting of the Commission and shall be submitted to the City Council for

approval in accordance with section 1.82(11) of the Code of General Ordinances for the City of Beloit.

- (b) Except where otherwise provided in these Rules, a majority vote of the members of the Commission in attendance at any meeting thereof shall prevail on any motion or action. Committees may be established or dissolved only by a vote of a majority of the members of the Commission. Except as otherwise provided herein, and in the absence of a standing rule established by the Commission, ROBERT'S RULES OF ORDER NEWLY REVISED (11<sup>th</sup> Edition) shall govern the proceedings at the meeting of the Commission or of any committee thereof.
- (c) The Chair or any person acting in her/his stead may vote on any matter properly brought before the Commission or before any committee or sub-committee on which the Chair serves.

#### 1.7 Public Comments

- (a) Speakers are encouraged to pre-register her/his desire to speak before the Equal Opportunities Commission. Speakers will be granted five (5) minutes for her/his comments before the Commission.
- (b) The Chair may extend the time limit for an individual speaker or may modify the time limit for public comment because of the length of the agenda, the number of speakers or time constraints of the Commission.
- (c) Questions of speakers will be held until after all registrants have spoken.

## 2.0 Definitions

- 2.1 Affidavit--A statement in writing based on personal knowledge and made under oath.
- 2.2 Complainant--A Complainant is any person who has filed a complaint under Chapter 20 of the Code of General Ordinances for the City of Beloit in which it is alleged that an act of housing discrimination has been committed in violation of said law.
- 2.3 Conciliation--The adjustment and settlement of a dispute in a neutral un-antagonistic manner. Conciliation may be accomplished by the parties or with the assistance of the Investigator.
- 2.4 Conciliation or Settlement Agreement--The terms and conditions for the resolution of a complaint. A conciliation or settlement agreement may be entered into by the parties with or without the assistance of the Investigator.
- 2.5 Day--When used in time computation under these Rules, means a calendar day, except that if the last day of the time period is a Saturday, Sunday or holiday observed by the City of Beloit, the last day shall be the next business day.
- 2.6 Equal Opportunities Commission may be abbreviated as EOC in these Rules.
- 2.7 Formal Complaint--A formal complaint is a complaint which requires administrative action under the procedures outlined in Section 3.0 of these Rules.
- 2.8 Filing--The physical receipt of a document at the EOC office. Filing may include personal or postal delivery. Documents shall not be served by a facsimile transmission or e-mail.
- 2.9 Ordinance—Ordinance shall refer to Chapter 20 of the Code of General Ordinances for the City of Beloit.
- 2.10 Probable Cause--Probable cause means a reasonable ground for belief, supported by facts and circumstances strong enough in themselves to warrant a prudent person to believe that discrimination probably has been or is being committed.

- 2.11 Respondent--A Respondent is any person who is alleged by a complainant to have committed an act of discrimination in violation of Chapter 20 of the Code of General Ordinances for the City of Beloit.
- 2.12 A word or term referred to in these Rules shall have the meaning as defined or understood in Chapter 20 of the Code of Ordinances for the City of Beloit except where specifically noted.



### 3.0 Procedures for Processing Complaints

#### 3.1. Filing of Complaints

- (a) The EOC shall not accept any complaint filed more than three hundred sixty five (365) days after the date the alleged housing discrimination occurred.
  - (1) Where a complainant alleges a pattern or practice of discrimination, the period referred to shall begin to run from the last act or occurrence of alleged discrimination.
  - (2) Where a complainant alleges that there is a continuing violation of the Ordinance, the period referred to shall begin to run from the last act or occurrence of alleged discrimination.
- (b) A formal complaint may be filed by the Complainant in person, electronically mailed, mailed, or called in to the office of the Equal Opportunities Commission (EOC). The Complainant may be required to provide additional information to the EOC staff during the “intake” of the complaint such that the complaint will meet the standard set forth below in subsections (1) through (3) below, or to obtain information necessary before the investigation process begins.
  - (1) A formal complaint shall be set forth on an approved form.
  - (2) A formal complaint must contain a statement of allegations, which if proven, would establish a “prima facie” case of discrimination.
  - (3) A formal complaint must contain the Complainant’s signature.
  - (4) The EOC staff liaison may provide assistance in the identification and clarification of issues and in the drafting of the formal complaint.
- (c) Once a complaint has been filed, the EOC shall serve notice upon the Complainant, acknowledging the filing, and advising the Complainant of the applicable time limits and the choice of forums available to the Complainant.
- (d) The Respondent shall be notified of the complaint and all amendments and provided a copy of the same. The Respondent shall be notified of the

right to file a written answer to the allegation(s) of the complaint. If the Respondent chooses to file an answer, said answer shall be filed within twenty (20) days of the notice of the complaint.

- (e) The EOC shall not investigate any complaint which is not a formal complaint as defined in Section 2.0 of these Rules or for which a copy has not been provided to the Respondent.
- (f) Any person who files a complaint with the EOC shall promptly inform the EOC of any changes of address or telephone number, or any prolonged absences from the address which s/he has provided to the EOC when necessary. In addition, a Complainant shall, at the time of filing a complaint, provide the EOC with the name, address and telephone number of a person who will always know how to reach the Complainant.

3.2 Amending a Complaint. A complaint may be amended or supplemented by the Complainant, at any time prior to the issuance of a notice of hearing.

3.3 Withdrawal of Complaint

- (a) The Complainant may withdraw her/his complaint at any time. Reasons for the request to withdraw shall be stated in writing.
- (b) Withdrawal of a charge, in whole or in part, is accomplished by notifying the EOC, in writing, of the Complainant's desire to withdraw a complaint and shall identify what portions of the complaint are being withdrawn. Said notification must include the Complainant's signature, or that of her/his representative of record.
- (c) Withdrawal of a complaint shall be without prejudice unless the parties agree in writing to the contrary.

3.4 Dismissal of Complaints

- (a) The EOC may dismiss a complaint under the following circumstances:
  - (1) If the Complainant fails to provide requested necessary information or facts.
  - (2) If the Complainant refuses to appear or to be available for interviews or conferences.
  - (3) If the Complainant refuses to cooperate to the extent that the EOC is unable to resolve the complaint.

- (4) If the Complainant withdraws the complaint.
- (5) If the Commission lacks jurisdiction.

#### 4.0 Investigation

- 4.1 All complaints filed as required in Section 3.0 of these Rules shall be investigated by an Investigator to determine whether or not probable cause exists to believe that the Ordinance may have been violated. Such investigation shall commence no later than the 30th day after filing of the complaint.
- 4.2 Powers and Duties of the Investigator
- (a) When a complaint is assigned, the Investigator requests information, documents and/or witness's statements from the parties.
  - (b) All information requested by the Investigator shall be submitted in a timely manner. In the event an extension is requested by a party, the Investigator may grant one (1) extension of no more than fifteen (15) days.
  - (c) The Investigator may use whatever means necessary in conducting his/her investigation, including but not limited to, an on-site visit, interviewing witnesses and reviewing records or other documents.
  - (d) When the Investigator determines that s/he has gathered sufficient information, s/he will provide the EOC staff liaison an Investigative Report as required by Section 5.0 of these Rules.
- 4.3 The Investigator shall identify early opportunities for the parties to resolve the issues in the complaint.
- (a) If resolved, the Investigator will negotiate a conciliation or settlement agreement as provided by Section 6.0 of these Rules and submit for review and approval by the EOC.
  - (b) If not resolved, the Investigator will determine if both parties are willing to mediate their differences through a third party mediation/resolution services firm.
    - (1) If both parties agree, they will be referred to the third party mediation/resolution services firm.
    - (2) If there is a mediated settlement, the written settlement will be submitted to the EOC and is subject to Commission's approval.

## 5.0 Initial Determination of Probable/No Probable Cause

- 5.1 The Investigator conduct an investigation and shall prepare a written report indicating whether or not s/he believes there is probable cause to believe that the Ordinance may have been violated and on what facts such determination is based. The report shall be as prescribed in section 20.05(8) of the Code of General Ordinances for the City of Beloit. The report shall be sent to the EOC staff liaison. The EOC staff liaison shall provide written notice of the determination to the parties and their attorneys or representatives.
- 5.2 An Investigator may find “Probable Cause”, “No Probable Cause” or a combination of “Probable Cause” and “No Probable Cause” according to the issues presented in the complaint.
- (a) The Complainant may appeal any part of the Initial Determination which finds “No Probable Cause.”
  - (b) Proceedings for issues where “Probable Cause” was found shall be stayed until any issues for which “No Probable Cause” was found are resolved.
  - (c) Initial Determinations finding “Probable Cause” are not subject to appeal.
- 5.3 Appeals of “No Probable Cause” to the Commission
- (a) Within 30 days after the date of an initial determination finding that there is no probable cause, a Complainant may file a written request to appeal that determination to the EOC. The request shall state specifically the grounds upon which the appeal is based. The EOC shall notify the Respondent that an appeal has been filed within 10 days of the filing of the appeal.
  - (b) The parties shall be afforded a reasonable opportunity to submit additional evidence or arguments. Any such evidence or arguments shall be submitted in writing.
  - (c) The EOC staff liaison may grant one (1) extension of no more than fifteen (15) days for the submission of the briefs or other written materials.
  - (d) Either party may request the opportunity to present oral argument to the Commission. Such a request shall be made within 30 days of the filing of the appeal and shall state good cause for the need for oral argument. If no request for oral argument is received or if the Commission deems that

good cause has not been shown, the appeal shall be decided based upon the written submissions of the parties and the investigative file.

- (e) As a matter of public service either party may request to view the investigative file, and/or request a complimentary copy of the same. All other parties requesting copies shall pay a reasonable fee for photocopying expenses as determined by the City of Beloit.
- (f) The Commission shall review and consider the following to determine whether there is probable cause to believe the Respondent has discriminated against the Complainant in violation of the Ordinance:
  - (1) The investigative file.
  - (2) Any additional documents or arguments submitted to the file.
  - (3) Any written briefs or arguments properly submitted by the parties or their attorney or representative.
  - (4) Any oral arguments made by the parties during a hearing, if any.
- (g) The Commission shall issue a decision and Order either affirming or reversing, in whole or in part, the Initial Determination, or vacating the Initial Determination and remanding the case to the Investigator for further investigation.
  - (1) If the Commission affirms the initial determination of no probable cause to believe the Ordinance may have been violated, the Commission shall issue an order dismissing the complaint or the issue(s) in the complaint to which the “No Probable Cause” finding applies. The decision shall constitute the final order of the Commission.
  - (2) If the Commission reverses the initial determination of no probable cause, the complaint shall be remanded back for conciliation or mediation.
  - (3) If the Commission is unable to find probable cause or no probable cause, the complaint may be remanded back to the Investigator for further investigation or findings.
- (h) The decision of the Commission shall be reduced to writing and written notice of the decision shall be sent to the parties and their attorneys or representatives.

## **6.0 Conciliation/Negotiated Settlement Agreements**

- 6.1 Settlements of complaints of discrimination are encouraged by the Commission at any stage of the process. An agreement may contain any provisions mutually agreed upon by the parties except those contrary to local, state or federal law. The Commission may or may not be a party to the settlement or conciliation agreement. Any party may waive conciliation.
- 6.2 The Investigator or another person designated by the Commission may act as conciliator and attempt to resolve the matter complained of by agreement between the two parties. The agreement must be approved by the Commission.
- 6.3 The Commission may require, as a term of settlement, reporting systems, affirmative action, monitoring or other terms as may be necessary to effectuate the purposes of the Ordinance.
- 6.4 In the event that an agreement is reached, the agreement shall be reduced to writing shall be signed by the Complainant, Respondent and the Chairperson of the EOC. An agreement, signed by the Chair of the EOC, shall have the effect of a final order of the Commission.
- 6.5 Should conciliation fail or be waived by any party, the conciliator shall notify the Commission in writing that conciliation has been unsuccessful. Copies of this letter shall be sent to all parties. Nothing in this section shall prohibit the Commission from attempting to conciliate a complaint between or among any consenting parties, where there are multiple Complainants or Respondents.

## 7.0 General Hearing Procedures

7.1 Purpose and Scope. If conciliation efforts have failed or have been waived, the Commission shall hear evidence and argument at a hearing.

7.2 Powers and Duties

(a) General Powers and Duties

(1) The Commission shall have the duty to conduct a fair and impartial hearing.

(2) The Commission shall take all necessary action to avoid delay in the disposition of proceedings and to maintain order. The Commission shall have all power necessary to those ends, including but not limited to the following:

a. To administer oaths and affirmations;

b. To issue subpoenas;

c. To rule upon offers of proof and receive evidence;

d. To regulate the course of the hearing and the conduct of the parties and their agents or representatives;

e. To hold conferences for settlement, simplification or stipulation of the issues, or any other proper purposes; and

f. To consider and rule upon all procedural and other motions appropriate to the proceeding and the parties.

(b) Interference. No employee or agent or any representative of the parties to a complaint shall interfere with the Commission, the Investigator or the EOC staff liaison in the performance of her/his duties.

(c) Ex Parte Communications

(1) No person, nor her/his agent, employee or representative, who has an interest in a particular proceeding, shall communicate ex parte, directly or indirectly with members of the Commission with



respect to the merits of the complaint or a factually-related proceeding.

- (2) The members of the Commission shall not communicate ex parte, directly or indirectly, with any person, or her/his agent, employee or representative, who has an interest in a particular proceeding, with regard to the merits of the complaint or a factually-related proceeding.
- (3) If an ex parte communication is made to or by a member of the Commission, in violation of subsections (1) or (2) herein, the Commission member shall promptly disclose the content of such communication to the Commission and all parties.
- (4) A person, or her/his agent, employee or representative, who has an interest in a particular proceeding may make an ex parte request for the limited purposes of requesting the issuance of a subpoena or for communications related to scheduling of proceedings.

(d) Disqualification of Commission Member

- (1) When a member of the Commission deems her/himself disqualified to participate in a particular proceeding, s/he shall withdraw by notice on the record.
- (2) Any party may file an affidavit, stating in detail the matters alleged to constitute grounds for disqualification of a member of the Commission. Only one such affidavit shall be filed by the same party in the case. An affidavit of prejudice must be filed no later than ten (10) days from the date that a party becomes aware of or should have become aware of the grounds for disqualification.
- (3) If, in the opinion of the member of the Commission, the affidavit of prejudice is sufficient on its face, the member shall disqualify her/himself and withdraw from the proceeding.

7.3 Prehearing Procedures. The Commission may, at its own discretion, direct the parties or their representatives to meet for a conference to consider any or all of the following:

- (a) Simplification and clarification of the issues;

- (b) Stipulations, admissions of fact and the contents and authenticity of documents;
- (c) Such other matters as may aid in the orderly and expeditious disposition of the proceedings, including the disclosure of the names of witnesses and of documents or other physical exhibits which will be introduced in evidence in the course of the proceedings; and
- (d) The Commission shall enter in the recorded record a summary which recites the results of the conference. Such summary shall include rulings upon matters considered at the conference, together with appropriate directions to the parties.

7.4 Notice of Hearings. The Commission shall cause written notice of the hearing to be issued and mailed by certified mail not less than forty-five (45) days prior to the hearing, provided that a hearing may be held on shorter notice where substantial injury to a party would otherwise result. Notice shall include the following:

- (a) A statement of the time, date, place and nature of the proceedings;
- (b) A reference to the particular sections of the Ordinance and rules involved;
- (c) A statement of the nature of the claim involved.

7.5 Procedural Steps

(a) Motions

- (1) Every motion or response, including accompanying papers, shall be provided to all parties or their representatives and filed with the Commission.
- (2) Upon receipt of any written motion, the Commission shall determine what procedures shall be used to address said motion.

(b) Subpoenas. Subpoenas may be issued as authorized by Chapter 885, Wisconsin Statutes, as amended.

- (1) Subpoenas may be issued by the attorney of record as provided by §805.07, Wisconsin Statutes. Where individuals are not represented by an attorney, parties may request ex parte for subpoenas to be issued by the Commission.

- (2) The parties are responsible for serving any subpoenas they request from the Commission and the party serving the subpoena must pay the cost of fees to any witness who is subpoenaed as provided by §814.67, Wis. Stats.

(c) Discovery

- (1) Depositions and other discovery shall be allowed in accordance with Chapter 804, Wisconsin Statutes, as amended, except that neither depositions nor discovery shall be permitted prior to the time when the Commission has been notified that conciliation had been unsuccessful.
- (2) The Commission shall make all reasonable rules related to discovery procedures in a particular proceeding as it deems appropriate.

7.6 Sanctions

- (a) If a party, or an agent or representative of a party, refuses to comply with an order of the Commission, the Commission shall take action in regard thereto as is just, including but not limited to the following:
  - (1) Infer that the admission, testimony, documents or other evidence sought would have been adverse to the party.
  - (2) Order that for the purposes of the proceeding, the matter or matters concerning which the order or subpoena was issued be taken as established adversely to the party.
  - (3) Order that the party may not introduce into evidence or otherwise rely, in support of any claim or defense, upon testimony by such party, agent or representative, or the documents or other evidence.
  - (4) Order that the party may not object to introduction and use of secondary evidence to show what the withheld admission, testimony, documents or other evidence would have shown.
  - (5) Order that a pleading, or part of a pleading, or a motion or other submission by a party concerning which the order or subpoena

was issued, be stricken or the decision of the proceeding be rendered against the party, or both.

- (6) The Commission shall render any remedy necessary to achieve justice between the parties.
  - (b) It shall be the duty of the parties to seek and the Commission to grant, such of the foregoing means of relief or other appropriate relief as may be sufficient to compensate for the lack of withheld testimony, documents, or other evidence.
  - (c) In case of failure to make discovery or to comply with an order, the Commission may invoke the aid of the City Attorney who shall apply to the appropriate court for an order or other court action necessary to secure enforcement of such discovery orders.
- 7.7 Submission of Documentary Evidence in Advance. Where practicable, the Commission may require:
- (a) That all documentary evidence which is to be offered during the taking of evidence be submitted to the Commission and to the other parties to the proceeding sufficiently in advance of such taking of evidence to permit study and preparation of cross-examination and rebuttal evidence.
  - (b) That documentary evidence not submitted in advance, as may be required by (a) herein, be not received in evidence in the absence of a showing that the offering party has good cause for his/her failure to produce the evidence sooner.
- 7.8 Oath or Affirmation. All testimony before the Commission shall be taken under oath or by affirmation.
- 7.9 Rights of Parties. Every party shall have the right of due notice, cross-examination, presentation of evidence, objection, argument, motion, and all other rights essential to a fair hearing, except where such rights have been forfeited due to default or failure to comply with discovery or other orders of the Commission.
- 7.10 Default
- (a) Motion. When a party against whom a judgment for affirmative relief is sought has failed to appear, plead, or otherwise defend as provided by these Rules, a motion for default may be made with the Commission.

- (b) Setting Aside Default. For good cause shown and upon such terms as the Commission deems just, the Commission may set aside a default judgment.

**8. Conduct of Hearing**

- 8.1 Evidence. The rules of evidence governing contested hearings before the Commission shall be the same as those prescribed by the Wisconsin Administrative Procedure Act, under Chapter 227, Wisconsin Statutes, as amended.
- 8.2 Proceedings in contested cases are those formal proceedings conducted under Chapter 20 of the Code of General Ordinances for the City of Beloit and Sections 7.0 and 8.0 of these Rules. Such proceedings are required to be determined on the record after a hearing to the Commission.
- 8.3 Content of the Record. The record of the hearing shall include, but need not be limited to, the following materials:
- (a) All pleadings or submissions of the parties.
  - (b) All evidence received or considered which shall include all exhibits and other materials filed.
  - (c) A statement of all matters officially noticed.
  - (d) Recordings made on electronic equipment or copies of transcripts of any hearings.
- 8.4 Hearing Format
- (a) A public hearing shall include, but need not be limited to, the following elements:
    - (1) A brief introductory statement by the Chairperson of the Commission;
    - (2) Presentation of the Complainant's case;
    - (3) Presentation of the Respondent's case;
    - (4) Opportunity for cross-examination;
    - (5) Opportunity for rebuttal presentation;
    - (6) Opportunity for questions by Commission members.

- 8.5 Both parties shall appear at the hearing, may call, examine and cross-examine witnesses, and may introduce papers, documents or other evidence, in person, by counsel, or other representative as authorized by these Rules. The rules of evidence prescribed by the Wisconsin Administrative Procedure Act, Ch. 227, Wis. Stats., for hearings in contested cases, shall be followed.
- 8.6 Should the Complainant fail to appear within fifteen (15) minutes of the scheduled time for the hearing, in the absence of a clear showing that the Complainant had good cause for not appearing at the hearing, the Commission shall issue an order dismissing the complaint.
- 8.7 Should the Respondent fail to appear within fifteen (15) minutes of the scheduled time for the hearing, and in the absence of a clear showing that the Respondent had good cause for not appearing at the hearing, and if the Complainant makes a prima facie showing of a violation of the Ordinance, the Commission shall issue a finding of violation and order such relief as is appropriate.
- 8.8 If any party fails to appear at the hearing, she/he must submit a written explanation stating good cause for the failure to appear. The Commission may then issue an order declaring why a default judgment should not be entered against the party and may reopen the hearing.
- 8.9 Electronic Recordation. Except as otherwise provided, hearings shall be electronically recorded and such recordings shall be a part of the official hearing record. Copies of the electronic recording of a particular proceeding shall be made available to the public on request and the cost of copying shall be the burden of the requester. Upon leave of the Commission and upon terms and conditions that it designates, a written transcript may be made a part of the official hearing record in lieu of an electronic recordation.
- 8.10 If, after hearing, the Commission finds that the Respondent has engaged in discrimination, the Commission shall make findings of fact and conclusions of law and shall order such remedy as authorized by the Ordinance and/or Section 9.0 of these Rules, and shall effectuate the purposes of the Ordinance. The Commission shall provide a copy of the findings of fact and conclusions of law and order to the parties as required by section 20.05 of the Code of General Ordinances for the City of Beloit.
- 8.11 If the Commission finds that the Respondent has not engaged in discrimination as alleged in the complaint, the Commission shall make recommended findings of fact and conclusions of law and prepare an order dismissing the complaint. The Commission shall provide a copy of the findings of fact and conclusions of law and order dismissing the complaint to the parties.

## 9.0 Relief/Remedies

- 9.1 The Commission shall, after investigation and hearing, issue and implement such orders as may be necessary to effect the purposes of this chapter. Such orders may include: (a) Cease and desist orders; and/or (b) Affirmative action by the Respondent and, where necessary, by the Complainant.
- 9.2 Compensatory losses, reasonable attorney fees and costs may be ordered along with any other appropriate remedies where the Commission finds that a Respondent has engaged in discrimination.
- 9.3 Whenever in the judgment of the Commission, judicial enforcement of a Commission order is necessary, the Commission shall, in writing, request the City Attorney to commence proceedings in a court of competent jurisdiction to enforce such orders in the name of the City.
- 9.4 The Commission shall monitor, in such manner as it shall determine appropriate, compliance with its conciliation agreements and orders.



## 10.0 Service of Papers and Other Documents

- 10.1 Documents shall not be served upon the Commission by facsimile transmission or electronic mail. Service is deemed effective on the date of receipt.
- 10.2 Service may be made in person or by mail.
- (a) Service by mail on a Complainant shall be made at the last known address provided by the Complainant.
  - (b) Service by certified mail on a Respondent shall be made where Respondent is known to receive mail.
  - (c) If service is made by mail, the papers shall be deposited in the U.S. Post Office addressed to the party, attorney or representative to whom they are being served, with postage prepaid. Unless earlier receipt is shown, service by mail shall be deemed complete upon the third day following the day upon which the papers are placed in the mail, unless the third day falls on a Saturday, Sunday or holiday observed by the City of Beloit, in which case service shall be deemed complete on the first business day thereafter.
- 10.3 Notwithstanding any other provisions of this section, actual receipt of a document by an individual or any other person specified in this section shall constitute service.
- 10.4 The Commission shall cause to be served all orders, notices and other papers issued by the Commission, together with other papers which the Commission is required by law or these Rules to serve. Every other paper shall be caused to be served by the party filing it.
- 10.5 All papers served by the Commission or any party, shall be served upon all counsel of record at the time of such service and upon parties not represented by counsel and their designated representatives. Any counsel or representative entering an appearance subsequent to the initiation of the proceeding shall serve a notice of appearance on the Commission, all other counsel or other representative then of record for the parties and all parties not represented by counsel.
- 10.6 Subsequent to the filing of a complaint with the Commission, any person submitting written materials to the Commission with respect to that complaint shall send copies of those documents to the opposing party or parties, attorney(s) or representative(s). Where the requirement to provide the

opposing party(s), attorney(s) or representative(s) with copies of documents as specified above presents an economic or other hardship, the party(s) may submit a written request for a waiver, stating the reasons for the request. Exemptions from this requirement shall be granted liberally.

## 11.0 Miscellaneous Provisions

- 11.1 A party may be represented before the Commission by the following persons: any attorney at law entitled to practice as authorized by the State of Wisconsin, any attorney at law entitled to practice before the highest court of record of any other state or any lay advocate of the parties to the complaint. Any person appearing on behalf of another must file a notice of appearance in the proceedings.
- 11.2 Computation of Time. Computation of any period of time prescribed or allowed by these Rules shall begin with the first business day following that on which the act or event initiating such period of time shall have occurred. When the last day of the period so computed is a Saturday, Sunday, or holiday observed by the City of Beloit, the period shall run until the end of the next business day.
- 11.3 If future ordinance changes are adopted by the City Council that conflict with the Rules of the EOC, said Rule(s) shall be returned to the Commission for resolution.