City of Chicago
COMMISSION ON HUMAN RELATIONS
740 N. Sedgwick, 3rd Floor, Chicago, IL 60610
(312) 744-4111 (Voice), (312) 744-1081 (Fax) (312) 744-1088 (TTY/TDD)

IN THE MATTER OF:	)	
LaVonda Hawkins,	)	
Complainant	)	CCHR Case No. 03-E-114
v.	)	
	)	Date of Ruling: May 21, 2008
Zena Ward and Alberta Hall,	)	Date Mailed: June 25, 2008
Respondents	)	

FINAL ORDER ON LIABILITY AND RELIEF

TO:	LaVonda Hawkins	Zina Ward	Alberta Hall
	7018 S. Bell	4894 Bayview Dr.	1273 W. Victoria
	Chicago, IL 60637	Richton Park, IL 60471	Chicago, IL 60660

YOU ARE HEREBY NOTIFIED that, on May 21, 2008, the Chicago Commission on Human Relations issued the attached ruling in favor of Complainant LaVonda Hawkins. The Commission ordered Respondents to do the following:

1. Pay to Complainant a total of $10,000 in damages, assessed as follows:
   a. $6,800 by Respondent Alberta Hall
   b. $3,200 by Respondent Zena Ward

2. Each Respondent to pay to Complainant pre-and post-judgment interest on the damages assessed against that Respondent, pursuant to Reg. 240.700, dated from February 1, 2003.

3. Pay to the City of Chicago a total of $600 in fines, assessed as follows:
   a. $400 by Respondent Alberta Hall
   b. $200 by Respondent Zena Ward.[1]

The findings of fact and specific terms of the ruling are enclosed.

Pursuant to Commission Regulations 100(14) and 250.150, to seek review of this order, parties may file a petition for a common law *writ of certiorari* with the Chancery Division of the Circuit Court of Cook County according to applicable law.

CHICAGO COMMISSION ON HUMAN RELATIONS
Dana V. Starks, Chair and Commissioner

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[1] **Compliance Information.** Reg. 250.210 requires parties to comply with a Final Order after Administrative Hearing no later than 31 days after the later of the Board of Commissioners' Final Order on Liability or any Final Order on Attorney Fees and Costs. Payments of fines are to be made by check or money order payable to City of Chicago, delivered to the Commission at the above address, to the attention of the Deputy Commissioner for Adjudication and including a reference to this case name and number. Payments of damages and interest are to be made directly to the Complainant. See Reg. 250.220 for information on seeking enforcement of a relief award.

City of Chicago
COMMISSION ON HUMAN RELATIONS
740 N. Sedgwick, 3rd Floor, Chicago, IL 60654
312/744-4111 (Voice), 312/744-1081 (Fax), 312/744-1088 (TDD)

IN THE MATTER OF:	
LaVonda Hawkins **Complainant,** **v.**	**Case No.:** 03-E-114
Zena Ward and Alberta Hall **Respondents.**	**Date of Ruling:** May 21, 2008

FINAL RULING ON LIABILITY AND RELIEF

I. Complainant's Allegations

Complainant LaVonda Hawkins alleges that Respondents Zina Ward and Alberta Hall terminated her employment with South View Manor Nursing Home ("South View") because she refused Hall's sexual advances and thereafter complained about those advances to Ward. Hawkins alleged she was sexually harassed by Hall from February of 2002 until her termination on July 21, 2003.[1] When she reported Hall's sexual harassment to Ward and asked her to take corrective action, Ward told Hawkins that she should speak with her immediate supervisor, Hall. On May 1, 2003, Hawkins resigned her employment with South View. On the next day, May 2, 2003, Hall called Hawkins, apologized, and promised to stop harassing Hawkins if she would return to work. Hawkins returned to work approximately one week later.

According to Hawkins, Hall stopped sexually harassing her but began harassing her "professionally." For example, Hall began scheduling Hawkins to work weekends, including Saturday, July 19, 2003. Hawkins complained about the weekend scheduling. On Saturday, July 19, 2003, Hawkins called in sick, stating that she had a toothache and needed to see the dentist. When she arrived at work on Monday, July 21, 2003, she was terminated for absenteeism.

II. Procedural History

On August 11, 2003, Hawkins filed a Complaint with the City of Chicago Commission on Human Relations alleging that Ward, Hall, and South View[2] violated the Chicago Human Rights Ordinance, Chapter 2-160 of the Chicago Municipal Code. Pursuant to Commission Regulation 210.210, the Commission notified each named Respondent of the Complainant and of the requirement to file and serve a Verified Response. Hall and Ward both signed and filed Verified Responses on September 15, 2003. The Commission entered and mailed to all parties an Order Finding Substantial Evidence and Setting Conciliation Conference, scheduling the Conference for March 14, 2007. Neither Ward

[1] During the Administrative Hearing, Hawkins testified that she was harassed by Hall from February 2003 through July 2004. In her Complaint, however, she stated that she was harassed from February 2002 through July 2003. According to Hawkins' termination notice, it appears that the dates in the Complaint are the correct ones.

[2] Pursuant to a Commission Order issued on March 22, 2007, approving a Settlement Agreement, South View Manor Nursing Home was dismissed as a Respondent.

nor Hall appeared at that Conciliation Conference. The Commission then mailed both Ward and Hall a Notice of Potential Default on March 28, 2007. The Notice required each of them to show good cause for their absence by pril 11, 2007 to avoid an entry of Default. When Ward and Hall failed to respond to the Notice of Potential Default, the Commission issued an Order of Default on April 19, 2007. The Order stated: "This Order of Default means that each defaulted Respondent is deemed to have admitted the allegations of the Complaint and to have waived any defenses to the allegations, including defenses concerning the Complaint's sufficiency. As set forth in Reg. 215.240, an Administrative Hearing shall be held only for the purpose of allowing the Complainant to establish a *prima facie* case in order to demonstrate that entitlement to appropriate relief." A Pre-Hearing Conference was scheduled for August 10, 2007.

After the Pre-Hearing Conference, on August 15, 2007, Ward moved to vacate the Default Order. On August 17, 2007, Hall also moved to vacate. On August 23, 2007, the Commission denied both requests to vacate. It concluded that the motions were untimely filed and there was no basis for equitable tolling of the filing deadlines.

Another Pre-Hearing Conference was then held on December 6, 2007, and an Administrative Hearing was conducted on December 13, 2007. The hearing was held, pursuant to the Default Order, only for the purpose of allowing the Complainant to "establish appropriate relief, including injunctive relief, damages, fines, and attorneys' fees and/or costs." Reg.215.240. Neither party submitted a post-hearing brief. Respondents did submit additional evidence.

III. Findings of Fact

The Commission adopts the Hearing Officer's recommended findings of fact, as follows:

1. Hawkins was hired by South View Manor Nursing Home in April 2002. Tr. 9.

2. Hawkins was responsible for scheduling employees, budget logs, food ordering, cooks and the kitchen. Tr. 9.

3. In February 2003, Hall told Hawkins that she liked her and asked Hawkins to "go out." Hawkins told Hall that she "wasn't interested in her like that." Tr. 10.

4. The following day, Hall asked Hawkins "How was your evening, did you sleep all right last night? I asked you out last night because I really like you." Hawkins told Hall that she was not gay. In response, Hall told her "try it, you might like it." Complaint, par. 15.

5. In March 2003, Hall asked Hawkins to join her for a cigarette break. According to Hawkins, "Hall stated that since she had asked me out, I treated her differently as if I was afraid of her. I told Hall that I was not afraid of her, not gay, and not going to change my sexuality. Hall said, 'We'll see.'" Complaint, par. 16.

6. Later that month Hawkins spoke with Ward about Hall's harassment. Ward told Hawkins that she had "to work it out with [Hall] because she was the one who hired" her. Tr. 10.

7. Also in March 2003, Hall "got very close to [Hawkins'] face, and stated that she thought that [Hawkins] was attractive and really liked how [her] hair was braided." Hall stated,

"You just think you're so cute today don't you?" According to Hawkins, a co-worker, Tamala Tucker, who observed the incident, stated to her that she thought Hall "was going to kiss [Hawkins] on the mouth." Complaint, par. 18.

8. Hawkins repeatedly told Hall that she was not interested in her advances. Complaint, par. 17.

9. In April 2003, after Hall asked Hawkins, "What color panties have you got on under them white pants?" Hawkins again complained to Ward, telling her that the harassment was becoming more "aggressive and explicit." Complaint, par. 19.

10. Ward told Hawkins that she had to "take up [her] complaints with Alberta [Hall]." Complaint, par. 19.

11. On May 1, 2003, Hawkins resigned "because of Ms. Hall's aggressiveness and harassment." Tr. 10.

12. The next day, at Ward's request, Hall telephoned Hawkins and apologized. Hall also told Hawkins that she "was going to stop the harassment" if Hawkins returned to work. She informed Hawkins that they needed her back because there was going to be a state inspection. Tr. 10-11.

13. About a week after her resignation, Hawkins returned to South View in her prior position. Tr. 11. Hall no longer sexually harassed Hawkins, but began, according to Hawkins, "professionally" harassing her. Tr. 12.

14. Hawkins asserted Hall would "suspend or send home an aide or a cook, another person in the department to make [her] work late or just to make things bad in [her] department." Tr. 12.

15. In late April or early May 2003, Hawkins requested a vacation. Hall denied Hawkins' vacation request. However, in June she approved the vacation. Tr. 12.

16. On July 14, 2003, Hawkins returned from approximately one week of vacation. When Hawkins returned, she discovered that Hall had terminated a cook. Tr. 13.

17. On Friday, July 18, 2003, Hall told Hawkins the scheduling was already complete for the next week. Hall also stated that she would be doing the scheduling from then on and that Hawkins would be working weekends. Hawkins asked Hall why she had to work weekends when they still had "enough staff to cover the weekends and the days." Hall "replied because [I] want [you] to." Tr. 13.

18. That same Friday, Hawkins had a toothache. Tr. 13.

19. On Saturday, July 19, 2003, at 5:00 a.m., Hawkins called South View and left a voice mail message with security that she was ill and would not be coming in. Hawkins then called Ward at home. Ward informed Hawkins that she would have to speak with Hall. Tr. 14. When Hawkins told Hall that she had a toothache and needed to go to the dentist, Hall stated that she thought Hawkins "just did not want to come in because 'I am making

you work on the weekend.'" Hall instructed Hawkins that if she did not come in, she would be terminated. Tr. 15.

20. Hawkins went to the dentist and was given a prescription for antibiotics and pain pills until the tooth was extracted on Monday, July 21, 2003. She did not report for work on Saturday, July 19, as she had been instructed. Tr. 15.

21. On July 21, Hawkins came to work and, approximately two hours into Hawkins' shift, she was called into Hall's office and terminated. According to Hawkins, Hall stated that she was being terminated because she did not come in on Saturday, July 19, 2003, and she "thought that [she] had more control over the kitchen than [Hall] does." Tr. 15.

22. Hawkins remained unemployed for more than two months. She then accepted a job as a cook for $10 an hour at Oak Park Nursing Home. Tran. 17.

23. During the two months that Hawkins was unemployed, she incurred medical bills, including a prescription for Ativan, an anti-depressant, anti-stress medication. Tr. 16-17.

24. Hawkins no longer receives all of the benefits she received at South View, including healthcare and paid vacation after six months. Tran. 18.

IV. Discussion

Section 2-160-040 of the Chicago Human Rights Ordinance ("CHRO") prohibits sexual harassment in the workplace. It states:

> No employer, employee, agent of an employer, employment agency or labor organization shall engage in sexual harassment. An employer shall be liable for sexual harassment by nonemployees or nonmanagerial and nonsupervisory employees only if the employer becomes aware of the conduct and fails to take reasonable corrective measures.

Sexual harassment is defined as "any unwelcome sexual advances or requests for sexual favors or conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or (2) submission to or rejection of such conduct by an individual is used as the basis for any employment decision affecting the individual; or (3) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment." Section 2-160-020(1), Chicago. Muni. Code.

To prevail, the Commission requires Hawkins first to present evidence at the hearing to establish a *prima facie* case of discrimination. *Bell v. 7-Eleven Convenience Store*, CCHR No. 97-PA-68/70/72 (July 28, 1999). In light of the Order of Default, Respondents Hall and Ward are deemed to have "admitted all of the facts alleged in the Complaint and to have waived [their] defense(s) to the allegations, including defenses concerning the Complaint's sufficiency." Reg. 215.240; *Carroll v. Riley*, CCHR No. 03-E-172 (Nov. 17, 2004); *Horn v. A-Aero 24 Hour Locksmith et. al.*, CCHR No. 99-PA-00 (July 19, 2000); *Soria v. Kern*, CCHR No. 95-H-113 (July 18, 1996).

In a sexual harassment case, a complainant establishes a *prima facie* case by proving: (1) that she

was "subjected to unwelcome conduct of a sexual nature;" and (2) that "the conduct was pervasive enough to render her working environment intimidating, hostile or offensive." *Barnes v. Page*, CCHR No. 92-E-1 (Sept. 23, 1993).

The complainant's burden is to establish "by a preponderance of the evidence that sufficient facts exist" to imply harassment in the "absence of a credible, non-discriminatory explanation for the Respondent's actions." *Bell v. 7-Eleven Convenience Store, supra.* Complainant has met that burden.

A. Sexual Harassment Claim

The Commission reviews the record as a whole and the totality of the circumstance from the perspective of a reasonable woman to determine whether sexual harassment is sufficiently offensive and pervasive. Reg. 340.100. Hawkins testified that she was regularly sexually harassed by Hall between February 2002 and July 21, 2003. On numerous occasions, Hall asked Hawkins to "go out" with her. In March 2003, Hall "got very close to [Hawkins'] face, and stated that she thought that [Hawkins] was attractive and really liked how [her] hair was braided." A co-worker, Tamala Tucker, who observed the incident, stated to Hawkins that she thought Hall "was going to kiss [Hawkins] on the mouth." Later, in April 2003, Hall reportedly asked Hawkins "What color panties have you got on under them white pants?" A reasonable woman could find Hall's behavior to be sufficiently pervasive to constitute a sexual harassment in the form of a hostile working environment, in violation of Reg. 2-160-040.

Hawkins repeatedly complained about Hall's advances to Ward. She made it clear to both Hall and Ward that she considered Hall's conduct to be unwelcome and offensive. In April 2003, she informed Ward that Hall's harassment was becoming more "aggressive and explicit." Nevertheless, prior to Hawkins' resignation on May 1, 2003, Ward took no corrective action. Based on these facts, which under the Order of Default cannot be controverted, Hawkins was subjected to sexual harassment by Hall, and Ward, as Hall's supervisor who was aware of that misconduct and took no remedial action, also is deemed to have engaged in impermissible sexual harassment. See *Salwierak v. MRI of Chicago, Inc. & Baranski,* CCHR No. 99-E-107 (July 16, 2003), finding an employer corporation liable along with an individual harasser where it was aware of the harassment but took no steps to stop it.

B. The Termination Claim

Hawkins asserts that the reason for her termination on July 21, 2003 was her refusal to comply with Hall's advances and/or her subsequent complaints to Ward about Hall's actions. In order to show that her discharge was impermissible, there has to be at least a *prima facie* case that those asserted reasons were a factor in Hawkins' termination. The Commission disagrees with the hearing officer's conclusion on this aspect of the case, and concludes that there is sufficient evidence of such causation.

The Commission acknowledges that after Hawkins resigned her employment at South View on May 1, 2003, Hall and Ward took some corrective action, on Ward's initiative. Ward instructed Hall to contact Hawkins, offer her reemployment, apologize for her past misconduct, and assure her that she "was going to stop the harassment" if Hawkins returned to work. Hall followed these instructions and Hawkins accepted the apology and promise of no further sexual harassment by agreeing to return to work.

Although Hawkins admitted that there was no further sexual harassment, she claimed that after her reemployment Hall engaged in "professional harassment," which included sending home employees in Hawkins' department and under her supervision, refusing her vacation requests, and requiring her to work on weekends. Hawkins called in to report that she would be absent on the first Saturday she was scheduled to work because she had a toothache. Hall told Hawkins, that she assumed Hawkins simply did not want to work on the weekend and, as a result, she told Hawkins that if she did not come in, she would be terminated. Hawkins did not report to work and she was terminated.

The timing and explanation of these actions, as described by Complainant, is sufficient to establish a *prima facie* case that the termination was also part of the sexual harassment. According to the evidence presented at the hearing, Ward instructed Hall to persuade Hawkins to return to work at least in part because of an upcoming state inspection. Tr. 11. But then Hall began coming into Hawkins' department saying things were not right, although they were being done in the same way as before these incidents and there had been no previous complaint about Hawkins' work performance. Tr. 18-19. Hall also made Hawkins work late and suspended members of Hawkins's staff. Tr. 12. Then after Hawkins returned from a week's vacation, Hall told her she would have to work weekends. Tr. 13. Hawkins testified that she had not previously worked weekends and there were sufficient staff members to cover the weekends without her needing to work. She also testified that the only reason for the weekend assignment which Hall gave was that "she wanted me to." Tr. 13.

Complainant testified that on the Friday before the Saturday when she was assigned to work, she had a toothache and Hall knew that, but Hall told her she had to come to work anyway. Tr. 13-14. That Hawkins actually had a toothache was borne out by her testimony that she went to a dentist, received medication, and had the tooth extracted the following Monday. Tr. 15. Nevertheless, Hawkins was terminated. Hawkins did call in to say she would be absent and make an explanation of it. When she called, she reached Ward at home at 5:00 a.m.. Ward again told Hawkins she would have to talk to Hall and handed the phone over to Hall. The Commission views the weekend work scheduling by Hall, without articulation of any reason other than that Hall wanted it, along with the joint conduct of Ward and Hall to strictly enforce this work schedule in an arbitrary manner, as an unnecessary "power struggle" initiated by Ward and Hall, not based on the needs of the workplace.

Penalizing an employee for refusing to accept sexual harassment is *quid pro quo* sexual harassment. In a *quid pro quo* sexual harassment claim, the issue is whether the submission to a sexual demand is made a condition "for the employee to receive or retain job benefits, or deprives the employee of job benefits on the basis of the employee's refusal to engage in sexual relations." *Duignan v. Little Jim's Tavern, et al.*, CCHR No. 01-E-38 (Sept. 10, 2001) quoting *Keppler v. Hinsdale Township High School Dist. 86,* 715 Supp. 862, 866 (N.D. Ill. 1989). After Hawkins returned to work, Hall's behavior was, in the Commission's view, a direct reaction to Hawkins having rebuffed Hall's sexual advances. It is reasonable to conclude that this was also the real reason Hall made the decision to terminate Hawkins' employment, a decision which was supported by Ward.

V. Relief

Section 2-120-510(1), Chicago Muni. Code, allows the Commission to award a prevailing Complainant the following forms of relief:

> [A]n order: ... to pay actual damages, as reasonably determined by the Commission, for injury or loss suffered by the complainant; ... to pay to the complainant all or a portion of

the costs, including reasonable attorney fees, expert witness fees, witness fees and duplicating costs, incurred in pursuing the complaint before the Commission ...; to take such action as may be necessary to make the individual complainant whole, including, but not limited to, awards of interest on the complainant's actual damages ... These remedies shall be cumulative, and in addition to any fines imposed for violations of provisions of Chapter 2-160 and Chapter 5-8.

A. Compensatory Damages

1. Out-of-Pocket Losses

Because the Commission finds that Hawkins' termination was a part of the sexual harassment by Respondents, she is entitled to compensation for her out of pocket losses due to the termination. Hawkins testified that she was out of work for two months after the termination, and that her salary at the time of termination was $36,000 annually. Tr. 16. As she was able to testify to this loss with certainty, the Commission awards Complainant $6,000 as her back pay covering the period of time when she was without employment. This amount is apportioned at $4,000 to be paid by Alberta Hall and $2,000 by Zena Ward.

Hawkins testified that she then became employed at Oak Park Nursing Home as a cook, for $10 per hour with no healthcare coverage or paid vacation as she had at South View. She took this lower-level job because she needed to pay her bills and care for her three children. Tr. 17. She had been a food service supervisor at South View. Tr. 19. There is no evidence as to how long Hawkins worked at Oak Park Nursing Home. Although she testified that she visited her doctor three times and was prescribed an antidepressant for stress, she did not provide any evidence as to the amounts of these expenditures. Tr. 17. This testimony is not sufficiently specific to support any additional out-of-pocket damages. See, e.g., *Huff v. American Management and Rental Service*, CCHR No. 97-H-187 (Jan 20, 1999), noting that although out-of-pocket damages can be supported by a complainant's certain testimony about them, the costs of moving expenses, seeing a psychiatrist, certain, medication, and a higher security deposit in a housing discrimination were not awarded because the complainant neither testified to the amounts of those damages nor offered exhibits to support the claims.

2. Emotional Distress Damages

As the Commission stated in *Nash & Demby v. Sallas & Sallas Realty*, CCHR No. 92-H-128 (May 17, 1995), "the amount of compensatory damages that may be awarded is not limited to out-of-pocket losses, but includes damages for the embarrassment, humiliation, and emotional distress caused by the discrimination." See also *Efstathiou v. Café Kalliston*, CCHR No. 95-PA-1 (May 21, 1997). Hawkins did not present any expert testimony at the hearing that would have aided in determining whether she suffered emotional distress. However, a complainant's testimony can be sufficient to establish an emotional injury. *Craig v. New Crystal Restaurant*, CCHR No. 92-PA-40 (1995).

The record in this case indicates that Hall frequently made sexual comments to Hawkins which created a hostile and offensive working environment. When Hawkins complained about Hall's sexual harassment to Ward, she responded by telling Hawkins to address it with Hall. Additionally, Respondents terminated Hawkins' employment after she refused Hall's sexual advances and complained to Ward. Although Respondents' conduct was particularly repulsive and was repeated,

Hawkins presented only general evidence about her emotional distress. She testified that it was hard to pay her mortgage and other bills, that she has three children, and that she saw her doctor and received a prescription for Ativan, an anti-depressant, anti-stress medication. Tr. 17. Her car was repossessed because she could not make payments for the two months she was unemployed, although she got the car back after starting her new employment. Tr. 18. In addition, Hawkins felt sufficient emotional stress from Hall's repeated sexual harassment to cause her to resign. However, Hawkins did not demonstrate that there was severe or prolonged distress. The Hearing Officer recommended an award of emotional damages to Hawkins in the amount of $500 to be apportioned at $350 against Hall and $150 against Ward. The Commission agrees with the Hearing Officer's reasoning but believes that the amount of emotional damages recommended is too small in light of the Respondents' disregard for Hawkins right to work without being subjected to sexual harassment and then discharging her for refusing Hall's sexual advances. The Commission thus awards emotional distress damages in the amount of $2,000, to be apportioned consistent with the Hearing Officer's recommendation: $1,400 against Hall and $600 against Ward.

C. Punitive Damages

The Commission has awarded punitive damages in cases where a respondent's actions are willful and wanton, malicious, and in reckless disregard of the rights of the victim of discrimination. The Commission has determined that punitive damages are required both as punishment of an ordinance violator and to deter others from committing similar acts in the future. See, e.g. *Akangbe v. 1428 West Fargo Condominium Association*, CCHR No. 91-H-7 (Mar. 25, 1992); *Houck v. Inner City Horticultural Foundation*, CCHR No. 97-E-93 (Oct. 21, 1998); *Boyd v. Williams*, CCHR No.92-H-72 (June 16, 1993), *Collins & Ali v. Magdenovski*, CCHR No.91-H-70 (Sept. 16, 1992); *Nash/Demby v. Sallas Realty & Sallas*, CCHR No. 92-H-128 (Apr. 19, 2000); and numerous other decisions awarding punitive damages. Here, Hawkins was asked to return to work the day after her resignation. She was given an apology and a promise that there would be no further harassment if she returned to work. Although the sexual harassment stopped when Hawkins returned to work, Respondents' future behavior toward Hawkins was still motivated by her refusal to comply with Hall's sexual advances and ultimately caused Hall to terminate Hawkins' employment. Determining the size of an appropriate punitive damage award is obviously somewhat arbitrary. Taking into account Respondents' conduct, the Commission finds that an award against Respondents equal to the amount of the emotional distress award is appropriate. Thus, the Commission awards punitive damages in the amount of $2,000, to be apportioned as follows: $1, 400 against Hall and $600 against Ward.

D. Fines

Section 2-160-120, Chicago Muni. Code (Chicago Human Rights Ordinance) provides for a fine to be imposed against a party who violates the ordinance in an amount of not less than $100 and not more than $500. The Hearing Officer recommended a fine of $200 against Hall and $100 against Ward. The Commission believes these fines are too low given the level of reckless disregard shown for Complainant's rights to work in an environment free from sexual harassment. The Commission imposes fines of $400 against Hall and $200 against Ward.

E. Interest

Commission Regulation 240.700 provides for pre- and post-judgment interest at the prime rate, adjusted quarterly, compounded annually starting at the date of the violation. Such interest is

awarded and shall be calculated from February 1, 2003, the first date of harassment identified.

F. Attorney's Fees

As this Complainant appeared *pro se,* there is no basis for an award of attorney's fees.

VI. Conclusions of Law

1. Complainant LaVonda Hawkins has established a *prima facie* case that she was subjected to sexual harassment by Respondents Zena Ward and Alberta Hall. Hawkins has also established a *prima facie* case that she was terminated as the result of her rejection of Hall's sexual advances.This conduct violates the Chicago Human Rights Ordinance.

2. The following relief is warranted based on the evidence:

   a. Back pay in the amount of $6,000, apportioned at $4,000 against Alberta Hall and $2,000 against Zena Ward.

   b. Emotional distress damages in the amount of $2,000, apportioned at $1,400 against Alberta Hall and $600 against Zena Ward.

   c. Punitive damages of $2,000, apportioned at $1,400 against Alberta Hall and $600 against Zena Ward.

   c. Fines in the amount of $400 against Alberta Hall and $200 against Zena Ward.

CHICAGO COMMISSION ON HUMAN RELATIONS

By: Dana V. Starks, Chair and Commissioner