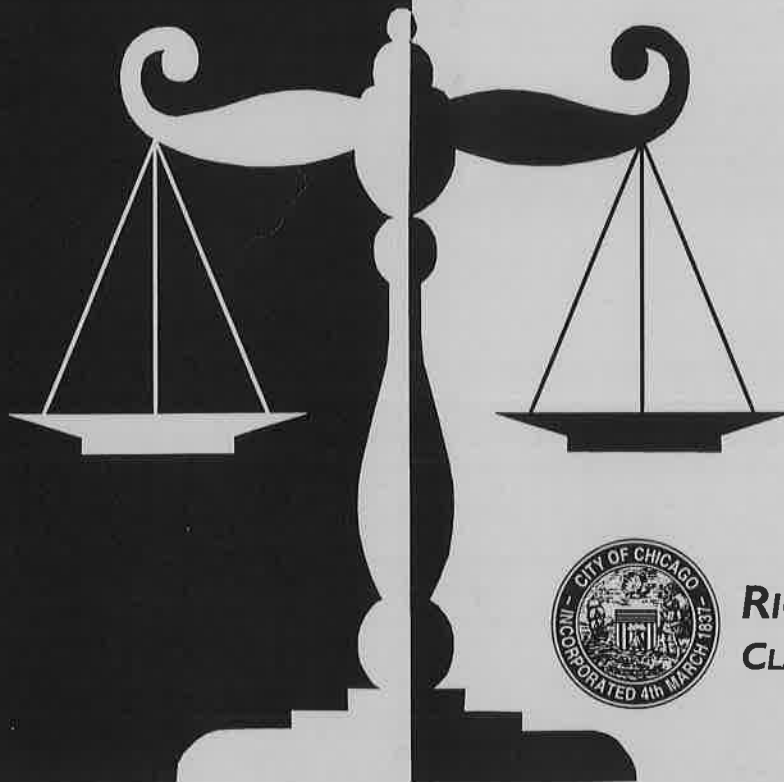


CITY OF CHICAGO

COMMISSION ON HUMAN RELATIONS

1999

ADJUDICATION REPORT



RICHARD M. DALEY, MAYOR
CLARENCE N. WOOD, CHAIRMAN

CITY OF CHICAGO COMMISSION ON HUMAN RELATIONS

“The Chicago Commission on Human Relations was established to eradicate discrimination, bigotry, and prejudice in the City of Chicago. Since May 6, 1990, the Commission has been charged with administering and enforcing the Chicago Human Rights Ordinance and the Chicago Fair Housing Ordinance, and their provisions guaranteeing that all persons be free from discrimination in the areas of housing, employment, credit and bonding, and access to public places. The Commission investigates, mediates, and adjudicates such discrimination based on race, color, sex, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military discharge status, and source of income.

“The Commission also assists victims of bias crimes and helps them and their communities respond to such acts of hatred. An Education, Outreach and Intergroup Relations Unit assists governmental agencies and community groups in developing effective fair housing and human relations programs, and is at the forefront of community crisis intervention. This unit works to improve intergroup relations through the provision of educational workshops, tension reduction, training and mediation. The Commission is also empowered to hold public hearings, conduct research, issue publications, and make recommendations to the Mayor and City Council on the state of human relations in Chicago. The Commission has eight Councils that act as advisors to the Commission regarding the special needs and concerns of the Refugee and Immigrant, Veteran, Gay and Lesbian, Asian-American, African-American, Arab-American, Latino, and Women’s communities.”

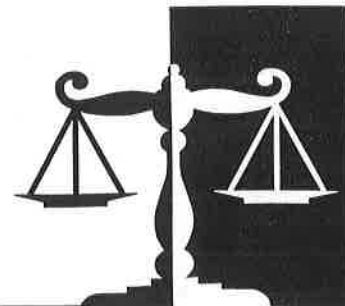
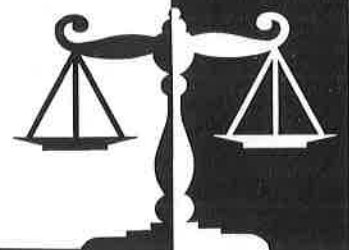


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MESSAGE FROM THE CHAIRMAN

Dear Friend in Human Relations:

Discrimination and hate are not artifacts of bygone times, they continue to impact people's lives in the 21st century. Acts of discrimination and hate can be expected so long as residential segregation, media-supported stereotypes and myths, and coveted senses of privilege and superiority shape our actions and attitudes.

The Chicago Commission on Human Relations (CCHR) compiles and issues annual reports on its adjudication work which, taken together with annual reports on the incidence of hate crimes, provide a tangible if partial record of claims of discrimination and hatred in the city of Chicago.

These numbers cannot exist apart from a context that is achingly human. When discriminatory acts about which complainants have filed claims are found to have actually occurred, or when victims are subjected to reported threat or attack because of hate-crime offenders' perceptions of their identities, the persons whose rights have been violated come into focus from behind the numbers.

The Adjudication Unit's charge is to determine whether discrimination actually occurred. We are neutral—we must identify discrimination when it happens and must clear people and institutions wrongfully accused. When discrimination is found to have occurred, however, the statistics cry out for us to acknowledge real people—co-workers, classmates, neighbors, friends, fellow citizens—whose lives have been interrupted by instances in which society fell short of its creed of liberty and justice for all.

Below are some highlights of Adjudication's work in 1999.

For the first time, in 1999, the Commission closed more cases than were received. For the first time, the CCHR closed 536 cases (which were filed over the years) while receiving 465. This was particularly notable in the employment area where we received 192 cases while we closed 260.

The new cases included 192 employment complaints, 140 housing complaints, and 133 public accommodation complaints.



The CCHR focused on completing the agency's oldest cases. In 1999, over one-fifth of the cases in which the investigation stage was completed were over two years old. This was part of the Commissioner's efforts to first reduce and then eliminate its backlog.

Race remained the most-claimed basis of discrimination. Race was the basis cited most often in employment at 21%, with sex placing second at 20%. In the public accommodation area, race accounted for 34% of the claims while disability was alleged in 33% of them.

Source-of-income claims figured prominently in the housing area. In April 1999, the Commission issued an order denying a challenge to its interpretation and application of the Chicago Fair Housing Ordinance (CFHO) to people using Section 8 to pay their rent. This order also held that federal law did not prohibit the Commission from applying the CFHO that way. In addition, for the third consecutive year, source of income was the most frequently claimed type of discrimination (24%) in housing cases; race was second with 17%. This reflects the increased use of Section 8 and the increased awareness that rejection of a voucher per se is not permitted in Chicago.

Commission cases continued to be well received in the state circuit and appellate courts. No CCHR decision was reversed or even remanded in 1999. Moreover, one of the most hotly contested cases to come before the Commission was upheld. In August, a circuit court found that the CCHR had properly enjoined the Chicago Area Council of the Boy Scouts of America from using sexual orientation as a factor in deciding whether to hire someone. The court did not uphold the award of attorney's fees or damages to the complainant, however. The circuit court decision has been appealed further.

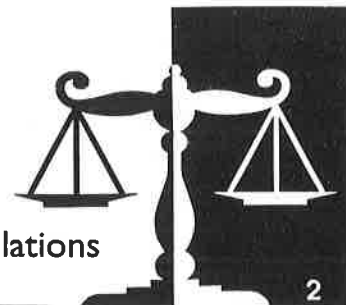
The full report of the Adjudication Unit follows. As Chairman, I offer my sincere thanks and congratulations to the Adjudication staff for the efficient yet caring attention give to complaints filed with the Commission.

Sincerely,

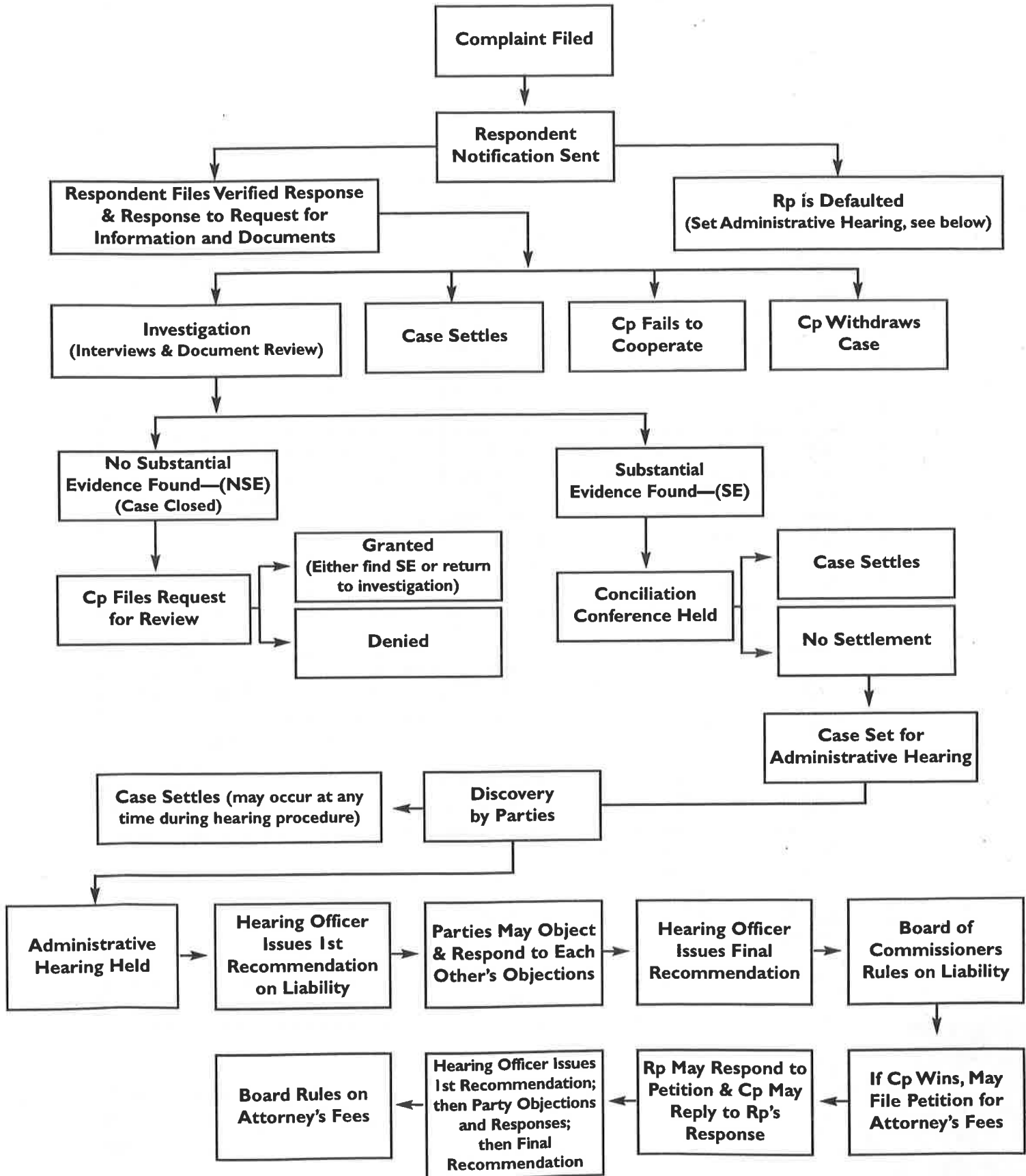


Clarence N. Wood
Chairman

Chicago Commission on Human Relations



CHR ADJUDICATION FLOW CHART



Note: Cp = Complainant and Rp = Respondent

SUMMARY OF CASES FILED AND ACTIONS TAKEN BY THE CHICAGO COMMISSION ON HUMAN RELATIONS ADJUDICATION UNIT

COMPLAINTS FILED	EMP	PA	HSG	TOTAL
Number of Cases Filed	192	133	140	465

Cases Closed	EMP	PA	HSG	TOTAL
Total Closed	260	117	159	536
Settled	99	72	71	242
No Substantial Evidence	80	22	41	143
Failure to Cooperate	49	6	33	88
Withdrawn	22	5	10	37
Other (includes closed after hearing)	9	7	3	17
Lack of Jurisdiction	3	5	1	9

Substantial Evidence Found	EMP	PA	HSG	TOTAL
Substantial Evidence Found	14	13	24	51

Defaults Entered	EMP	PA	HSG	TOTAL
Respondents Defaulted	2	3	5	10

Requests For Review	EMP	PA	HSG	TOTAL
Requests for Review Filed	6	4	3	13
Requests for Review Granted	0	0	2	2

EMP = Employment
PA = Public Accommodation
HSG = Housing



BASES OF CLAIMS FOR CASES FILED

PROTECTED CLASSES	EMP		PA		HSG		TOTAL	
Race	62	21%	59	34%	33	17%	154	23%
Color	1	.5%	2	1%	8	4%	11	2%
Sex	57	20%	20	12%	11	6%	88	13%
Age	26	9%	1	.5%	1	.5%	28	4%
Religion	9	3%	5	3%	2	1%	16	2%
Disability	30	10%	57	33%	17	9%	104	16%
National Origin	25	9%	7	4%	11	6%	43	7%
Ancestry	11	4%	3	2%	10	5%	24	4%
Sexual Orientation	42	14%	8	4.5%	7	4%	57	9%
Marital Status	7	2%	0	0%	21	11%	28	4%
Parental Status	7	2%	0	0%	27	14%	34	5%
Military Status	0	0%	0	0%	0	0%	0	0%
Source of Income	2	1%	3	2%	46	24%	51	8%
Retaliation	13	4.5%	7	4%	1	.5%	21	3%
Total Number of Bases Claimed	292		172		195		659	

In some cases, complainants claim more than one type of discrimination. Accordingly, percentages are based on the total number of cases claimed, and not the total number of complaints filed. Percentages for each category equal approximately 100%.

EMP = Employment
PA = Public Accommodation
HSG = Housing



EMPLOYMENT CLAIMS

<i>ALLEGED DISCRIMINATORY ACTS</i>	<i>NUMBER</i>	<i>PERCENT</i>
Failure to Hire	9	3%
Promotion Denied	14	6%
Demotion	9	3%
Wage Differential	4	2%
Discriminatory Benefits	1	.5%
Sexual Harassment	30	12%
Harassment (other than sexual)	23	9%
Termination/Layoff	102	40%
Failure to Recall	1	.5%
Retaliation for Filing Complaint	0	0%
Discriminatory Terms and Conditions	46	18%
Failure to Accommodate a Disability	7	3%
Other	7	3%
TOTAL	253	100%

PUBLIC ACCOMMODATION CLAIMS

<i>ALLEGED DISCRIMINATORY ACTS</i>	<i># OF CLAIMS</i>	<i>PERCENT</i>
Accommodation Not Accessible	38	28%
Mistreatment	54	40%
Refusal of Entry	8	6%
Discriminatory Terms and Conditions	13	10%
Other	22	16%
TOTAL	135	100%

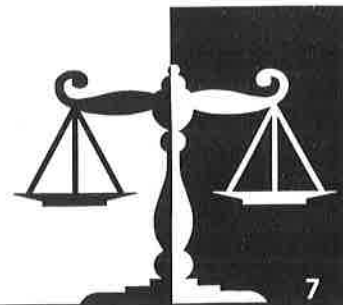
In some cases, complainants claim that they suffered more than one allegedly discriminatory action. These tables reflect the total number of discriminatory claims filed in 1999, not the total number of complaints filed, and no percentages equal 100%.



HOUSING CLAIMS

<i>ALLEGED DISCRIMINATORY ACTS</i>	<i>NUMBER</i>	<i>PERCENT</i>
Discriminatory Communication	5	3%
Discriminatory Financing	0	0%
Not Accessible to Disabled	3	2%
Lease Termination	25	17%
Panic Peddling/Blockbusting	0	0%
Refusal to Examine Listings	0	0%
Refusal to Sell	6	4%
Refusal to Rent/Lease	75	50%
Sexual Harassment	3	2%
Steering	0	0%
Discriminatory Terms and Conditions	28	19%
Other Harassment	5	3%
TOTAL	150	100%

In some cases, complainants claim that they suffered more one allegedly discriminatory action. These tables reflect the total number of discriminatory claims filed in 1999, not the total number of complaints filed, and so percentages equal 100%.



AVERAGE TIME CASES SPEND IN THE INVESTIGATIVE STAGE

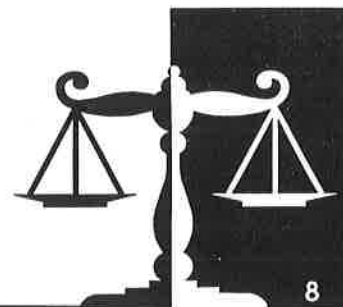
The chart below indicates the average amount of time a case spends in the investigative stage. That is the time starting from when the case is filed until the first of a substantial evidence finding, a default order or a dismissal (such as settled, NSE'd, or withdrawn). The chart does not measure time spent after a case proceeds to a conciliation conference and/or an administrative hearing.

	<i>EMP</i>	<i>PA</i>	<i>HSG</i>	<i>OVERALL</i>
1998—AVERAGE TIME in Months	16.1	11.7	6.4	11.7
1999—AVERAGE TIME in Months	19.4	7.3	12.5	14.7

In 1999, the average time that a case spent in the investigative stage increased substantially for housing cases and slightly for employment cases; it dropped significantly in public accommodation cases. The changes are explained by considering the number of cases which the Commission addressed in the investigative stage in each year which were over two years old as the chart below demonstrates.

	<i>EMP</i>	<i>PA</i>	<i>HSG</i>	<i>OVERALL</i>
1998—% of Cases OVER 2 YEARS OLD	24.2	12.0	4.7	15.1
1999—% OF CASES OVER 2 YEARS OLD	32.4 (35% higher rate than 1998)	7.3 (42% lower rate than 1998)	13.2 (almost three times higher rate than 1998)	21.2 (40% higher rate than 1998)

The increased rate of addressing cases over two years is due to the Commission's push to get rid of its backlog. The CCHR completed more of these older cases in 1999 than in 1998 and is again focusing on such older cases in 2000.



SUBSTANTIAL EVIDENCE DETERMINATIONS

1999	EMP	HSG	PA	TOTAL
No Substantial Evidence Found	80 85%	22 63%	41 63%	143 74%
Substantial Evidence Found	14 15%	13 37%	24 37%	51 26%

The percentages above are measured from only those cases in which an NSE or an SE finding was made. They are **not** percentages from **all** cases in which the Commission took any action in 1999. For example, they do not consider the cases which were settled or withdrawn before an NSE or SE finding could be made.

EMP = Employment
PA = Public Accommodation
HSG = Housing
CRD = Credit



SETTLEMENT AGREEMENTS

Almost half of all cases closed at the Commission close by way of settlement agreements. Some facts concerning these agreements are set forth below.

TYPE OF CASE	CASES SETTLED	SETTLEMENT AMOUNT
Employment	99	\$148,229.69
Public Accommodation	72	\$ 18,967.20
Housing	71	\$ 39,460.94
Total	242	\$206,657.83

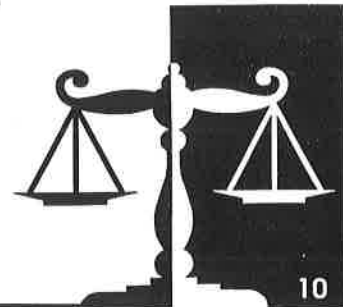
CASES SETTLED includes all cases in which the Commission knows that the parties settled, even if the parties submitted a withdrawal form, not the agreement itself.

SETTLEMENT AMOUNT, however, includes settlement awards only from settlement agreements submitted to the CCHR for approval (and so in which the amount settled for is known). The CCHR facilitated settlements in many cases in which the parties did not reveal the terms of the settlement to the Commission. There are also agreements which do not include the payment of money.

SUMMARY OF ADMINISTRATIVE HEARING ACTIONS

Rulings for Respondents	6
Ruling for Complainants	2
Damages Awarded to Complainant	\$3,120.00
Fines Awarded to City	\$1,000.00
Attorney's Fees Rulings	5
Fees & Costs Awarded to Complainant	\$50,509.25
Number of Hearings Held in 1999	11

(Two of these settled after the hearing and rulings on several of them are not due until 2000.)



SUMMARY OF 1999 LIABILITY RULINGS MADE AFTER ADMINISTRATIVE HEARINGS

EMPLOYMENT

Moore v. Northwestern Memorial Hospital et al., 96-E-224 (1-20-99) (CCHR found that the Complainant who was fired for sleeping on the job did not prevail on her disability discrimination claim as she did not show that her alleged sleep apnea was a disability or that Respondent failed to accommodate it)

Bovino v. Worldwide Tobacco, et al., 98-E-5 (9-15-99) (where case turned on credibility and Complainant's story had unreasonable and/or inconsistent aspects, CCHR found that she had not carried her burden of proof to show that Respondent forced her to have sex with him and then fired her when she stopped or that he created a sexually hostile environment)

HOUSING

Huff v. American Management and Rental Svc., 97-H-187 (1-20-99) (defaulted Respondent found liable for not renting to Complainant due to her source of income, a Section 8 voucher)

Puryear v. Hank, 98-H-139 (9-15-99) (defaulted respondent found liable for not renting available apartment to Complainant due to Complainant's race, African-American)

PUBLIC ACCOMMODATION

Blakemore v. Starbucks Coffee Co., 97-PA-60 (2-24-99) (CCHR upheld Hearing Officer's sanction that Complainant could not testify at hearing, finding he was "contumacious" due to his repeated refusal to comply with orders despite several opportunities to correct behavior; Complainant lost case as he was unable to prove *prima facie* case)

Bell/Parks/Barnes v. 7-Eleven Convenience Store, et al., 97-PA-68/70/72 (7-28-99) (Respondent not found liable as Complainants did not prove that Respondent called security about them because they were African-American; they further did not show Respondent's defense was pretextual—that Respondent believed Complainants were acting suspiciously and that Respondent regularly calls security each night regarding all types of people)

Robinson v. Crazy Horse Too, 97-PA-89 (10-20-99) (CCHR ruled in favor of Respondent where Complainant did not show that white customers were treated differently, that Respondent's employees were responsible for injuring Complainant or that, even if Respondent's employees had been involved, they were motivated by race)



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Mayor**

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