

City of Chicago
COMMISSION ON HUMAN RELATIONS

ADJUDICATION DIVISION

2016 Activity
Concerning Discrimination Cases
filed under the
Chicago Human Rights Ordinance
and
Chicago Fair Housing Ordinance



Chicago Commission on Human Relations
740 N. Sedgwick, Suite 400, Chicago, IL 60654
(312) 744-4111 (voice) – (312) 744-1088 (TTY) – (312) 744-1081 (fax)

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 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 assist in the drafting of 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 2016 in the categories of discrimination complaints accepted under the City's ordinances. The 2016 figures are compared to those for 2015.

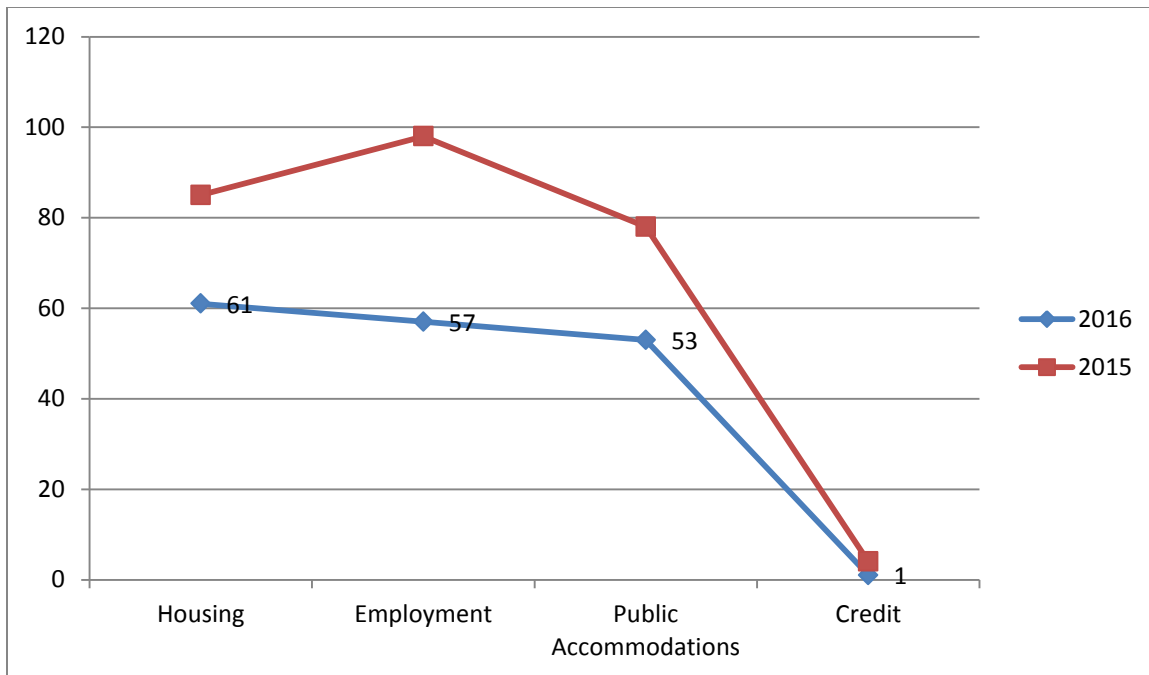
Case Activity Summary	Housing 2016 / 2015	Employment 2016 / 2015	Public Accommodation 2016 / 2015	Credit 2016 / 2015	TOTAL 2016 / 2015
COMPLAINTS FILED	61 / 85	57 / 98	53 / 78	1 / 4	172 / 265
Staff-Assisted	30 / 55	34 / 71	27 / 28	0 / 0	91 / 154
Self-Prepared	31 / 30	23 / 27	26 / 50	1 / 4	81 / 111
CASES FORWARDED TO HEARING STAGE	22/ 16	6/ 11	11/ 37	0 / 0	39 / 64
Substantial Evidence	22/ 16	6/ 11	11/ 34	0 / 0	39 / 61
Default (investigation stage)	0/ 0	0/ 0	0/ 3	0 / 0	0 / 3
CASES CLOSED	54 / 79	64 / 78	54 / 84	3 / 1	175 / 243
Settled	17 / 13	7/ 18	11/ 14	0/ 0	36/ 45
Complainant Withdrew Complaint	9/ 10	7/ 18	17/ 11	0/ 0	38/ 39
Complainant Failed to Cooperate	7/ 6	6/ 3	1/ 9	0/ 0	14/ 18
Lack of Jurisdiction	0/ 3	2/ 0	2/ 15	0/ 1	4/ 19
No Substantial Evidence	21/ 47	35/ 37	22/ 33	3/ 0	105/ 118
Ruling After Hearing	1/ 0	3/ 2	1/ 2	0/ 0	5/ 4
REQUESTS FOR REVIEW after involuntary dismissal	13 / 6	5 / 4	8 / 3	0 / 0	26 / 13
Denied	9/ 5	1/ 4	6/ 3	0 / 0	16 / 12
Granted	2/ 1	0/ 0	0/ 0	0 / 0	2 / 2
Granted in Part, Denied in Part	1/0	1/0	0/0	0 / 0	0/0

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 2016 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	17	28%	30	53%	21	40%	1	100%	69	40%
Color	2	3%	3	5%	3	6%	1	100%	9	5%
National Origin	12	20%	8	14%	0		0		20	12%
Ancestry	4	6%	3	5%	0		0		7	4%
Religion	4	6%	3	5%	1	2%	0		8	5%
Sex	1	1%	9	16%	7	13%	0		17	10%
Sexual Orientation	3	5%	6	10%	8	15%	0		17	10%
Gender Identity	2	3%	1	2%	10	19%	0		13	7%
Marital Status	1	1%	1	2%	0		0		2	1%
Parental Status	2	3%	1	2%	0		0		3	2%
Age	5	8%	6	10%	1	2%	1	100%	13	7%
Disability	13	21%	6	10%	16	30%	0		35	20%
Source of Income	36	58%	1	2%	0		1	100%	37	22%
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		12	21%	0		0		12	7%

Number of Complaints Received by Type



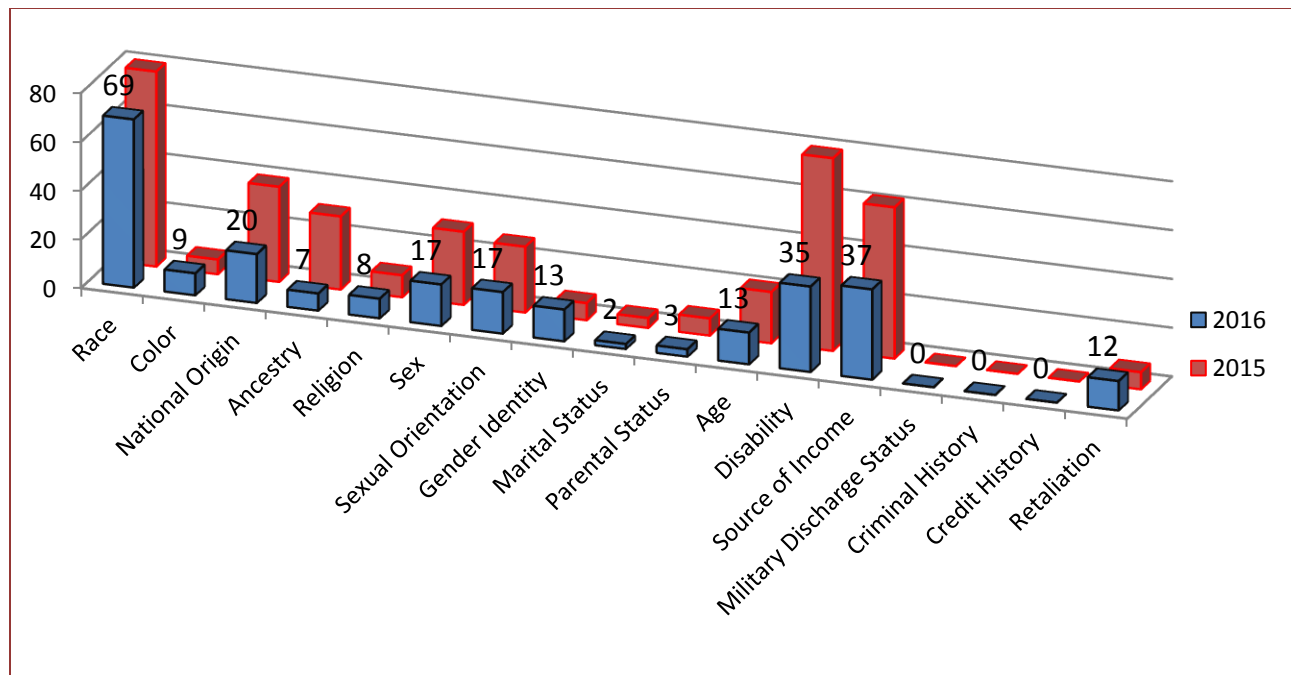
Trends in Discrimination Claims

In 2016, the Commission received a total of 176 new complaints of discrimination. Unlike prior years, where employment claims represented the majority of new complaints filed with the Commission, this year saw the most claims in the area of housing discrimination, which accounted for 37% all new complaints. Employment claims accounted for 33%, while public accommodation claims accounted for 30% of complaints filed with the Commission in 2016. Of the housing complaints filed with the Commission in 2016, the majority (58%) involved claims for discrimination based on the complainant's lawful source of income, which is consistently the most frequently alleged basis of housing discrimination claims. In the area of employment discrimination, the majority of complaints filed with the Commission alleged race discrimination (56%). Finally, complaints alleging discrimination in public accommodations were generally split between race discrimination (40%) and disability discrimination (30%). With respect to complaints alleging discrimination in credit transactions and bonding, the Commission received 1 complaint this year, compared to 4 in 2015, although this category has consistently yielded very low numbers.

The number of complaints received at the Commission in 2016 totaled 176, reflecting a significant decrease from 268 complaints received in 2015. The number of complaints filed in 2016 is nearly 35% below the total complaints filed in 2015. One factor relevant to that decrease is that in 2015, 18 employment complaints were filed at one time against the same employer, and 17 public accommodations complaints were filed at the same time by a group of disability advocates. These two events skewed the complaint numbers in 2015. Moreover, in 2016 the Commission saw far

fewer complaints than previous years filed by “frequent filer complainants” – i.e. those individuals who, in prior years, had filed numerous complaints (sometimes as many as 70 complaints in a single year by a single person) against multiple respondents, usually in the area of public accommodations. Finally, it has been discovered that discrimination complaints filed at other administrative agencies, such as the Illinois Department of Human Rights, were down in 2016.

Total 2016/2015 Discrimination Claims by Protected Category



Trends by Complaint Type

EMPLOYMENT

As noted above, 2016 was a unique year in that employment discrimination complaints did not comprise the bulk of the total complaints received at the Commission. This fact alone is very unusual, as historically employment discrimination claims have made up the majority of the Commission’s complaints. Moreover, between 2015 and 2016, employment discrimination complaints received by the Commission were down by approximately 40%. There are number of possible explanations for this. First, the number of employment discrimination complaints received in 2015 were skewed high because a group of employees filed 18 separate complaints against a single employer. In addition, as part of a larger trend in the last few years, employment discrimination complaints have also decreased at both the Equal Employment Opportunity Commission and the Illinois Department of Human Rights. This may be in part due to employers developing better internal policies to identify possible discriminatory practices before they escalate to the point that an

employee files a complaint. On the other hand, employees may feel less empowered to report possible discrimination in the workplace for fear of losing their jobs or other forms of retaliation. It remains to be seen in 2017 if the overall trend of decreasing discrimination complaints will continue, or if given the country's divided (and at times hostile) political climate, employees may perceive and speak out about increased discrimination in the workplace.

Among the employment discrimination claims filed with the Commission in 2016, race discrimination was by far the most cited basis for discrimination, accounting for 53% of the claims received. This was a slight increase from 2015, when race discrimination was cited in 49% of all employment claims. The second and third most cited categories claimed in employment discrimination were sex, yielding 16% of all claims, and national origin, at 14% of all claims. The next most cited categories of employment discrimination were sexual orientation, age, and disability, with each representing about 10% of the total employment discrimination claims filed. Claims for discrimination based on national origin and ancestry saw the sharpest decreases between 2015 and 2016. However, as noted above, in 2015 the Commission received 18 complaints by a group of employees against a single employer, all of whom alleged discrimination based on national origin and ancestry.

HOUSING

In 2016, the Commission received 61 complaints alleging housing discrimination. This number represents a decrease of about 19% from 2015, when 85 such complaints were filed. However, as noted above, housing discrimination represented the majority of complaints received by the Commission in 2016. As has been the trend for the past several years, the bulk of the 61 housing complaints – 36 complaints (or 58%) – alleged source of income discrimination, most of which involved Housing Choice Vouchers, also known as Section 8 Vouchers. In 2017, the Commission plans to address the prevalence of source of income discrimination in housing through targeted outreach to landlords and property managers. These efforts are described in the outreach section below.

Beyond source of income, race discrimination was the next most frequent claim in the housing area, asserted in 28% of the housing complaints. Next was disability discrimination, claimed in 21% of the housing complaints, followed closely by national origin, comprising 20% of all housing complaints. Other types of discrimination were claimed in 8% or fewer of new housing discrimination complaints.

PUBLIC ACCOMMODATIONS

Out of the 53 public accommodation complaints received in 2016, race was the most cited basis of discrimination, included in 40% of all complaints received under this category. This is unusual in that for the previous three years, disability has been the most cited basis for discrimination in the area of public accommodations. In 2016, disability discrimination in public accommodations accounted for 30% of claims received by the Commission, whereas in 2015, disability was the most cited category, accounting for 53% of public accommodation complaints. The decrease in disability discrimination cases in 2016, can be attributed in large part to the lack of complaints from one individual who was the complainant in more than 75% of the disability discrimination complaints filed in 2014 and 12% of the complaints in 2015. In contrast to prior years, this same individual only filed a total of 2 complaints in 2016.

Beyond the claims alleging race and disability discrimination, public accommodation discrimination based on gender identity and sexual orientation, represented 19% and 15% of these claims respectively. It is worth noting that discrimination based on gender identity in public accommodations increased sharply from 8% of the claims filed in 2015 to 19% in 2016. This is likely due to the fact that gender identity, and specifically transgender identity, has become much more a part of the national dialogue around civil rights issues. Moreover, the CHRO now requires that any public accommodation provide full use of facilities, goods, and services to any individual, irrespective of the individual's membership in any of the recognized protected classes, including gender identity. As a result of an amendment to the CHRO in 2016, a public accommodation may no longer discriminate based on gender identity with respect to facilities which are distinctly private in nature, such as restrooms, shower rooms, bathhouses, dressing rooms, etc. Access to these facilities can no longer be conditioned upon a corresponding government-issued identification but rather, on the gender identity of the individual seeking access. These changes, both in the CHRO and in the national dialogue, have likely led to more transgendered individuals feeling empowered to file complaints in cases where discrimination may have occurred.

CREDIT OR BONDING TRANSACTIONS

Discrimination in credit transactions and bonding has never been the subject of many complaints. For example, the Commission received 4 such complaints in 2015 and no such complaints were filed in 2014. The Commission received 1 such complaint in 2016.

Evaluating Complaint Data

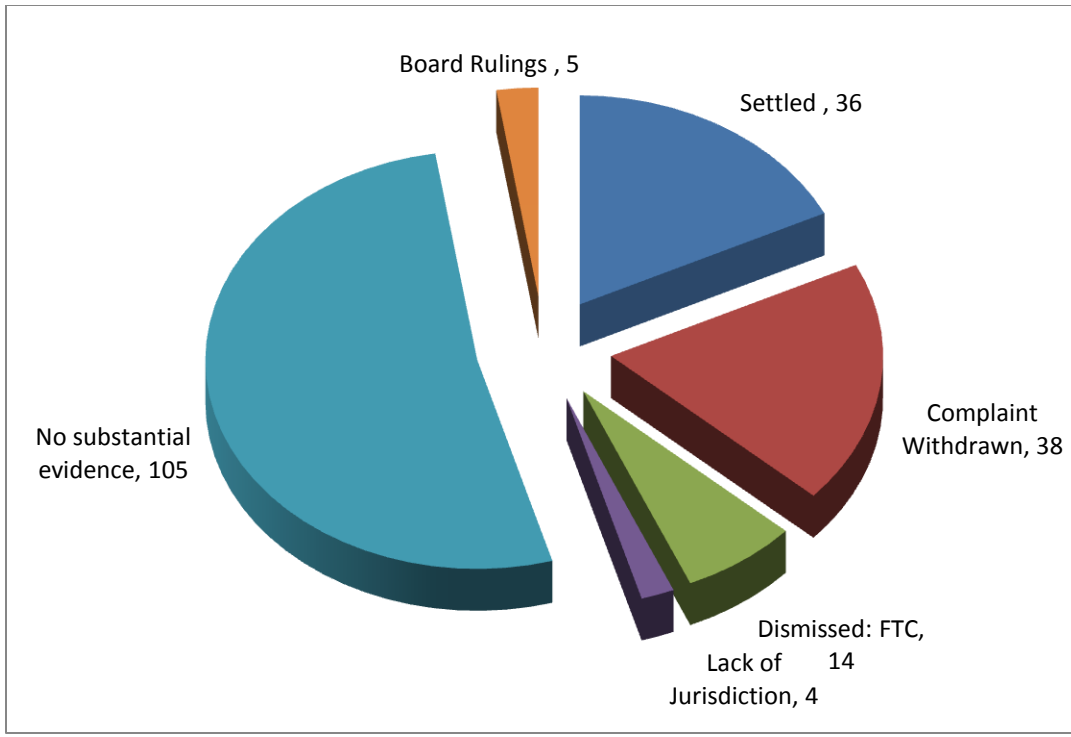
In considering the meaning of the data on discrimination complaints presented in this report, a few points should be kept in mind:

- 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 2016



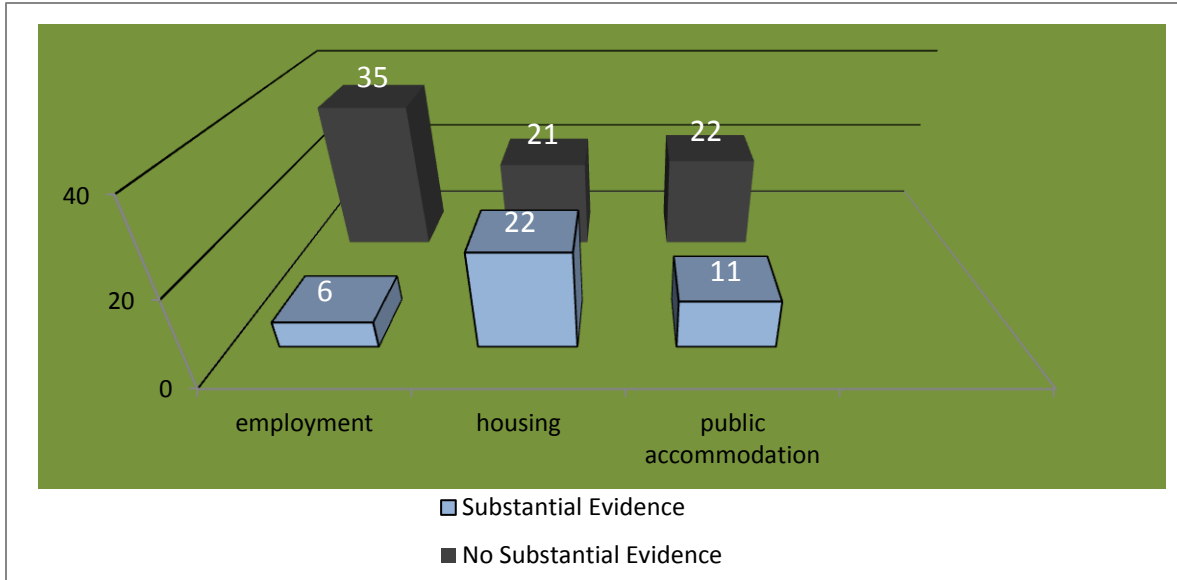
Substantial Evidence Findings

During 2016, 39 complaints advanced to the administrative hearing stage after a finding of substantial evidence that an ordinance violation had occurred. This represents 18% of the 219 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 2016 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 2007 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	2016
Pending Complaints (at year-end)	356	284	259	256	240	259	225	202	216	164
In Investigation Stage	303	224	209	220	217	238	206	164	183	129
In Hearing Stage	53	60	50	36	23	21	19	38	33	36
New Complaints	272	247	259	299	267	249	261	246	265	176
Complaints Forwarded to Hearing	56	73	62	37	28	29	33	64	41	39

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 8% in 2016, after having already increased that number by 18% in 2015. This is particularly impressive

considering the fact that the Commission lost an investigator in the first quarter of 2015 and the position has remained vacant since.

The Commission continues to make positive strides since the performance standards for investigators. A process has been implemented 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

Despite receiving fewer complaints in 2016 as compared to 2015, the Commission saw nearly the same number of cases advanced to a hearing in 2016 as compared to the previous year. In 2016, 18% of the Commission's closed investigations, totally 39 cases, were advanced to the hearing stage, as compared to 16% of the Commission's closed investigations, totaling 41 cases, in 2015.

Of the cases advanced to a hearing in 2016, only 2 actually went to hearing in 2016. In 2016, there were 19 cases at the hearing stage that were scheduled for settlement conferences before one of the Commission's independent mediators. Of those cases forwarded to a settlement conference 11 either settled or were dismissed based on the complainant's failure to cooperate with the process. The remaining cases carried over to the following year. At the end of 2016, 35 cases remained pending in the hearing stage.

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 2016, a total of 35 out of 175 closed cases were resolved by settlement, with 11 of those settlement taking place at a settlement conference.

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 2016, the Commission held 19 such settlement conferences, compared to 14 held in 2015.

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 2016, there were 2 administrative hearings held at the Commission. The Board of Commissioners ruled on the following 7 cases, most of which carried over from 2015:

Anguiano Lopez v Law Offices of Daniel G. Lauer & Assoc, PC, et al, CCHR No 14-E-06 (Feb. 11, 2016). The Board of Commissioners ruled on a pregnancy discrimination case, finding that that the employer in question had not violated the Chicago Human Rights Ordinance. The complainant claimed that after she informed her employer about her pregnancy, the employer's president began giving her demeaning work and subsequently terminated her. The Board agreed with the hearing officer's recommendations that complainant had not met her burden of proving that the employer's actions were motivated by anti-pregnancy bias.

Barrera v American Dental Associates, Ltd, et al, CCHR No 13-E-60 (April 14, 2016). After previously finding that Respondents failed to accommodate Complainant's religious practices by failing to allow Complainant to wear her hijab in the workplace, the Board awarded attorney fees of \$21,773.25 and \$643.50 in costs.

Marshall v Feed Restaurant, CCHR No 15-P-26 (July 14, 2016). The Board ruled for the Complainant, finding that the Respondent failed to provide full use of its restaurant to the Complainant and failed to reasonably accommodate his disability. The Board awarded the Complainant \$3,006 in emotional and compensatory damages, \$500 in punitive damages, and assessed a \$1,000 fine against the Respondent. The Board further ordered injunctive relief, requiring the Respondent to take specific steps to make its business accessible to customers with disabilities.

Pigram v. Elects Realty Champions LLC, et al., CCHR No. 14-H-77 (April 14, 2016).

The Board found no ordinance violation, where Complainant claimed that Respondents failed to rent an available apartment to him because he would have used a Housing Choice Voucher. Based on credibility determinations made by the hearing officer at the administrative hearing, the Board found that Complainant failed to present credible testimony to prove direct evidence of discriminatory intent and there was no circumstantial evidence presented to prove that Respondents acted with discriminatory intent toward Complainant.

Salgado v Ramirez DDS, et al., CCHR No 13-E-19 (May 12, 2016).

The Board ruled for the Respondent employer and found that the Complainant employee failed to meet her burden of proof in demonstrating that she was discriminated against based on her pregnancy. Complainant worked at Respondent's dental office as a dental assistant for approximately 14 years. While Complainant was terminated shortly after disclosing her pregnancy to Respondent, the Board found that Respondent offered legitimate, non-discriminatory reasons for her termination that had nothing to do with pregnancy. The Board agreed with the hearing officer's recommendations that complainant had not met her burden of proving that the employer's actions were motivated by anti-pregnancy bias.

Sketch v Scott, Halsted & Babetch, PC, et al., CCHR No 13-E-069 (October 13, 2016).

At the October 13, 2016 Respondent law firm discriminated against the complainant on the basis of her pregnancy, when it withdrew her offer of permanent employment immediately upon learning that she was pregnant. Subsequently, Respondent refused to renew Complainant's employment contract, effectively terminating her employment. The Board found that Respondent took these adverse actions against Complainant because of her pregnancy, in violation of the Chicago Human Rights Ordinance. On October 13, 2016, the Board awarded the following relief: Compensatory damages in the amount of \$55,200, emotional distress damages in the amount of \$15,000, and punitive damages in the amount of \$15,000. Complainant's total award was offset by \$18,000, representing a settlement with a previously dismissed respondent. The total damages awarded to Complainant are \$67,200, plus reasonable attorney's fees to be determined at a later date.

Suggs v Montessori Academy Infant-Toddler Center, Inc., CCHR No 13-E-56 (January 14, 2016).

After a previous finding that Respondent discriminated against Complaint based on her sex, the Board of Commissioners awarded Complainant \$65,732.50 in attorney fees and \$1,314.01.

Ordinance and CCHR Regulations Amendments

Revisions to the Disability Access Regulations

On October 13, 2016, 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 2017, 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 July 1, 2017 to allow for a rollout of an educational campaign to businesses and disability rights groups about the changes to the regulations.

Toward that end, the Adjudication staff has partnered with various Chicago Aldermen as well as a number of neighborhood chambers of commerce to deliver presentations to small and medium sized business owners on their accessibility obligations under the Chicago Human Rights Ordinance. Thus far, this has included presentations at City Hall as part of the Department of Business Affairs and Consumer Protection's Small Business Center's weekly program. Adjudication staff has also presented on the disability access regulations to various chambers of commerce, including the Lincoln Park and Rogers Park chambers. Additionally, Adjudication staff has given an interview about the new regulations on Chicago Lighthouse Radio. Adjudication staff also collaborated with MOPD on another presentation offered for continuing legal education credit as part of Equip for Equality's Disability Rights Consortium. Throughout 2017, Commission staff is working to distribute summaries of the new regulations to businesses throughout the city, including giving out summaries of the new regulations in Spanish and Mandarin translations where appropriate. In the next year, Adjudication staff and MOPD will also work together to create and distribute a short video on the new disability access regulations.

Military Status

On February 10, 2016, The Chicago City Council approved amendments to the Chicago Human Rights Ordinance and the Fair Housing Ordinance to provide protection for veterans and active duty military personnel from discrimination in employment, housing, public accommodations, credit, and bonding. The amendment creates a new protected class under the ordinances for "military status," which also includes reservists and members of the National Guard. Previously, the ordinances were limited to prohibiting discrimination based on military discharge status. The new class of military status will include military discharge status in its coverage. Prior to this amendment, 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.

Retaliation in Housing

On February 10, 2016, the City Council approved an amendment that strengthens the Chicago Fair Housing Ordinance by providing protection to victims of discrimination against retaliatory action for filing a claim of housing discrimination, or for cooperating in the investigation of a claim of housing discrimination by the Commission. The purpose of this amendment was to ensure that residents in Chicago are protected from retaliation for reporting instances of housing discrimination to the Commission. Prior to the amendment, the prohibition on retaliation was only included in the Chicago Human Rights Ordinance.

Removal of “government-issued identification” in Public Accommodations from the CHRO

On June 22, 2016, the City Council 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 now 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. Prior to this amendment, public accommodations could condition access to single-sex facilities, such as restrooms, upon presentation of a corresponding government-issued identification. Now, the Chicago Human Rights Ordinance prohibits public accommodations like hotels, restaurants or grocery stores from requiring patrons to show a government issued ID upon request to access facilities that are private in nature - such as restrooms - based on a person’s biological category, his or her gender identity, or both.

Outreach

The Commission’s Adjudication staff, both its attorneys and investigators, participated in a significant amount of outreach in 2016. Throughout the year, outreach activities by Adjudication staff included the preparation of presentation materials, delivering speaking presentations, participating as a speaker on informational panels, teaching continuing legal education courses, and staffing informational tables.

In particular, in 2016 the Adjudication staff conducted a significant amount of outreach around the issue of fair housing. For example, in the first half of 2016, Adjudication staff and the Chicago Housing Authority delivered joint monthly trainings on fair housing to owners participating in CHA’s Housing Choice Voucher program. Adjudication staff also participated in a number of panel discussions on fair housing, particularly during the month of April, which HUD has labeled as “Fair Housing Month.” In addition to presentations directed at both landlords and tenants’ rights groups, Adjudication staff also conducted a fair housing training as part of the City’s Community Development Grant Assistance technical assistance sessions for applicants interested in applying for funding.

Recognizing that 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. To help address this problem, the Commission successfully advocated for funding through the CDBG Program to conduct fair housing discrimination tests based on housing choice vouchers. A fair housing agency has been identified to work with the Commission as a consultant on this initiative. The testing program will help identify areas in the city where this type of discrimination occurs. An educational outreach campaign will then be conducted in those communities to help landlords and real estate professionals better understand the requirements under the law. This initiative is scheduled to begin in January 2017. In addition, throughout 2016, the Commission continues to participate in a Housing Choice Voucher working group, which consists of

approximately 30 members, including representatives from government agencies, housing advocacy groups, public housing agencies and Housing Choice Voucher holders. The purpose of the group to facilitate different agencies and organizations working together to identifying and resolve specific issues related to source of income discrimination.

Adjudication staff also conducted outreach through media, including print publications and radio interviews. On February 18, 2016, the First Deputy Commissioner appeared on Anna DeShawn's radio show on E3 Radio and discussed the work of the Commission in investigating and adjudicating claims of discrimination. Also, on December 6, 2016, the Deputy Commissioner was interviewed on Chicago Lighthouse Radio regarding both the Commission's mission and its new disability access regulations. In addition, the Deputy Commissioner wrote article on the advantages of filing claims of discrimination with the Commission, over other similar agencies, published in the January issue of the *Illinois Employee Advocate*, a publication directed primarily toward employment attorneys.

In the last quarter of 2016, the Adjudication staff worked to greatly increase its outreach through targeted education and presentations on the Commission's mission, duties, and goals, including presentations and participation in panel discussions before the Chicago Bar Association, the National Employment Lawyers Association, and participation in a workers' rights summit, which included representatives from numerous federal agencies as well community and workers' rights groups. As described above, Adjudication staff continues to partner with the Mayor's Office for People with Disabilities, the City's Office of Business Affairs and Consumer Protection, and various business groups to conduct targeted outreach throughout 2017 regarding the Commission new disability access regulations.

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 2016 to collect a total sum owed to the City of \$1,770. The Commission will continue to work with the Law Department in 2017 toward collecting on all outstanding balances.