

IN THE MATTER OF THE
REQUEST FOR REVIEW BY:

Petitioner.

ALS No.: 24-0175

This matter coming before the Commission on March 26, 2025, by a panel of three, Chair Selma D'Souza and Commissioners Jacqueline Y. Collins and Janice M. Glenn presiding, upon the Request for Review ("Request") of Deniss Guerrero ("Petitioner") of the Notice of Dismissal issued by the Illinois Department of Human Rights ("Respondent")¹ of Charge No. 2023CP1247, and the Commission having reviewed all pleadings filed in accordance with 56 Ill. Admin. Code, Ch. XI, Subpt. D, § 5300.400, and the Commission being fully advised upon the premises;

DISCUSSION

On April 5, 2023, the Petitioner filed a charge of discrimination with the Respondent alleging that City Colleges of Chicago (“City Colleges”) denied her the full and equal enjoyment of its facilities and services based on her disability, post-traumatic stress disorder (“PTSD”), when it gave her a failing grade (Count A) and withdrew her from a class (Count B), in violation of Section 5-102(A) of the Illinois Human Rights Act (“Act”). On February 27, 2024, the Respondent dismissed Count A of the Petitioner’s charge for lack of jurisdiction and Count B for lack of substantial evidence. The Petitioner filed a timely motion for extension of time to file her Request, and then filed this timely Request on October 15, 2024.³

The Petitioner was enrolled as a student at Harry S. Truman College from fall 2019 through spring 2023. The Petitioner stated that she was diagnosed with PTSD and that City Colleges was aware of it. She stated that she had enrolled in Physics 237 in 2021, but received a failing grade in March 2021 because City Colleges did not accommodate her PTSD.

¹ In a Request for Review proceeding, the party filing the Request for Review is the “Petitioner” and the Illinois Department of Human Rights is the “Respondent.”

² This order is entered pursuant to a 3-0-0 vote by the Commissioners.

³ The Commission construed the Petitioner's motion for extension of time filed on October 15, 2024, as her request for review, because it was clear from the motion that she disagreed with the Respondent's dismissal of her charge and was asking the Commission to review the matter.

The Petitioner enrolled in Physics 237 again in January 2023. She stated that on January 18, 2023, Director of Access Lauren Daley approved her accommodations plan for her physics course. The accommodations were: extended time for tests and quizzes; a distraction-reduced testing area; brief, frequent breaks during lecture; allowing her to remain off any video component of class except tests and quizzes; providing recordings of remote lectures; and flexibility on assignment due dates and tests and quizzes when she had to miss class due to her disability. The plan indicated that the “student should notify the instructor of any absences in advance whenever possible” and the “Access Center staff requires student documentation of absence and will communicate with Professor dates student was absent due to a medical disability.”

The Petitioner stated that on January 25, 2023, she notified Professor Anan Alkarmi that she would be missing class that day because she was in treatment for her disability. She stated that she missed class on January 30 and February 1, 2023, and she believed that she notified Alkarmi but did not remember the date.

The Petitioner stated that on February 6, 2023, she emailed and called Daley to make up the three classes she had missed, which included the first two quizzes of the semester. The Petitioner gave Daley a doctor’s note stating that she received treatment through February 7, 2023. The Petitioner stated that Daley accused her of providing a fake letter and, rather than providing her accommodations, said, “I will get back to you.” The Petitioner requested that her doctor provide clearer information, and her doctor wrote out each date that she received treatment.

The Petitioner stated that on February 8, 2023, Daley requested that she sign a consent form releasing her medical information to City Colleges. The Petitioner stated that she refused to sign the form and Daley continued to refuse to provide her with the accommodation that she requested. The Petitioner stated that, meanwhile, she continued to miss class because of Daley’s refusal.

The Petitioner stated that on March 6, 2023, Alkarmi told her that he was administratively withdrawing her from the physics class. On March 8, 2023, Daley emailed the Petitioner that, due to her excessive absences, missing work, and lack of communication, Alkarmi had no choice but to institute an administrative withdrawal for Physics 237.

City Colleges provided reasonable accommodations for students with disabilities through their Access Center. Daley stated that City Colleges approved the Petitioner’s accommodation plan on January 18, 2023. City Colleges also had an “administrative withdrawal policy,” which stated that a student might be withdrawn at midterm if the instructor determined that the student was not actively pursuing completion of the course, based upon the instructor’s “active pursuit” criteria, which included class participation, taking required exams and quizzes, submitting papers and work assignments, class attendance, etc.

Alkarmi stated that the Petitioner did not attend the first day of Physics 237 class, which was on January 18, 2023, and was late for the second class. Alkarmi stated that on January 25, 2023, he received an email from "Tom Henderson," who wrote that the Petitioner was currently under medical care, did not know when she was going to be released, and was requesting to miss labs and a quiz on January 25, 2023. The email included the Petitioner's accommodation plan. Alkarmi wrote directly to the Petitioner, agreeing to provide her with the accommodations. Alkarmi suggested that she submit the lab reports on the day after the lab, and said that he would give her time-and-one-half on her quizzes and exams. Alkarmi indicated that it was her responsibility to contact Daley to schedule a time slot for her quiz and exam.

Daley stated that on February 6, 2023, the Petitioner informed her that the Petitioner was missing class due to medical treatment. Daley stated that she asked the Petitioner to provide medical documentation. Daley stated that the Petitioner provided a doctor's letter that was dated January 25, 2023, indicating that the Petitioner "has been under medical care from January 25, 2023, to February 7, 2023." The letter recommended that the Petitioner have extra time on tests and assignments, and note-taking assistance, and the ability to work ahead in classes where available.

Daley stated that on February 6, 2023, she asked the Petitioner to sign a consent form releasing medical information so that City Colleges could confirm with her doctor that she was receiving treatment there. Daley stated that the release request to confirm dates of treatment and other information was a standard practice, especially when there was a lack of clarity in the provided documentation. Daley stated that the Petitioner refused to provide the release.

Alkarmi stated that, after the January 25, 2023 email, he did not hear from the Petitioner until March 1, 2023, when she showed up for class and told him that she had moved to New York and was in treatment. When Alkarmi asked her to provide a doctor's letter regarding her absences, the Petitioner provided the same doctor's letter that was dated January 25, 2023, which did not cover the dates of all of the classes that she had missed. Alkarmi stated that by March 1, 2023, the Petitioner had missed 10 out of 11 classes, including one exam, four quizzes, four labs, and five homework assignments. Alkarmi stated that on March 6, 2023, he notified the Petitioner that he was going to issue an administrative withdrawal for the course because she was not in active pursuit of the course.

The Commission concludes that the Respondent properly dismissed Count A of the Petitioner's charge for lack of jurisdiction and Count B for lack of substantial evidence. If no substantial evidence of discrimination exists after the Respondent's investigation of a charge, the charge must be dismissed. 775 ILCS 5/7A-102(D)(3). Under the Act, substantial evidence is "evidence which a reasonable mind accepts as sufficient to support a particular conclusion and which consists of more than a mere scintilla but may be somewhat less than a preponderance." 775 ILCS 5/7A-102(D)(2).

Count A

The Petitioner argues that City Colleges unlawfully gave her a failing grade in March 2021 because of her disability. In order to be timely, the Petitioner's charge of discrimination needed to be filed within 300 days after the date of the alleged civil rights violation. See 775 ILCS 5/7A-102(A)(1). Here, the Petitioner filed her charge of discrimination on April 5, 2023. Because the charge was filed some two years after the grade was issued, the Petitioner's claim is untimely, and the Commission lacks jurisdiction over it. See *Robinson v. Human Rights Comm'n*, 201 Ill. App. 3d 722, 728-29 (1st Dist. 1990).

Count B

The Petitioner argues that she was denied the full and equal enjoyment of City College's facilities and service because of her disability. The Act states that it is a violation for any person on the basis of unlawful discrimination to "[d]eny or refuse to another the full and equal enjoyment of the facilities, goods, and services of any public place of accommodation." 775 ILCS 5-102(A). A *prima facie* case of discrimination in a public place of accommodation requires that 1) the petitioner is a member of a protected class, 2) she attempted to exercise the right to full benefits and enjoyment of a public place of accommodation, 3) she was denied those benefits and enjoyment, and 4) she was treated less favorably than similarly situated persons outside her protected class. *Williams v. Human Rights Comm'n*, 2022 IL App (1st) 200927-U, ¶ 27.

Here, the Petitioner is a member of a protected class, was enrolled in a class, and was withdrawn from the class by City Colleges. The Petitioner's claim of discrimination fails because there was no evidence that City Colleges did not administratively withdraw a nondisabled student who at midterm had only attended one class, and had missed 10 classes, including one exam, four quizzes, four labs, and five homework assignments. Furthermore, to the extent that the Petitioner argues that City Colleges did not follow its own accommodation plan with respect to her disability, she was required to communicate with the school about her absences and provide medical documentation in support of her absences, and she did not do either.

The Commission concludes that the Respondent dismissed the Petitioner's charge in accordance with the Act.

THEREFORE, IT IS HEREBY ORDERED THAT:

1. The dismissal of the Petitioner's charge for is hereby **SUSTAINED**.
2. This is a final Order. A final Order may be appealed to the Illinois Appellate Court by filing a Petition for Review, naming the Illinois Human Rights Commission, the Illinois Department of Human

Rights, and City Colleges of Chicago as respondents, with the Clerk of the Appellate Court within 35 days after the date of service of this Order.

STATE OF ILLINOIS)	
)	Entered this 1st day of APRIL 2025.
HUMAN RIGHTS COMMISSION)	

Chair Selma D'Souza

Commissioner Jacqueline Y. Collins

Commissioner Janice M. Glenn