

City of Chicago
COMMISSION ON HUMAN RELATIONS

ADJUDICATION DIVISION

2015 Activity
Concerning Discrimination Cases
filed under the
Chicago Human Rights Ordinance
and
Chicago Fair Housing Ordinance



Chicago Commission on Human Relations
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Adjudication of Discrimination Complaints

The Commission's authority to adjudicate discrimination complaints is rooted in the Municipal Code's Commission on Human Relations Enabling Ordinance and the two corresponding anti-discrimination laws, the Chicago Human Rights Ordinance and the Chicago Fair Housing Ordinance. The enforcement of these Municipal anti-discrimination ordinances, through complaints alleging discrimination, is carried out by the Adjudication Division.

The principal functions of the Division are:

- To receive and investigate complaints alleging violations of the Chicago Human Rights Ordinance and/or the Chicago Fair Housing Ordinance.
- To facilitate settlement of a pending complaint, where the parties are amenable.
- In collaboration with independent hearing officers and the Board of Commissioners, to determine, after investigation and hearing, whether discrimination occurred in violation of the Human Rights Ordinance or the Fair Housing Ordinance and to order remedies and related damages consistent with the outcome these findings.

The orders of the Commission's Adjudication Division and the rulings of the Board of Commissioners in discrimination cases carry the force of law. If the Board of Commissioners rules that discrimination occurred, it has the power to impose fines and order injunctive relief as well as the payment of out-of-pocket damages, emotional distress damages, punitive damages, attorney fees, and costs.

In investigating and adjudicating a discrimination complaint filed by a member of the public, the role of the Commission is neutral. Although Commission staff is available to answer questions about the adjudication process and related documentation, it does not serve as either side's lawyer, advisor, or advocate. It is not a prosecutor of the case. It does not take the side of either the complainant (the person who filed the complaint) or the respondent (the alleged violator).

Adjudication on the Web

See the Commission on Human Relations web site at www.cityofchicago.org/humanrelations for more information about Chicago's discrimination ordinances and their enforcement, including –

- Copies of the Chicago Human Rights Ordinance and the Chicago Fair Housing Ordinance
- Copy of the Commission on Human Relations Enabling Ordinance
- The regulations governing enforcement of these ordinances
- Information on how to research Commission case law
- *A Board Rulings Digest* summarizing decisions about violations and remedies ordered
- *Information for Complainants* (in English and Spanish) to help individuals prepare, file, and prove a complaint.

- *Information for Respondents* (in English and Spanish) to help those accused of discrimination respond to a complaint
- A complaint form and frequently-used forms and templates for complainants and respondents
- Informational fact-sheets on various rights and obligations associated with either of the two anti-discrimination ordinances.
- Information about other discrimination laws and enforcement agencies

Also, see and “like” the Commission’s Facebook page for updates on our work, recent precedential decisions, relevant articles, and pictures of our staff delivering on our Mission around the City.

What is Discrimination?

Discrimination is conduct directed at an individual based on the perception or belief that, unlike others, a characteristic of that individual justifies subjecting her/him to negative conduct or commentary, also known as adverse treatment.

In general, to prevail in a discrimination case filed under the Municipal anti-discrimination ordinances, a complainant must be able to prove it was more likely than not, a standard known as “preponderance of the evidence,” that:

- The complainant was subjected to *adverse treatment* by individuals, businesses, or government entities (the respondent) required to comply with the respective ordinance.
- This conduct was based on respondent’s perception or belief that complainant possesses a specific characteristic that fits within one or more of the following *categories protected by the anti-discrimination ordinances*:

Race	Sex	Age (over 40)
Color	Sexual Orientation	Disability
National Origin	Gender Identity	Source of Income
Ancestry	Marital Status	Military Discharge Status
Religion	Parental Status	Credit History (employment only)
		Criminal History (employment only)

- The conduct was in one of the following *covered areas*:

Housing	Public Accommodations
Employment	Credit or Bonding Transactions

- The adverse action took place *in the City of Chicago*.
- The complaint was filed within *180 days* of the alleged discriminatory action.
- The complainant was treated differently *because of* his or her actual or perceived protected category, and not for other legitimate, non-discriminatory reasons.

Filing a Discrimination Complaint

Intake staff of the Adjudication Division are available from 9 AM to 5 PM, Monday through Friday to answer inquiries about filing a complaint, or to help clarify questions about the adjudication process. Those interested should telephone (312) 744-4111. Intake staff will assist the public with preparation of complaints on a walk-in basis between 9:30 – 3:00 PM. They also provide forms for self-preparation of complaints and filing by mail, facsimile, or electronic mail. There is no filing fee. Spanish speaking staff, and interpreter services in other languages, are also available on an as-needed basis.

How Cases Proceed

Individuals who believe they have been subjected to discrimination as defined in the Municipal anti-discrimination ordinances may file written complaints with the Commission following a prescribed format. After a complaint is duly filed, the Commission notifies each named respondent and sets a deadline to submit a written response and any documents that support the respondent's position. The complainant also receives a deadline to reply to any response and to submit any documentation that supports the allegations of the complaint.

Although settlement is not an option for everyone, where the parties are amenable to it, the Commission can facilitate settlement discussions regarding a pending complaint. Settlement is voluntary. The Commission does not propose or advocate particular settlement terms, but staff may draft the agreed terms of a settlement for parties to sign.

If the case does not settle or otherwise close at the pleading stage, the investigator completes any additional evidence-gathering that may be needed and compiles the evidence for review by senior staff of the Commission. The investigation of claims usually consists of interviewing witnesses and examining relevant documents or physical evidence. The investigator may seek information about the experiences of other people whose situations are comparable to the complainant's. Investigators may conduct site visits when appropriate to the case. The Commission has subpoena power along with the power to sanction parties that fail to cooperate with the investigation.

Once an investigator has gathered all of the evidence relevant to a particular claim, s/he compiles this material for consideration by a Compliance Committee of Commission senior staff who determines whether or not there is "substantial evidence" of discrimination. A finding of substantial evidence does not mean the complainant has won the case, but only that there is enough evidence of a violation for the case to go forward. If the Compliance Committee finds no substantial evidence of an ordinance violation, it dismisses the case. The complainant may request a review of the dismissal.

If the Commission finds there is substantial evidence of discrimination (or retaliation if applicable), it notifies the parties that the case will proceed to an administrative hearing. The parties have the option of settling the case prior to the hearing.

The administrative hearing is a trial, but somewhat less formal than in a court. A hearing officer is appointed by the Commission from a pre-selected panel of experienced, civil rights attorneys. The hearing officer presides over the hearing and manages the pre-hearing and post-hearing process. Commission staff do not prosecute the case or represent the complainant at this hearing. If the parties want legal representation, they must secure an attorney themselves. Respondents who are incorporated are required to be represented by a licensed attorney during the administrative process.

It is entirely the complainant's responsibility to prove the case and to prove entitlement to injunctive and monetary relief as well as any attorney fees and costs. Pre-hearing discovery and subpoena procedures are available to the parties to aid in obtaining evidence to support their positions.

Based on the hearing officer's recommendation and the hearing record, the Board of Commissioners makes the final determination as to whether the complainant has proved that the respondent violated the Chicago Human Rights Ordinance or the Chicago Fair Housing Ordinance. If the Board rules that there has been a violation, it also determines what relief will be awarded to the complainant.

Relief may include a fine for each violation, an order to take steps to eliminate discriminatory practices (injunctive relief), an award of damages to be paid to the complainant, and an order to pay the prevailing complainant's attorney fees and related costs. Final orders awarding or denying relief have the force of law, can be appealed to the state court on a *certiorari* petition, and are enforceable by obtaining a state court judgment.

Summary of Filing and Adjudication Activity

The table below summarizes complaint filing and adjudication activity during 2015 in the categories of discrimination complaints accepted under the City's ordinances. The 2015 figures are compared to those for 2014.

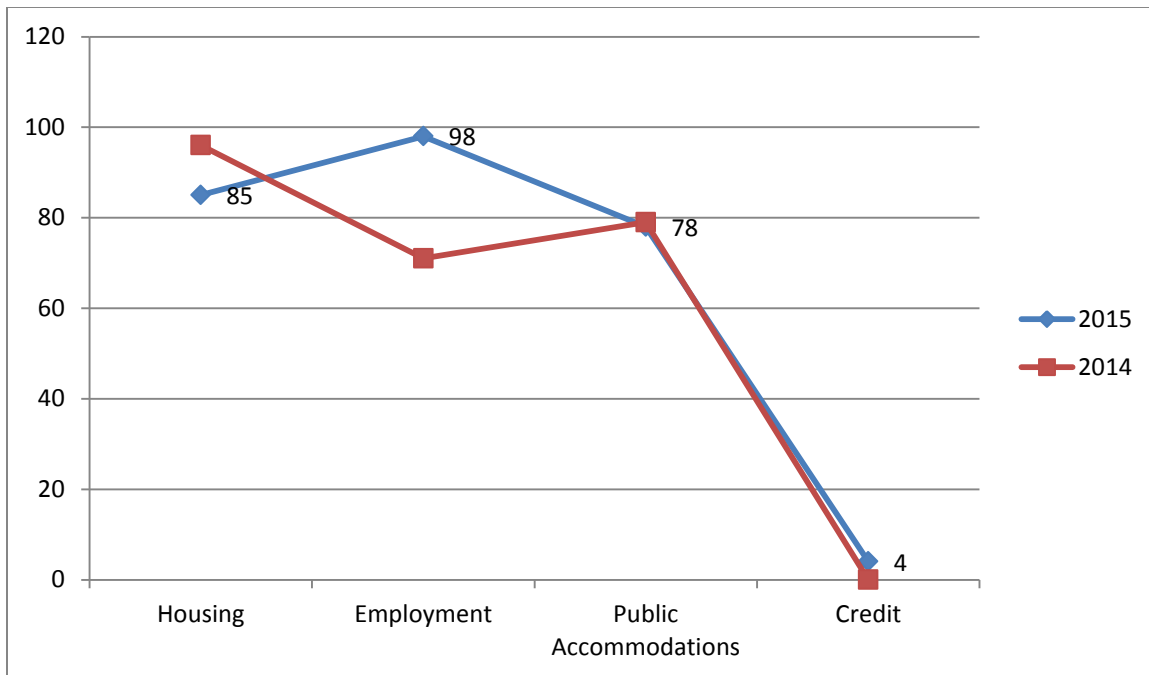
Case Activity Summary	Housing 2015 / 2014	Employment 2015 / 2014	Public Accommodation 2015 / 2014	Credit 2015 / 2014	TOTAL 2015 / 2014
COMPLAINTS FILED	85 / 96	98 / 71	78 / 79	4 / 0	265 / 246
Staff-Assisted	55 / 66	71 / 44	28 / 26	0 / 0	154 / 136
Self-Prepared	30 / 30	27 / 27	50 / 53	4 / 0	111 / 110
CASES FORWARDED TO HEARING STAGE	22/ 16	6/ 11	11/ 37	0 / 0	38 / 64
Substantial Evidence	22/ 16	6/ 11	11/ 34	0 / 0	38 / 61
Default (investigation stage)	0/ 0	0/ 0	0/ 3	0 / 0	0 / 3
CASES CLOSED	79 / 105	78 / 75	84 / 89	1 / 0	243 / 269
Settled	13 / 26	18/ 7	14/ 26	0/ 0	45/ 59
Complainant Withdrew Complaint	10/ 18	18/ 15	11/ 12	0/ 0	39/ 45
Complainant Failed to Cooperate	6/ 2	3/ 2	9/ 3	0/ 0	18/ 7
Lack of Jurisdiction	3/ 1	0/ 5	15/ 3	1/ 0	19/ 9
No Substantial Evidence	47/ 58	37/ 43	33/ 37	0/ 0	118/ 138
Ruling After Hearing	0/ 0	2/ 3	2/ 8	0/ 0	4/ 11
REQUESTS FOR REVIEW after involuntary dismissal	6 / 8	4 / 7	3 / 4	0 / 0	13 / 19
Denied	5/ 6	4/ 7	3/ 4	0 / 0	12 / 17
Granted	1/ 2	0/ 0	0/ 0	0 / 0	1 / 2

Discrimination Claimed in New Complaints

The percentage figures in the table below show the percentage of total *complaints* in each of the four respective areas filed in 2015 which contained a *claim* of discrimination on the basis named. A complaint may claim discrimination on more than one basis (e.g. sex and age) arising out of the facts alleged. Thus the number of claims usually exceeds the number of complaints.

PROTECTED CLASS	Housing	%	Employment	%	Public Accom.	%	Credit	%	Total Claims	%
Race	11	13%	48	49%	17	21%	4	100%	80	30%
Color	0		3	3%	3	4%	0		6	2%
National Origin	4	5%	32	33%	0		3	75%	39	15%
Ancestry	1	1%	28	29%	1	1%	0		30	11%
Religion	1	1%	4	4%	1	1%	3	75%	9	3%
Sex	3	4%	22	22%	4	5%	1	25%	30	11%
Sexual Orientation	1	1%	9	9%	17	22%	0		27	10%
Gender Identity	0		1	1%	6	8%	0		7	3%
Marital Status	2	2%	2	2%	0		0		4	2%
Parental Status	5	6%	1	1%	1	1%	0		7	3%
Age	4	5%	14	14%	3	4%	0		21	8%
Disability	20	24%	18	18%	41	53%	0		79	30%
Source of Income	59	69%	1	1%	2	3%	0		62	23%
Military Discharge Status	0		0		0		0		0	
Credit History	N/A		0		N/A		N/A		0	
Criminal History	N/A		0		N/A		N/A		0	
Retaliation	N/A		5	5%	2	3%	0		7	3%

Number of Complaints Received by Type



Trends in Discrimination Claims

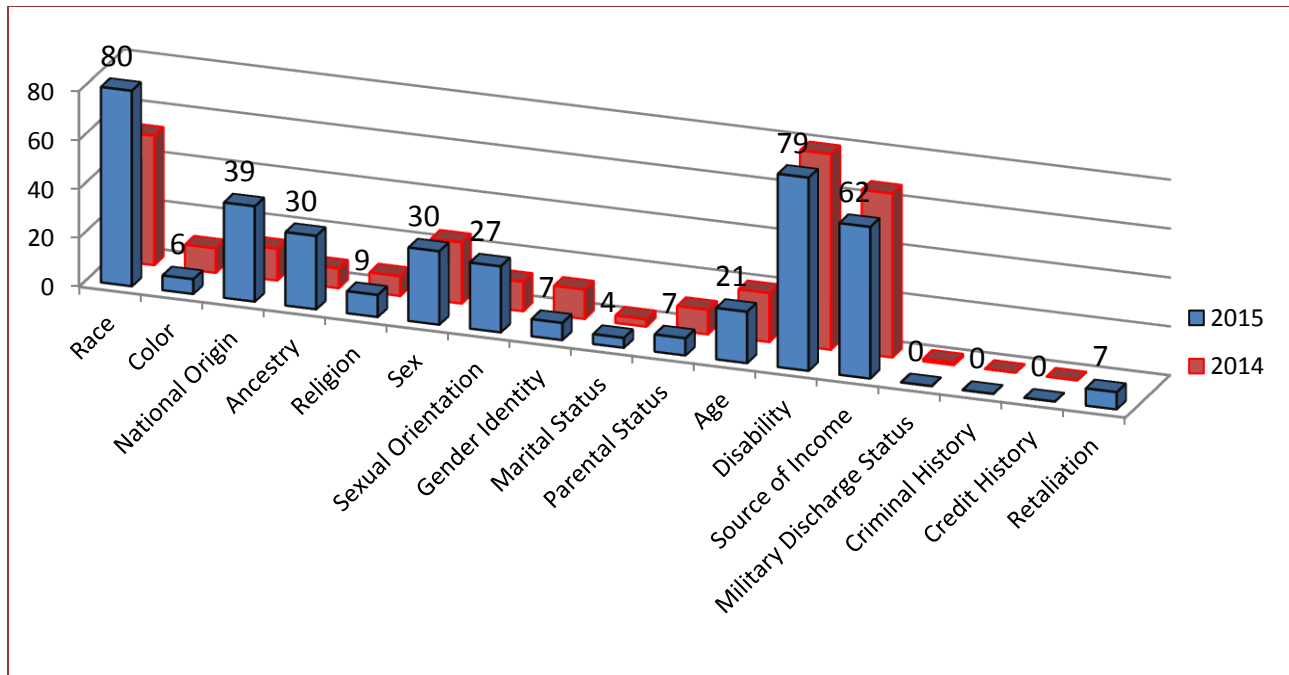
The number of complaints received at the Commission in 2015¹ totaled 265, reflecting an increase from the 246 received in 2014. Among the 2015 complaints, the 98 employment discrimination complaints outnumbered the other categories, representing 37% of all complaints received and reflecting an 8% increase from last year's employment claims. Conversely, the number of housing complaints received this year were 7% less than the number received last year, from 96 complaints in 2014 to 85 complaints in 2015. Nevertheless, the number of public accommodation complaints remained about the same, from 79 complaints in 2014 to 78 complaints in 2015. With respect to complaints alleging discrimination in credit transactions and bonding, the 4 complaints received this year is a notable increase from 2014 when none were received, although this category has consistently yielded very low numbers.

It is important to note that this year's spike in employment discrimination complaint numbers is due, in part, to the Commission's contemporaneous receipt of 17 different complaints against the same employer in the Spring. This group of complaints not only made employment discrimination the most cited category in 2015 but it also dramatically increased the percentage of total claims alleging national origin discrimination from 5% in 2014 to 15% in 2015. However, even without these 17 complaints, the number of employment discrimination complaints would have surpassed the 71

¹ Numbers reflected on this report represent only those complaints which have been received up to, and including, December 18, 2015, and therefore is not a complete picture of 2015.

received in 2014 by at least 10 complaints. More importantly, the overall number of complaints received would still reflect an increase from the total complaints received in 2014.

Total 2015/2014 Discrimination Claims by Protected Category



Trends by Complaint Type

EMPLOYMENT

As noted above, employment discrimination complaints comprised the bulk of the total complaints received at the Commission. Among these, claims alleging race discrimination in employment more than doubled in the last year, from 21 in 2014 to 48 in 2015. Although the 17 complaints against the same employer certainly contribute to the fact that half of all employment discrimination claims alleged race discrimination, even without these, the number of race discrimination claims reflect an increase since last year. The growing conversation and media coverage around racial profiling by law enforcement has sparked an ongoing debate and increased attention to race relations in various contexts, including in the workplace. Given the recently-invigorated conversations around race relations in our own city, we can expect this number to continue to grow in the next year.

The second and third most cited categories claimed in employment discrimination were national origin, yielding 32 claims, and ancestry, at 28 claims. Even without including the group of 17 complaints which included allegations under both of these categories, claims alleging discrimination

on these two bases have more than doubled since 2014. The increased prevalence of these claims serves to highlight the need for language accessibility in the delivery of Commission services, an initiative which the Commission takes seriously and has been delivering on for the past several years, offering complaint intake and informational materials about the adjudication process in English and Spanish, as well as interpretation services in a number of different foreign languages for telephone conversations and for various adjudication proceedings.

The next most cited categories of employment discrimination were sex discrimination, representing 22% of all claims and Disability, at 18%. Both categories saw an increase in claims in 2015 but comprised about the same percentage of all employment discrimination claims received as 2014.

HOUSING

In 2015, the Commission received 85 complaints alleging housing discrimination. This number represents a slight decrease of about 11.5% from 2014, when 96 such complaints were filed. As has been the trend for the past several years, the bulk of the 85 housing complaints – 59 complaints (or 69%) – alleged source of income discrimination, most of which involved Housing Choice Vouchers, also known as Section 8 Vouchers. Discrimination against low income households who receive these federal subsidies (administered in Chicago through the Chicago Housing Authority) thus continues as a significant fair housing issue. On the other hand, after the CHA opened its wait list in October 2014, the Commission expected to receive more complaints alleging source of income discrimination. This did not occur; however, the Commission does not believe that this necessarily signals a decline in discrimination against Housing Choice Voucher holders. In the coming year, the Commission aims to conduct targeted outreach and education efforts in the real estate professional community as well as to Voucher participants.

Beyond source of income, disability discrimination was the next most frequent claim in the housing area, asserted in 24% of the housing complaints. Next was race discrimination, claimed in 13% of the housing complaints, followed by national origin and age discrimination, each comprising 5% of the housing complaints. Other types of discrimination were claimed in 4% or fewer of new housing discrimination complaints.

PUBLIC ACCOMMODATIONS

Out of the 78 public accommodation complaints received in 2015, disability was the most cited basis of discrimination, included in 53% of all complaints received under this category. Although there were 16 fewer complaints this year than last year, disability continued to be the most cited claim in public accommodation complaints for the third year in a row. The most common manifestation of disability discrimination claimed in these complaints continues to be the denial of full use of a business establishment due to the inaccessibility of its premises. While the need for accessible businesses is prevalent all around Chicago, in recent years many of the Commission's complaints alleging disability discrimination had originated mostly from one individual who, for example, was the complainant in more than 75% of the complaints filed in 2014. In contrast to prior years, this same individual is only responsible for 12% of these complaints filed in 2015. The fact that disability complaints are being filed by more individuals suggests that there is more awareness about accessibility obligations and the ability of aggrieved individuals to assert their rights at the Commission. Several things have likely contributed to this increased awareness over the past year,

including the Commission's outreach on disability rights and obligations as well as the Chicago Community Trust's ADA 25 yearlong celebration and education campaign, of which the Commission was a partner.

Beyond the claims alleging disability discrimination, public accommodation discrimination based on race or sexual orientation, each represented 22% of these claims respectively. While discrimination based on race has consistently been the second leading category in these complaints, the increase from 4% in 2014 to 22% in 2015 in sexual orientation discrimination claims may be reflective of the major gay civil rights victory of 2015. For example, it is possible that discriminated individuals who may not have filed previously under this category were invigorated by the legalization of gay marriage and are now more likely to assert their rights by filing complaints.

CREDIT OR BONDING TRANSACTIONS

Discrimination in credit transactions and bonding has never been the subject of many complaints. For example, no such complaints were filed in 2014. Nevertheless, the Commission received four complaints this year, three of them from the same individual.

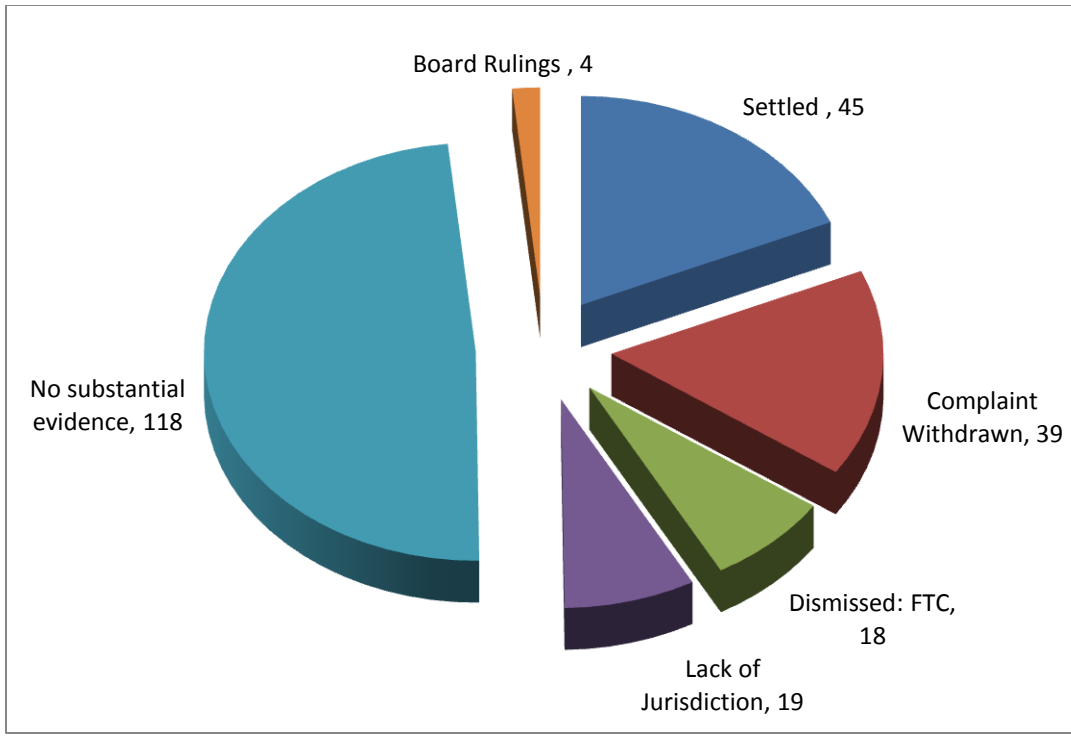
Evaluating Complaint Data

In considering the meaning of the data on discrimination complaints presented in this report, a few points should be kept in mind:

- The value of Chicago's enforcement structure is in making a *fair, neutral complaint and adjudication process readily available to anyone* who believes he or she has been subjected to discrimination in violation of Chicago's ordinances.
 - Every properly-filed complaint which a complainant chooses to pursue will be investigated and ruled upon according to established procedures and legal standards.
 - Businesses and individuals accused of discrimination have the opportunity to present their defenses under the same neutral process.
 - Although the Commission implements City policy which strongly opposes discrimination, it is careful to impose the City's powerful remedies only when justified by the evidence and applicable law.
 - At the same time, the Commission encourages utilization of its complaint filing and adjudication system so that accusations of discrimination can be resolved fairly according to the law and discriminatory conduct can be remedied and deterred.
- Complaint-filing data does not measure the amount of discrimination that actually occurs in Chicago, for several reasons:

- There can be many reasons victims of discrimination may not pursue a legal remedy, including lack of knowledge of the laws and remedies, inability to devote time and resources to pursuing a case, and concern about the public nature of the process.
- At the time a complaint is filed, the Commission has made no decision about whether the facts alleged are true or whether the claims have legal merit. The investigation and adjudication process is the way the Commission reaches such decisions.
- Many types of discrimination violate federal, state, or county anti-discrimination laws, in addition to Chicago's ordinances. People can choose to file claims under one or more of the available laws, which may vary in their coverage as well as their procedures. Thus the Commission's filing data reflects only a portion of the legal claims alleging that discrimination occurred in Chicago.
- Nevertheless, complaint-filing data can offer insight into what types of discrimination people believe they are experiencing as well as what types of claims people bring to the Commission on Human Relations.
- Chicago's ordinances and enforcement mechanisms offer (1) some unique coverage not available under federal or state laws, and (2) an enforcement system that is Chicago-focused, highly accessible, and linked to other City government initiatives.
- For example, a strength of local anti-discrimination ordinances has been the ability to fill gaps in state and federal laws and to take the lead in addressing additional types of discrimination.
 - Only the Chicago and Cook County ordinances cover all employers and housing providers regardless of size.
 - Federal anti-discrimination laws still do not explicitly cover sexual orientation or gender identity discrimination, an area in which Chicago was a leader when it enacted the present Human Rights and Fair Housing Ordinances and later amended them.
 - Only Chicago imposes anti-discrimination obligations on Chicago employers with fewer than 14 employees with respect to hiring restrictions based on criminal history
 - The Commission is the only place where source of income complaints can be filed when the discrimination takes place in Chicago

Disposition of Cases Closed in 2015



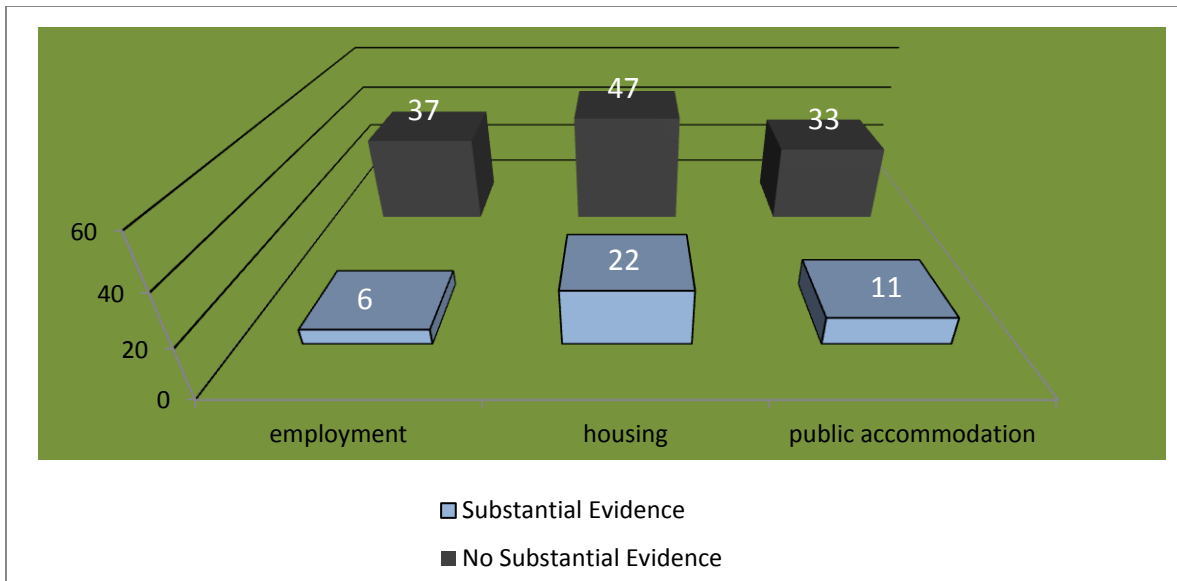
Substantial Evidence Findings

During 2015, 38 complaints advanced to the administrative hearing stage after a finding of substantial evidence that an ordinance violation had occurred. This represents 16% of the 243 dispositions of cases at the investigation stage.

A finding of substantial evidence is a preliminary legal ruling which means there is sufficient evidence, if believed, to support a final ruling that an ordinance violation occurred. A substantial evidence finding allows a case to advance to the administrative hearing process and a Board of Commissioners ruling on liability and relief. To obtain relief, it remains the responsibility of the complainant to prove the case at a public administrative hearing, where any respondent not held in default is allowed to present a defense.

Below is a depiction of 2015 completed investigations by substantial evidence determination and case type:

Findings after Full Investigation



The table below illustrates the flow of complaints from the investigation stage to the hearing stage in recent years. It also illustrates the proportion of pending cases in each stage of adjudication at the end of each year. Between 2006 and 2009, a relatively high number of cases proceeded to the hearing and final ruling process after investigation. As the number of cases advancing to the hearing stage fell back to more typical levels, the number pending in the hearing stage soon dropped accordingly. These levels can vary because it is difficult to predict how many complaints will be filed or how many cases will be active in the hearing stage during a given period of time.

Stages of Complaints	2007	2008	2009	2010	2011	2012	2013	2014	2015
Pending Complaints (at year-end)	356	284	259	256	240	259	225	202	216
In Investigation Stage	303	224	209	220	217	238	206	164	183
In Hearing Stage	53	60	50	36	23	21	19	38	33
New Complaints	272	247	259	299	267	249	261	246	265
Complaints Forwarded to Hearing	56	73	62	37	28	29	33	64	41

Investigator Performance

With respect to investigator performance, the investigators have shown diligent progress in the last year. Investigators increased the number of investigations completed within 180 days of filing by 18%. Similarly, the number of investigations closed within 1 year of filing increased by 16%. These numbers are particularly impressive considering the fact that the Commission lost an investigator in the first quarter of 2015 and the position has remained vacant since.

We continue to make positive strides since the performance standards for investigators were increased in 2013 from 38 cases a year to 48 cases a year, per investigator. An additional process has been implemented in 2015 to ensure the investigators continue making efficient headway on their investigations with a clear focus on the issue at hand. Investigators and their respective supervisor meet monthly to discuss progress on their respective caseload, address any questions, refocus issues, or address roadblocks. This provides the investigators and the compliance directors an opportunity to ensure that investigations are proceeding in a focused and efficient fashion.

Hearing Stage Activity

This year, the Commission saw a 32% decrease in the number of cases which advanced to hearing as compared to 2014 (60 in 2014, 39 in 2015). Consequently, the number of rulings issued by the Board of Commissioners also decreased by more than 50%, going from 11 in 2014 to 7 in 2015.

During 2015, the Commission advanced 39 cases to the hearing stage from the investigation stage following a finding of substantial evidence or default. Ten of those cases were scheduled for administrative hearing; however, only two actually went to hearing in 2015. Eight of those 39 cases closed before the administrative hearing was held, either by settlement or dismissal. The remaining cases carried over into the following year.

There were 26 cases forwarded to the hearing process that were scheduled for settlement conferences before one of the Commission's independent mediators. During 2015, 11 of those cases either settled or were dismissed based on the complainant's failure to cooperate with the process. The remaining case carried over to the following year.

Settlement of Complaints

A substantial number of discrimination cases closed due to settlement between the parties. The Commission values settlement of discrimination complaints consistent with its larger strategy to encourage the voluntary resolution of differences where possible. Settlement may occur prior to completion of a full investigation or after a case has advanced to the hearing process. In 2015, a total of 45 out of 246 closed cases were resolved by settlement.

Settlement is voluntary between the parties. When cases settle, the respondents do not admit liability and the Commission does not decide whether a violation actually occurred. The Commission is not a party to the settlement and does not require or advocate particular settlement terms. However, Commission staff, independent mediators, and hearing officers do encourage parties to try to settle

their disputes and may facilitate the process. The Commission is authorized to order parties to participate in a confidential settlement conference conducted by one of its independent mediators. The Commission typically does this after a substantial evidence finding but before appointment of a hearing officer, if there appears to be settlement potential. In 2015, the Commission held 15 such settlement conferences, compared to 19 held in 2014.

Settlement terms vary, and because the majority of settlements are concluded as private agreements between the parties, the Commission often does not know the terms including the monetary value to complainants. To encourage settlement in the future, the Commission does not announce the terms of particular settlements, although parties may choose to do so if they have not agreed among themselves to keep the terms confidential.

Board Rulings

Administrative hearings are held before independent hearing officers appointed by the Commission from a pre-selected roster of attorneys with expertise in civil rights law and litigation. The hearing officer manages the pre-hearing process, assesses credibility, makes findings of fact, and issues a recommended decision which the Board considers as the basis for its final ruling on liability and relief. If a prevailing complainant was represented by an attorney, a second recommended and final ruling determines the amount of the attorney fees and related costs the respondent will be ordered to pay.

Board rulings are written legal opinions which explain the basis for the decision. They are available to the public and establish precedents for future Commission decisions. The *Board Rulings Digest* is a Commission publication listing all Board rulings entered after administrative hearings. The latest update of the *Board Rulings Digest* is available on the Commission's website or on request from the office.

During 2015, there were 8 administrative hearings held before the Commission. The Board of Commissioners ruled on the following 7 cases:

1) *Barrera v. American Dental Associates et al.*, CCHR Case No. 13-E-60 (July 9, 2015).

The Board ruled in favor of the complainant, holding that an employer failed to accommodate the religious practice of an employee when Complainant, who is Muslim, was told that she could not wear her hijab while working because it would make patients uncomfortable. However, the Board found that Complainant did not prove that she was discharged because of her religion. The Respondents were ordered to pay \$7,000 in emotional distress damages, \$5,000 in punitive damages, and a fine of \$1,000. The Board also imposed injunctive relief which required Respondents to establish a written policy which prohibits unlawful discrimination in the workplace, and establish a procedure to report discrimination and request an accommodation for religious practices.

2) *Suggs v. Montessori Academy Infant-Toddler Ctr.*, CCHR No. 13-E-56 (August 13, 2015)

The Board ruled that the Respondents discriminated against Complainant based on her sex when they discharged her after learning that she was pregnant. The Board awarded Complainant \$5,600 in lost wages, \$1,000 in emotional distress damages, and \$9,000 in punitive damages. The Board also imposed upon the Respondent a fine of \$1,000.

3) *Cotton v. Teloloapan Grocery*, CCHR No. 14-P-18 (August 13, 2015)

The Board ruled that the Respondent discriminated against Complainant based on his disability when it failed to provide him with full access to its services. The Respondent also failed to provide a reasonable accommodation to allow Complainant independent access to its services. The Board awarded Complainant \$1 in emotional distress damages, taking into account that Complainant provided no testimony regarding emotional distress, and the fact that the Respondent's staff minimally accommodated Complainant during the incident. The Board then ordered certain injunctive relief to be performed by the Respondent to ensure proper and equal service to all customers, including those with disabilities. The Board also imposed a fine of \$100 on the Respondent.

4) *Cotten v. Samer Foods, Inc.*, CCHR No. 13-P-083 (September 10, 2015)

Complainant, person with a disability who uses a wheelchair for mobility, filed a complaint against a grocery store for failing to provide full use of its facility by virtue of not providing an accessible entrance, failing to offer him services under the same terms and conditions as other, non-disabled customers, and failing to offer him a reasonable accommodation. The Board of Commissioners awarded Complainant \$500 in emotional distress damages, \$100 in punitive damages, and an injunctive relief order requiring *Samer Foods* to take specific steps to make itself accessible. The Board also issued *Samer Foods* a fine of \$500.

5) *Cotten v. Bistro 18*, CCHR No. 14-P-24 (October 8, 2015)

The respondent restaurant discriminated against complainant on the basis of his disability when, as a public accommodation, it failed to provide full use of its restaurant by virtue of not providing an accessible entrance and failing to offer services to him under the same terms and conditions as other, non-disabled customers, in violation of the Chicago Human Rights Ordinance. The Board awarded the following relief: 1) \$400 in emotional distress damages; 2) Injunctive relief to make restaurant accessible; and 3) a \$1,000 fine payable to the City.

6) *Hall v. Woodgett*, CCHR No. 13-H-51 (October 8, 2015)

The respondent property manager discriminated against complainant on account of her parental status and source of income when it failed to rent an apartment to her because she had a young child and was a recipient of a housing choice voucher from CHA, in violation of the Chicago Fair Housing Ordinance. The Board awarded the following relief: 1) \$5,000 in emotional distress damages; 2) \$357 in out of pocket damages; 3) \$5,000 in punitive damages; and 4) a \$1,000 fine payable to the City.

7) *Cotten v. Lito's Empanadas II, LLC*, CCHR No. 13-P-81 (October 8, 2015)

Complainant alleged that respondent restaurant had discriminated against him on account of his disability when it failed to provide full access to its restaurant by virtue of failing to offer an accessible entrance or ramp, in violation of the Chicago Human Rights Ordinance. Credible evidence was submitted at administrative hearing that respondent restaurant had gone out of business and voluntarily dissolved with no successor, leading to the dismissal of the matter, pursuant to CCHR Reg. 210.195.

Ordinance and CCHR Regulations Amendments

Revisions to the Disability Rights Regulations

In September 2014, the Board of Commissioners approved changes to the current regulations implementing the disability rights of individuals with respect to public accommodations with the goal of increasing awareness about accessibility obligations and facilitating compliance with both local and federal law on this issue. Although the goal was to implement these regulations at the beginning of 2015, subsequent conversations with staff at the Mayor's Office for People with Disabilities (MOPD) who were working on similar revisions to the Chicago Building Code resulted in the effective date being pushed back to allow for completion of these revisions and a rollout of an educational campaign to businesses about changing obligations.

Toward that end, the Adjudication staff delivered nine different presentations around the City on the accessibility obligations under the Chicago Human Rights Ordinance, six of these focusing specifically on the changing obligations under the new regulations. Two presentations were delivered in City Hall as part of the Department of Business Affairs and Consumer Protection's Small Business Center's weekly program. One presentation focused solely on access rights of service animals and was delivered to the Blind Service Association. Adjudication staff collaborated with MOPD on another presentation offered for continuing legal education credit as part of Equip for Equality's Disability Rights Consortium. The presentation was also delivered in several neighborhoods around the City, including Englewood, Chinatown, and in Pilsen where the presentation was delivered twice, once in English and another time in Spanish. A brief summary of the new regulations were also distributed at the presentations, with Spanish and Mandarin translations where appropriate. To further expand the reach of its education campaign, the Commission partnered with the Chicago Community Trust's "ADA 25" year-long celebration of the 25th Anniversary of the passage of the ADA and used its website to inform the public at large about the new regulations and upcoming presentation dates.

During the time that the Commission was conducting its educational campaign, it was engaged in conversations with MOPD and other delegate agencies serving the disability community about whether to include emotional support animals within the scope of the new regulations. Despite the support from the disability community for this inclusion, a conflict between the proposed inclusion of emotional support animals and City's Health Code was subsequently uncovered. Following a meeting with representatives from the Mayor's Office, BACP, and the Department of Health about this conflict, the effective date of the new regulations was put off at the request of MOPD to allow for revisions with the Health Code and further discussion about whether and how to include emotional support animals within the purview of the new regulations. In the meantime, the Commission continues to rely upon the existing disability rights regulations and corresponding standards pending further developments and finalization of revisions capturing the final scope of these regulations.

Criminal History Addition to the CHRO

Effective January 1, 2015, the Chicago Human Rights Ordinance included a new protected category, criminal history. The obligations associated with this new protected class are relatively limited in scope. They apply only in an employment discrimination context and place obligations solely on employers with 14 or less employees. With a few exceptions mirroring a similar State law, the provisions placed limitations on the timing of an employer's inquiry into a job applicant's criminal history, requiring that the inquiry take place only after a determination that the applicant was qualified. Different from most other protected classes recognized by the Ordinance, the relief available for discriminating against a job applicant on the basis of his criminal history is limited to a fine payable to the City, without any remedy for the complaining party. Not surprisingly, the restrictive scope of this new category, as well as the lack of damages available for complainants resulted in no complaints being filed with the Commission under this new category.

Although no complaints were received in 2015 under this new protected class, the Commission drafted and adopted applicable regulations associated with this new protection. We also embarked on an educational campaign in an effort to encourage voluntary compliance. We presented on these protections at a meeting with the City's Sister Agencies hosted by the City's Department of Human Resources. The Commission also partnered with the Department of Business Affairs and Consumer Protection (BACP) to alert numerous organizations, including those that are subscribed to BACP's monthly newsletter. We sent informational materials to approximately 20 chambers of commerce around the City. Additionally, we relayed this information to various local bar associations and included information about this new protection in two of the four CLE's we delivered in 2015, reaching 10 different bar associations: the Chicago Bar Association, the Black Women's Lawyer's Association, the Hispanic Lawyers Association of Illinois, the Indian American Bar Association, the Asian American Bar Association, , the Korean American Bar Association, the Lesbian and Gay Bar Association, the Chinese American Bar Association, and the Filipino American Bar Association. Lastly, with the collaboration of Paul Luu from the Commission's Equity Council, we also delivered a presentation on this issue to the Mutual Assistance Association of Illinois and to the Marshall Square Network.

Proposed removal of "government-issued identification" in Public Accommodations from the CHRO

In August of 2015, the Commission submitted three proposed amendments to its governing ordinances, one of which included the removal of the requisite government-issued identification in accessing spaces open to individuals belonging to one sex or one gender.

The CHRO requires that any person that controls a public accommodation provide full use of such a public accommodation to any individual, irrespective of the individual's membership in any of the recognized protected classes, including gender identity. Nevertheless, a public accommodation may discriminate based on sex with respect to facilities which are distinctly private in nature, such as restrooms, shower rooms, bathhouses, dressing rooms, etc. More importantly, the CHRO currently provides that a person seeking access to a public accommodation's facilities may do so when his or her government-issued identification reflects the sex or gender corresponding to such facilities. *Chi. Muni. Code* § 2-160-070 (e). In practice, this provision allows private businesses to condition access to

single-sex facilities, such as restrooms, upon presentation of a corresponding government-issued identification.

For many Chicagoans who are afforded the CHRO's anti-discrimination protections by virtue of their gender identity but who, for various legitimate reasons may not be able to secure the corresponding gender marker on their government-issued identification, this provision impedes their ability to obtain the same level of access and service at private businesses, especially with respect to restroom access. Additionally, this provision encourages undue scrutiny by businesses into issues that are private in nature and sets up a scenario that is ripe for harassment.

The Commission advocated for this amendment by noting that in order to fully effectuate the CHRO's anti-discrimination protections, access to the same rights and privileges available to the general public at local businesses should not be conditioned upon a corresponding government-issued identification but rather, on the gender identity of the individual seeking access.

In response to this memo, the Commission received numerous questions from the Law Department about the impact on the business community and requested clarification on different points relating to its implementation. The Commission has reviewed these inquiries and is planning to resubmit a version of this request with answers to the questions posed sometime in 2016.

Proposed Ordinance Amendments: 1) Addition of Military Status to the CHRO; and 2) Addition of Retaliation to the CFHO

Along with the suggested amendment to the public accommodation government-issued identification piece, the Commission proposed two additional ways to expand the protections of its ordinances.

One of these was the addition of a protected category of "military status" to the CHRO and CFHO as an additional protected characteristic to cover current and former military personnel; making the existing category of "military discharge status" into a subset of "military status." Currently, the CHRO and the CFHO prohibit discrimination based on an individual's "military discharge status." Military discharge status is currently defined as "the fact of discharge from military status and the reasons for such discharge." However, this prohibition does not include discrimination protections against individuals solely by virtue of their service in any branch of the armed forces, their reserve components, or veterans thereof.

Veterans and current military personnel facing discrimination in the City of Chicago are unable to obtain any relief through the complaint filing and hearing process available to others at the Commission unless the discriminatory conduct was based on the fact of discharge from their military service. By adding the protected classification of "Military status," the City of Chicago would be acknowledging the existence of such discrimination and simultaneously providing a local means of legal redress.

The other proposed amendment was adding retaliation protections to the CFHO as an actionable harm. Currently, only the CHRO prohibits retaliation against an individual who has in good faith filed a complaint. However, there is no such protection for those who file housing discrimination

complaints under the CFHO.

These two proposed amendments were submitted to City Council for consideration by the Mayor's Office on November 18, 2015. The amendments are currently under consideration by the Human Relations Committee and the soonest they will be reported out at a full City Council meeting will be in February 2016. Because these added protections are necessary and not likely to create any controversy when voted upon by City Council, the projected effective date should be no later than April 2016.

Outreach

The Adjudication division had an active year with respect to outreach participation. Every adjudication staff member contributed toward the outreach efforts in various ways throughout the year, including the preparation of presentation materials, delivering speaking presentations, participating as a speaker on informational panels, teaching continuing legal education courses, and staffing informational tables.

Collectively, the Adjudication staff took part in 26 different outreach initiatives in 2015, five of which consisted of collaborative efforts with the Commission's Intergroup Relations Division. Among those 26 outreach initiatives, six of these consisted of staffing informational tables at various events around the City. Twenty of the 26 initiatives were educational presentations addressing one or more aspects of the rights and obligations under the Commission's ordinances tailored for specific audiences, including the public at large, attorneys, entrepreneurs, students, community leaders and activists. Out of this group of twenty presentations, three presentations allowed the attorneys in attendance to earn continuing legal education (CLE) credit that counts toward their license recertification. Lastly, out of the 26 outreach events, 9 focused on rights and obligations relative to public accommodations, 7 focused on housing, 5 focused on employment, and 5 delivered information about both ordinances generally.

Fine Collection Efforts

With the collaboration of the Law Department and the Department of Administrative Hearings, the Commission has launched its collections efforts to collect outstanding fines through the city's administrative hearings process. The fines included in this process include fines ordered in administrative hearings before the Commission as well as fines imposed for failing to comply with Commission procedures, such as failing to appear for mandatory settlement conferences. Pursuant to unsatisfied demand letters mailed to delinquent parties by the Commission, the Law Department initiated proceedings in 2015 to collect a total sum owed to the City of \$3,070.

For 2015, there were \$4,600 in fines issued for ordinance violations, and \$440 issued for procedural violations, totaling \$5,040. The Commission will continue to work with the Law Department in 2016 toward collecting on these outstanding balances.