



# Board of Commissioners of Cook County

118 North Clark Street  
Chicago, IL

## Legislation Text

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**File #:** 18-2634, **Version:** 1

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### PROPOSED CHANGES TO PUBLIC FACING RULES AND REGULATIONS

**Department:** Human Rights and Ethics

**Summary:** Revision to the Procedural Rules of the Cook County Commission on Human Rights (Approved by Cook County Commission on Human Rights at March 8, 2018 meeting)

*Consistent with County Code, § 1.9, the following proposal, which was noticed and approved by the Cook County Commission on Human Rights at its March 8, 2018 meeting will not be effective until the sooner of May 7, 2018 or the date upon which this rule revision is received and filed by the Rules Committee of the Cook County Board of Commissioners.*

#### Revision 1: Document Preservation Obligation Runs to All Parties

Existing rule:

##### Section 420.135      **Maintenance of Records by Respondent**

Once a Complaint has been served on a Respondent, the Respondent shall preserve all records and other material which may be relevant to the Complaint until the matter has been closed.

Revised rule:

##### Section 420.135      **Maintenance of Records by Respondent Parties**

~~Once a Complaint has been served on a Respondent, the~~ Complainant(s) and Respondent(s) shall preserve all records and other material which may be relevant to the Complaint ~~or any defenses~~ until the matter has been closed ~~by the Commission. Provided that a party has not previously incurred a duty to preserve evidence through agreement, contract, statute or its own affirmative conduct, a Complainant's preservation obligation begins when the Complainant files the Complaint with the Commission, and a Respondent's preservation obligation begins when the Complaint has been served on the Respondent. A party's failure to meet its preservation obligations under this Rule may result in the Commission drawing an adverse assumption about the content of the missing record or other material against the party that failed to preserve that record or other material.~~