

IN THE MATTER OF THE
REQUEST FOR REVIEW BY:

Charge No.: 2024SF1642
EEOC No.: 21BA40858
ALS No.: 25-0220

This matter coming before the Commission on September 24, 2025, by a panel of three, Commissioners Jacqueline Y. Collins, Janice M. Glenn, and Gregory E. Vaci presiding, upon the Request for Review (“Request”) of Stephani Ellis (“Petitioner”),¹ of the Notice of Dismissal issued by the Illinois Department of Human Rights (“Respondent”) of Charge No. 2024SF1642, 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;

NOW, THEREFORE, it is hereby **ORDERED** that the dismissal of Counts A, B, H, and N of the Petitioner's charge is **VACATED** and the counts **REMANDED** for a **FINDING OF SUBSTANTIAL EVIDENCE**, the dismissal of Counts C, D, E, F, G, I, J, K, L, and M is **VACATED** and the counts **REMANDED** for further investigation, and the dismissal of Counts O, P, Q, R, S, and T is **SUSTAINED** for **LACK OF SUBSTANTIAL EVIDENCE** and for further proceedings consistent with this Order and the Illinois Human Rights Act ("Act").²

On July 12, 2023, the Petitioner filed a charge of discrimination with the Respondent, perfected on June 18, 2024, alleging that Cunningham Children’s Home of Urbana, Illinois (“Employer”) subjected her to sexual harassment (Count A); retaliated against her for engaging in a protected activity when it subjected her to sexual harassment (Count B); failed to accommodate her disabilities, post-traumatic stress disorder (Count C), anxiety (Count D), depression (Count E), traumatic brain injury (Count F), and “post-COVID” (Count G); retaliated against her for engaging in a protected activity when it failed to accommodate her (Count H); reduced her salary due to her post-traumatic stress disorder (Count I), anxiety (Count J), depression (Count K), traumatic brain injury (Count L), and post-COVID (Count M);

¹ In a request for review proceeding, the party filing the request for review is referred to as 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.

retaliated against her for engaging in a protected activity when it reduced her salary (Count N); forced her to resign due to her post-traumatic stress disorder (Count O), anxiety (Count P), depression (Count Q), traumatic brain injury (Count R), and post-COVID (Count S); and retaliated against her for engaging in a protected activity when it forced her to resign (Count T); in violation of Sections 2-102(A) and 6-101(A) of the Act. On April 29, 2025, the Respondent dismissed the Petitioner's charge for lack of substantial evidence. The Petitioner filed a timely Request.

The Employer is a residential children's home, and it hired the Petitioner on June 6, 2022, as a Special Education Teacher.

The Petitioner stated that she was diagnosed with post-traumatic stress disorder ("PTSD") in 2018. She said that she did not know if her PTSD was permanent, but it affected her ability to do her job because she could not restrain students and could not be around violent or aggressive students. The Petitioner stated that she provided the Employer with her "restrictions" in October 2022.

The Petitioner said that she was diagnosed with anxiety in 1994 and depression in 2018. She stated that these conditions were permanent, but she did not recall what restrictions they necessitated.

The Petitioner stated that she was diagnosed with traumatic brain injury ("TBI") in 2018. She said that this condition was permanent and affected her ability to do her job, as she needed accommodations, such as getting reminders, using hard copies, and frequent breaks.

The Petitioner said that she was diagnosed with "post-COVID symptoms" in 2020. She said that the condition was permanent and affected her ability to do her job because she could not restrain students and needed more breaks.

The Petitioner stated that, in June 2022, she requested accommodations³ in the form of frequent breaks, time off for medical appointments, hard copies of materials, detailed directions, and a mentor. She said that she was given a mentor for a few weeks, but the mentor "transferred out." The Petitioner stated that she did not receive the other requested accommodations. She said that, often when she requested a break, she was not able to take one.

The Petitioner said that, in October 2022, she requested an accommodation in the form of appropriate staffing because two people were needed to transfer a disabled student. She stated that she did not receive this accommodation because the Employer was understaffed.

The Petitioner stated that she received time off under the Victims' Economic and Security Act ("VESSA") between October 2022 and June 2023. She said that she had to use vacation and paid time off while taking VESSA leave in order to receive pay.

³ The Petitioner did not explain for which stated disabilities she requested accommodations.

A November 21, 2022, letter from the Petitioner's provider stated that the Petitioner was under the provider's care for neurological conditions resulting from a mild TBI, COVID, and persistent medical conditions. The letter also stated that the Petitioner had anxiety, depression and PTSD.

The Petitioner said that she was "sexually harassed and assaulted" by a student ("EJ") multiple times on a weekly basis between October 2022 and June 2023. She stated that EJ was a student with autism who would grope her, grab her breasts and crotch, and masturbate and urinate during class.

The Petitioner stated that she reported this behavior to Principal Charles Hogue and Director of Education Linda Fox, who would remove or restrain EJ. She said that the administration also held meetings to discuss these issues.

The Petitioner said that Hogue would ignore her when she called him over the radio for assistance, but Hogue would respond when other staff from her classroom would call him for help.

The Petitioner said that, in March 2023, her pay was reduced to \$24 per hour after previously being \$58 per hour. She stated that she was told that her pay was reduced because she was not meeting her contracted hours.

The Petitioner stated that, at the end of April 2023, the Employer began having EJ wear a "unitard one piece." She said that she took VESSA leave from April 2023 to May 2023 following an incident involving EJ.

The Petitioner stated that, on June 2, 2023, the Employer sent her a letter notifying her to contact it to discuss accommodations that she might need to return to work. She said that, though the letter included a deadline of June 5, 2023, she did not see the letter until June 9, 2023. The Petitioner stated that, though Hall contacted her three times in May 2023, she was "out" during that time. She said that she ultimately felt forced to resign from the Employer.

Human Resources Director Paige Hall said that the Petitioner filed an accommodations form on December 1, 2022. This form stated that various neurological conditions were cited as the nature of the qualifying disability, including mild TBI, COVID, anxiety, depression, and PTSD. Recommended accommodations included, flexible schedules, breaks when needed, auditory notes, and checklists.

Hall stated that the Petitioner was told that time off was reasonable for no more than 4 hours, she could take breaks when needed, and the Employer was looking into available tools for auditory notes. She said that the Petitioner was also given a mentor. Hall stated that all requested accommodations were provided apart from capping students to eight per class.

Fox stated that the Employer was generally aware of a sexually aggressive student in the Petitioner's class. She said that EJ was autistic and had challenges with being non-verbal, physically acting out, and had learning disabilities.

Fox said that, regarding incidences of EJ masturbating during class, the administration frequently met with EJ's parents and a consultant to determine how best to protect the students and staff. She stated that a male guardian was always present, and EJ would often be dressed in a unitard to prevent him from exposing himself. Fox said that the Employer limited restraining EJ because doing so would heighten EJ's behavior, but it would remove EJ if he exhibited inappropriate behavior.

Fox stated that she emailed the Petitioner on November 14, 2022, regarding a meeting earlier that day on EJ's behavior, which summarized 11 interventions that were already in place, and that six additional interventions would be added.

Hall stated that a teacher's pay was adjusted if she worked less than 176 days out of the year. She said that the Petitioner had attendance-related problems and that, as of March 2023, the Petitioner had missed approximately 60 days, which resulted in her pay being impacted. Hall stated that other employees have also had their pay adjusted when taking several weeks off.

Documentation regarding the Petitioner's pay indicated that the Petitioner's full annual salary was \$58,969.00, and that, out of 191 total possible work days, the Petitioner had worked or taken eligible paid days of 131 days and had missed 60 days. This resulted in the Petitioner's earnings based upon days worked being \$40,444.71.

Hall said that an employee's salary was not protected under VESSA, which was why the Petitioner was not paid for the days that she used VESSA time, though the time off itself was protected. She stated that, in order to be paid for VESSA time, employees had to take their own available paid benefit time, which the Petitioner did.

The Petitioner's record stated that, between January 29, 2023, and March 31, 2023, the Petitioner worked 174 hours and was not paid for 116 scheduled hours. The record also shows that, between April 1, 2023, and June 5, 2023, she worked 36.25 hours and was not paid for 275.5 hours.

Hall said that, on June 2, 2023, the Employer sent the Petitioner a letter advising that she needed to contact the Employer to discuss accommodations and her return to work. She stated that this letter included a deadline of June 5, 2023, and the Employer took the Petitioner's lack of reply by the deadline as her resignation. The letter stated that, if the Petitioner did not contact the Employer by June 5, 2023, at 5:00 p.m., "it w[ould] be understood that [the Petitioner had] voluntarily resigned."

Hall stated that, prior to June 2, 2023, the Employer contacted the Petitioner several times and attempted to discuss her accommodations. She said that the Petitioner was ultimately unresponsive.

The Commission concludes that substantial evidence exists as to Counts A, B, H, and N, that further investigation is needed to determine whether substantial evidence exists as to Counts C, D, E, F, G, I, J, K, L, and M, and that substantial evidence does not exist as to Counts O, P, Q, R, S, and T. 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 alleged that the Employer subjected her to sexual harassment via EJ’s actions. Under the Act, sexual harassment is:

any unwelcome sexual advances or requests for sexual favors or any 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, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such 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 working environment. 775 ILCS 5/2-101(E).

Additionally, the Act states that “an employer shall be responsible for sexual harassment of the employer’s employees by nonemployees...only if the employer becomes aware of the conduct and fails to take reasonable corrective measures.” 775 ILCS 5/2-102(D-5). “When an employee makes a complaint of sexual harassment, a prompt investigation of the allegations has been considered the ‘hallmark’ of reasonable corrective action.” See *In re Deontray Quinn and Vonachen Services, Inc.*, IHRC, ALS No. 22-0251, 2024 ILHUM LEXIS 211, *16 (Oct. 2, 2024). An employer can avoid liability...if it takes prompt action that is “reasonably calculated to prevent further harassment.” *Id.*

The Commission determines that a *prima facie* case has been established. Whether the actions taken by the Employer in response to EJ’s actions constituted reasonably corrective measures is a fact-intensive analysis best left for a trier of fact. Accordingly, the Commission vacates the dismissal of Count A and remands the count for a finding of substantial evidence.

Count B

The Petitioner alleged that the Employer retaliated against her for engaging in a protected activity by failing to address EJ’s inappropriate behavior. A *prima facie* case of retaliation requires that: (1) the petitioner engaged in a protected activity; (2) the petitioner was subjected to an adverse action; and (3) there is evidence of a causal connection between the protected activity and the adverse action. *Welch v. Hoeh*, 314 Ill. App. 3d 1027, 1035 (1st Dist. 2006). Regarding retaliation adverse actions in the employment context, the claim must show that a reasonable employee would have found the aggrieved

action to be materially adverse, which means that it would have dissuaded a reasonable employee from making or supporting a claim of discrimination. *In re Latanya Jackson and Bd. of Ed. of City of Chicago*, ILHUM, ALS No. 19-0439, 2023 ILHUM LEXIS 114, *21-22 (May 18, 2023).

The Commission determines that a *prima facie* case has been established. The Petitioner engaged in protected activity between October 2022 and April 2023 when she reported EJ's inappropriate behavior multiple times per week. She was subjected to adverse actions during this same time period when she would ask for assistance with EJ's behavior and would not receive it. Due to the short period of time between the protected activity and adverse actions, an inference of causal connection has been established. See *In re Request for Review by: Jacob Harbison*, IHRC, ALS No. 20-0148, 2019 ILHUM LEXIS 1473, *8 (Aug. 31, 2019) (finding five months between protected activity and adverse action established causation retaliation *prima facie* case). Accordingly, the Commission vacates the dismissal of Count B and remands the count for a finding of substantial evidence.

Counts C, D, E, F, and G

The Petitioner alleged that the Employer failed to accommodate her disabilities, PTSD (Count C), anxiety (Count D), depression (Count E), TBI (Count F), and "post-COVID" (Count G). A failure-to-accommodate disability claim requires that: (1) the petitioner is disabled; (2) the employer had knowledge of the disability; (3) the petitioner requested a reasonable accommodation; (4) the employer failed to accommodate the petitioner; and (4) with or without a reasonable accommodation, the petitioner could perform the essential functions of the job. *Ill. Dep't of Corr. v. Ill. Human Rights Comm'n*, 298 Ill. App. 3d 536, 540 (3d Dist. 1998). Under the Act, "disability" excludes "conditions that are transitory and insubstantial" or "not significantly debilitating or disfiguring." 56 Ill. Admin. Code § 2500.20(b)(1). "Transitory" is defined as "of brief duration," "existing momentarily," or "temporary." *Anderson v. Modern Metal Products*, 305 Ill. App. 3d 91, 98 (2d Dist. 1999).

Though the Respondent requested that the Commission vacate its dismissal of Counts C, D, E, F, and G and remand the counts for a finding of substantial evidence because determining whether the Employer accommodated the Petitioner requires a credibility determination, the Commission is unable to do so. There is not enough evidence to determine whether the Petitioner was disabled under the Act as to each of her stated disabilities. Though the Petitioner provided a document from her doctor stating that the Petitioner was diagnosed with each stated condition, it is unclear whether these conditions constituted disabilities under the Act such that they were permanent and not minor. Accordingly, the Commission vacates the Respondent's dismissal of Counts C, D, E, F, and G and remands the counts for further investigation on this issue.

Count H

The Petitioner alleged that the Employer retaliated against her for engaging in a protected activity when it failed to accommodate her disabilities in October 2022. A *prima facie* case of retaliation

requires that the *Welch* standard be met. *Welch*, 314 Ill. App. 3d at 1035. The Respondent requests that the Commission vacate its dismissal of Count H and remand the count for a finding of substantial evidence because conflicting testimony exists as to whether the Employer did in fact accommodate the Petitioner's disabilities. In light of the Respondent's recommendation, the Commission vacates the dismissal of Count H and remands the count for a finding of substantial evidence.

Counts I, J, K, L, and M

The Petitioner alleged that the Employer reduced her salary due to her disabilities, PTSD (Count I), anxiety (Count J), depression (Count K), TBI (Count L), and post-COVID (Count M). A *prima facie* case of disability discrimination requires that: (1) the petitioner is disabled; (2) her disability is unrelated to her ability to perform the functions of the job that she was hired to perform, or, if the disability is related to that ability to perform, after her request, the employer has failed to make a reasonable accommodation which was necessary for her performance; and (3) an adverse job action was taken against her related to her disability. *In re Michael R. Moutray and White County Housing Authority*, IHRC, ALS No. 19-0020, 2021 ILHUM LEXIS 163, *12 (Aug. 10, 2021).

The Commission determines that there is not enough information to determine whether a *prima facie* case has been established because, as stated in the analysis for Counts C, D, E, F, and G, it is unclear whether the Petitioner's stated conditions constituted disabilities under the Act. Accordingly, the Commission vacates the Respondent's dismissal of Counts I, J, K, L, and M and remands the counts for further investigation on this issue.

Count N

The Petitioner alleged that the Employer retaliated against her for engaging in a protected activity when it reduced her salary. A *prima facie* case of retaliation requires that the *Welch* standard be met. *Welch*, 314 Ill. App. 3d at 1035. The Commission agrees with the Respondent's determination in its Response to the Request that the Petitioner has established a *prima facie* case of retaliation. The Petitioner engaged in a protected activity in October 2022 when she requested accommodations for her disability, and she was subjected to an adverse action in March 2023 when the Employer reduced her salary from \$58 per hour to \$24 per hour. Finally, due to the short period of time between the protected activity and adverse action, an inference of a causal connection exists. See *Harbison*, 2019 ILHUM LEXIS 1473 at *8. Accordingly, the Commission vacates the dismissal of Count N and remands the count for a finding of substantial evidence.

Counts O, P, Q, R, and S

The Petitioner alleged that the Employer forced her to resign due to her disabilities, PTSD (Count O), anxiety (Count P), depression (Count Q), TBI (Count R), and post-COVID (Count S). A *prima facie* case of disability discrimination requires that the *Moutray* standard be met. See *Moutray*, 2021 ILHUM

LEXIS 163 at *12. An adverse action under the Act is an action that is “materially adverse” and not a “mere inconvenience or an alteration of job responsibilities.” *Owens v. Dep’t of Human Rights*, 403 Ill. App. 3d 899, 919 (1st Dist. 2010). It is an action that “significantly alters the terms and conditions of the employee’s job.” *Id.* Examples of such actions include hiring, denial of a promotion, assignment to a position with significantly different job responsibilities, or an action that causes a substantial change in benefits. *Id.*

The Commission determines that a *prima facie* case has not been established as to any count because the Petitioner was not subjected to an adverse action. The Petitioner stated that she ultimately felt “forced” to resign after the Employer sent her a letter on June 2, 2023, that she did not see until June 9, 2023, advising that, if she did not contact the Employer by June 5, 2023, the Employer would consider her silence as a resignation. Though the Petitioner stated that she did not see the letter until after the deadline, she did not allege that she did not receive the letter prior to the deadline. Additionally, she stated that the Employer attempted to contact her multiple times in May 2023, but she did not speak to them, and there is no evidence that the Petitioner attempted to contact the Employer after she saw the letter. Therefore, the Petitioner was not subjected to an adverse action by being forced to resign. Accordingly, the Commission sustains the Respondent’s dismissal of Counts O, P, Q, R, and S for lack of substantial evidence.

Count T

The Petitioner alleged that the Employer retaliated against her for engaging in a protected activity when it forced her to resign. A *prima facie* case of retaliation requires that the *Welch* standard be met. *Welch*, 314 Ill. App. 3d at 1035. The Commission determines that a *prima facie* case has not been established because there is insufficient evidence that the Petitioner was subjected to an adverse action. Again, though the Petitioner felt that she was forced to resign after reading the Employer’s letter, the Petitioner chose to not contact the Employer after reading the letter in June 2023 and did not respond to the Employer when it attempted to contact her multiple times in May 2023. Accordingly, the Commission sustains the Respondent’s dismissal of Count T for lack of substantial evidence.

THEREFORE, IT IS HEREBY ORDERED THAT:

1. The dismissal of Counts A, B, H, and N is **VACATED** and the counts **REMANDED** for a **FINDING OF SUBSTANTIAL EVIDENCE** and further proceedings consistent with this Order and the Act.
2. The dismissal of Counts C, D, E, F, G, I, J, K, L, and M is **VACATED** and the counts **REMANDED** for **FURTHER INVESTIGATION**.
3. The dismissal of Counts O, P, Q, R, S, and T is **SUSTAINED** for **LACK OF SUBSTANTIAL EVIDENCE**.

This Order is not yet final and appealable.

STATE OF ILLINOIS

HUMAN RIGHTS COMMISSION

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**Entered this 30th day of SEPTEMBER
2025.**

Commissioner Jacqueline Y. Collins

Commissioner Janice M. Glenn

Commissioner Gregory E. Vaci