

## **CHAPTER 1 RULES OF PRACTICE**

**1.1 COMMISSION FORMS.** Forms are available at the commission office without charge. Commission staff is available to assist the public in all matters relative to the forms.

### **1.2 DEFINITIONS.**

**1.2(1)** Wherever "Act" is used in the rules of the commission it shall mean the Dubuque Code of Ordinances Title 8.

**1.2(2)** Unless indicated otherwise, the terms "court," "person," "employment agency," "labor organizations," "employer," "employee," "unfair practice," or "discriminatory practice," "commission," "commissioner," and "public accommodation" shall have the same meaning as set forth in the Dubuque Code of Ordinances Title 8.

**1.2(3)** The term "certified mail" shall mean delivery by United States Postal Service mail designated as certified mail.

**1.2 (4)** The term "chairperson" shall mean the chairperson of the Dubuque Human Rights Commission; and the term "commissioner" shall mean any member, including the chairperson, of the commission. The vice chairperson of the commission shall serve, in the absence of the chairperson, as acting chairperson; and, in the absence of the chairperson, the vice chairperson shall have all of the duties, powers and authority conferred upon the chairperson by the Act and commission rules. At all times it shall be necessary that a quorum be present before the commission can transact any official business.

**1.2(5)** The term "complainant" shall mean the person who makes a complaint of discrimination with the commission pursuant to Dubuque Code of Ordinances section 8-4-1.

**1.2(6)** The term "electronic filing" shall mean submission of documents via e-mail. The commission may require proof to ensure the accuracy and validity of online filings, including additional written verification of the veracity and accuracy of documents filed online. Senders shall include in the subject line of the e-mail the case number, if one exists, and a brief description of the submission. Filings by e-mail must be delivered to a valid e-mail address of a current commission staff.

**1.2(7)** The term "electronic signature" shall mean that a person attests to the validity of the electronic documents. Electronic signatures accompany various forms of electronic submissions including, but not limited to, e-mails. The commission may permit and accept electronic signatures in e-mails, depending on the type of document.

**1.2(8)** Final actions. The following procedures shall constitute final actions of the commission:

a. The term "administratively closed" shall mean that the commission will cease action on a complaint because, in the opinion of the investigating official, no useful purpose would be served by further efforts. Administratively closing a case is appropriate in circumstances such as the following: the commission staff has not been successful in locating a complainant after diligent efforts, the respondent has gone out

of business, a right-to-sue letter has been issued, or, after a probable cause decision has been made, it is determined that the record does not justify proceeding to public hearing.

b. The term "no jurisdiction" shall mean that the alleged discriminatory act or practice is not one that is prohibited by the Act or where the complaint does not conform to the requirements of the Act.

c. The term "no probable cause finding" shall mean the procedure by which a complainant and respondent are notified that the administrative law judge has found that there is no probable cause to believe that discrimination exists after reviewing an investigation of a complaint. d. The term "satisfactorily adjusted" shall mean that a complainant has indicated in writing that the complaint has been resolved to the satisfaction of the complainant, and that no further action is desired from the commission. Whenever the offer of adjustment by a respondent is acceptable to the investigating official, but not to the complainant, the commission may close the case as satisfactorily adjusted. In a case which has been determined by the commission as having probable cause, the respondent's signature must be obtained before the case can be considered to be satisfactorily adjusted.

e. The term "successfully conciliated" shall mean that a written agreement has been executed on behalf of the respondent, on behalf of the complainant, and on behalf of the commission, the contents of which are designed to remedy the alleged discriminatory act or practice and any other unlawful discrimination which may have been uncovered during the course of the investigation.

f. The term "withdrawn" shall mean that a complainant has indicated in writing the desire that no further action be taken by the commission regarding his or her complaint.

**1.2(9)** The term "injury" shall mean a loss of pecuniary benefit, rights, or an offense against a person's dignity.

**1.2(10)** Except as provided in paragraph "b," the term "issuance" shall mean mailing by regular mail or, when required, U.S. certified mail, a document or letter indicating a decision or other administrative action of the commission. When certified mail is required, the "date of issuance" of a decision or an administrative action of the commission shall be the date the commission mails by U.S. certified mail, a document or letter indicating the decision or action. When mailing is by regular mail, the date of mailing is presumed to be the date on the cover letter accompanying the administrative action or decision unless the date is shown to be in error.

a. Except as provided in paragraph "b," the verb "issue" shall mean to mail by regular mail or, when required, by certified mail, a document or letter indicating a decision or other administrative action of the commission. When certified mail is required, the date an administrative action or decision is "issued" shall be the date the commission mails by U.S. certified mail a document or letter indicating the administrative decision or action. When mailing is by regular mail, the date of mailing is presumed to be the date on the cover letter accompanying the document or letter indicating the administrative decision or action, unless this date is shown to be in error.

b. When used to refer to a decision to administratively close a case, the term "issuance" and the verb "issue" can mean either the mailing of the document indicating administrative closure by regular mail or the mailing of that document by certified mail. The date an administrative closure is issued is the date the administrative closure is

mailed to the complainant. When mailing is by regular mail, the date of mailing is presumed to be the date on the cover letter accompanying the administrative closure unless this date is shown to be in error. When certified mail is required, the date an administrative action or decision is "issued" shall be the date the commission mails by U.S. certified mail a document or letter indicating the decision or action.

c. When used to refer to a subpoena, the term "issuance" and the verb "issue" shall each mean the signing of the subpoena by the issuing authority. The date a subpoena becomes effective is the date service is completed.

**1.2(11)** The term "mail" or "regular mail" shall mean delivery by United States Postal Service mail delivered at regular speed or delivery by courier service.

**1.2(12)** The term "respondent" shall mean the person or entity against whom the complaint of discrimination is made with the commission.

**1.2(13)** The term "right to sue" shall mean the release issued by the commission staff stating that the complainant has a right to commence an action in the district court. The term "right to sue" is the same as the "release" or "administrative release" described in Dubuque Code of Ordinances Section 8-4-7 and these terms may be used interchangeably.

**1.2(14)** The term "terms and conditions of employment," shall include, but is not limited to, medical, hospital, accident and life insurance or benefits, leaves, vacations, and other terms, conditions, and privileges of employment.

**1.2(15)** The term "verified" shall mean (a) sworn to or affirmed before a notary public, or other person duly authorized by law to administer oaths and take acknowledgments, or (b) supported by an unsworn declaration which recites that the person certifies the matter to be true under penalty of perjury, states the date of the statement's execution and is subscribed by the person. Such an unsworn declaration may be in substantially the following form: "I certify under penalty of perjury and pursuant to the laws of the State of Iowa that the preceding is true and correct. Executed on (date). (Signature)."

**1.2(16)** The terms "written" and "in writing" shall mean the creation of words, phrases, or sentences by any means including, but not limited to, pen and paper, typewriter text, computer discs, computer text, electronic text and any other medium.

**1.2(17)** Rules of construction. The rules and regulations promulgated by the Dubuque Human Rights Commission shall be liberally construed to effectuate the purposes and provisions of Title 8, Dubuque Code of Ordinances.