



ILLINOIS HUMAN RIGHTS COMMISSION: QUARTERLY NEWSLETTER

DECEMBER 29, 2020

OCTOBER–DECEMBER 2020

VOLUME 2, ISSUE 4

A Note from the Executive Director Tracey B. Fleming

Dear Reader,

It may be a failure of my own imagination, but I suspect I am not alone in saying that this year has been an unexpected and challenging journey.

Much of what 2020 will be remembered for are the horrific losses we have and continue to endure due to the COVID-19 pandemic, however, I believe that particularly in the field of human rights, there is cause for other, more positive recollections.

New definitions took effect in the Illinois Human Rights Act (Act), as part of changes approved in 2019 by the Illinois General Assembly and signed by Governor JB Pritzker. These include updates to the definition of an employer, as well to the definitions of both unlawful discrimination and harassment. There were also changes to training and reporting requirements under the Act. While it is too early to fully know the impact of these modifications, they reflect the continuing evolution of the Act in service of all residents of Illinois.

This month, the Illinois Human Rights Commission (IHRC), hosted its annual Civil Rights Summit. A wholly online event this year, more than 150 attorneys, non-profit and governmental leaders from across the State joined us. Over the course of this calendar year, the Commission facilitated the provision of valuable mandatory Continuing Legal Education (CLE) training to more than 650 people.

The IHRC also worked closely this year with our colleagues at the Illinois Department of Human Rights (IDHR) over the course of the year. I would like to particularly thank IDHR Director Jim Bennett, Deputy Director H. Alex Bautista and General Counsel Betsey M. Madden for their ongoing support, particularly relating to this year’s Civil Rights Summit as well as collaborating in a presentation to a subject matter hearing in the Illinois State Senate on: Wage Equity, Workers' Rights and Consumer Protection in November.

As we turn the page on 2020, the IHRC also would like to express its highest esteem to Chief Judge Michael J. Evans. Chief Judge Evans is retiring at the end of the year after 30 years’ service to the State of Illinois and the IHRC specifically. His quiet, effective leadership of the Administrative Law Section (ALS) has been invaluable to the IHRC and to the thousands of complainants and respondents who have interacted with the IHRC during his tenure. We wish him and his family all the best in this next phase.

We, at the IHRC, approach the New Year filled with most sincere best wishes for all the residents of Illinois and the citizens of the world for better and more just days ahead.

Sincerely,

Tracey B. Fleming
Executive Director

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Illinois Human Rights Commission Civil Rights Summit 2020

On December 3, 2020, the IHRC hosted its second annual Civil Rights Summit (Summit) concluding a year-long celebration of the 40th anniversary of the Act. Forty years ago, on December 6, 1979, the Act was signed into law, creating the broadest civil rights coverage for the people of Illinois in the history of the State. The Act created a bifurcated enforcement model: A department, the Illinois Department of Human Rights, to investigate charges of discrimination, and a commission, the IHRC, to adjudicate complaints of civil rights violations.

At the Summit, Governor JB Pritzker, along with the IHRC Chair, IHRC Executive Director and IDHR Director and Deputy Director highlighted the importance of the Act and its protections to the residents of Illinois. Additionally, the IHRC recognized former Governor Jim Thompson for signing the Act into law in 1979, Manual Barbosa, the first, and longest serving, Chair of the IHRC, former Commissioner Jeffrey A. Shuck who passed away this summer, and all former chairs of the IHRC for their public service, dedication and commitment to the IHRC. The Summit also featured three panel discussions, led by esteemed experts in their field, on a host of issues front and center in the Illinois human rights debate, such as Sexual Orientation as a Protected Class under the Act and Bostock, COVID-19 and Its Impact on the Act in Employment, Housing and Education, and Approaches to Diversity, Equity and Inclusion Initiatives in Illinois. Three hours of CLE credit were approved for Illinois attorneys attending panel discussions. The IHRC is delighted to thank each and every speaker, panelist and participant for helping make the IHRC 2020 Civil Rights Summit a success!

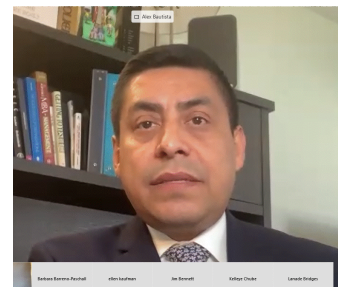
Special Thanks to Our Guest Speakers



JB Pritzker
Governor
State of Illinois



James L. (Jim) Bennett
Director
Illinois Department of Human Rights



H. Alex Bautista
Deputy Director
Illinois Department of Human Rights

2020 Illinois Human Rights Commission Summit CLE Panelists

CLE #1: Sexual Orientation as a Protected Class Under the IHRA and Bostock



Charlotte Burrows
Commissioner
Equal Employment Opportunity
Commission (EEOC)



William J. Borah
Administrative Law Judge
Illinois Human Rights Commission

CLE #2: COVID-19 and Its Impact on the Human Rights Act in Employment, Housing and Education



Cathy A. Pilkington, Esq
Attorney
Law Offices of Cathy Pilkington



Lon D. Meltesen
Regional Director
Region V Office of Fair Housing and
Equal Opportunity, U.S. Department
of Housing and Urban Development
(HUD)



Maurice Swinney, EdD
Chief Equity Officer
Chicago Public Schools

CLE #3: Approaches to Diversity, Equity & Inclusion Initiatives in Illinois



Emanuel "Chris" Welch
Illinois State Representative
Illinois House of Representatives



Steven Cade
Partner
Foley & Lardner LLP



Jasmine Hooks
Chief Operating Officer
Illinois Office of the Governor

Case Note: *Silguero v. CSL Plasma, Inc.*, 907 F.3d 323 (5th Cir. 2018)

Kara Krause, Coles Fellow

In 2018, the Fifth Circuit in *Silguero v. CSL Plasma, Inc.*, 904 F.3d 323 (5th Cir. 2018), decided that a plasma collection center is not a place of public accommodation under the ADA. Plaintiff Mark Silguero required a cane to walk because of his bad knees, and co-plaintiff Amy Wolfe required a service animal because of her anxiety. They both tried to donate their blood plasma at CSL Plasma, Inc., the defendant, which offers payments to plasma donors. But CSL turned them away because of their disabilities. Silguero and Wolfe sued in the U.S. District Court for the Southern District of Texas under Title III of the ADA and Chapter 121 of the Texas Human Resources Code. The District Court granted summary judgment to CSL on both counts, and Silguero and Wolfe appealed.

The Fifth Circuit affirmed the grant of summary judgment on Silguero and Wolfe’s ADA claims. Title III of the ADA prohibits discrimination on the basis of disability in any place of public accommodation. The category of “public accommodations” at issue in *Silguero* includes fifteen places, such as laundromats, banks, gas stations, law offices, and hospitals, followed by a catchall phrase, “or other service establishment.” The question before the court was whether CSL falls under the catchall phrase.

In deciding that it does not, the court first opined that the word “service” implies an action that benefits someone, and that a plasma donor is not benefitted by donating his or her plasma. Second, the court used the interpretive maxim, *ejusdem generis* (according to which a catchall phrase should be read in light of the items before it) to conclude that a plasma collection center is unlike the listed establishments because it does not provide a “detectable benefit.” Third, the court found that a plasma donor is more like an employee than like a customer; it then refused to interpret Title III to include employment-like relationships, which are covered by Title I.

There is a circuit split on whether a plasma collection center is a place of public accommodation under the ADA. Before *Silguero* was decided, the Tenth Circuit in *Levorsen v. Octapharma Plasma, Inc.*, 828 F.3d 1227 (10th Cir. 2016), held that it is. First, the Tenth Circuit refused to use *ejusdem generis* because the phrase “service establishment” is not ambiguous. Instead, it focused on its plain meaning, that is, an establishment that provides a service. Second, it found that a plasma collection center benefits its donors, who may be motivated by altruism, pecuniary gain, or both. The court in *Silguero*, on the other hand, expressly rejected *Levorsen*’s basic conclusion that a plasma collection center provides a service. More recently, the Third Circuit in *Matheis v. CSL Plasma, Inc.*, 936 F.3d 171 (3d Cir. 2019) adopted the *Levorsen* decision. The Third Circuit disagreed that a plasma donor is not benefitted by donating plasma: a donor is clearly benefitted, the Third Circuit reasoned, by being paid to donate.

The *Silguero* plaintiffs were not without remedy. The Fifth Circuit certified the question of whether a plasma collection center is a “public facility” under the Texas Code to the Supreme Court of Texas. And in *Silguero v. CSL Plasma*, 579 S.W.3d 53 (Tex. 2019), the Supreme Court of Texas answered the certified question in the affirmative. The Texas Code defines “public facility” as including seven different categories of establishments, one of which is “retail business, commercial establishment, or office building to which the general public is invited.” A plasma collection center is a “public facility” under the Texas Code, the court reasoned, because it is a “commercial establishment,” or a for-profit business, that invites the general public to donate plasma.

The Seventh Circuit may soon decide whether a plasma collection center is a place of public accommodation under the ADA and the Illinois Human Rights Act. Mark Gomez, who is deaf, tried to donate plasma at CSL in Montgomery, Illinois, but CSL turned him away because of his disability. Earlier this year, after filing a Charge of Discrimination with the Illinois Department of Human Rights, he sued in the U.S. District Court for the Northern District of Illinois under both the ADA and the Act. *Gomez v. CSL Plasma, Inc.*, No. 1:20-cv-02488 (N.D. Ill. filed Apr. 23, 2020). The Act’s definition of “public accommodation” features language identical to the ADA category at issue in *Silguero*. 775 ILCS 5/5-101(A). That is, the Act contains a category with fifteen places of public accommodation (including laundromats, banks, gas stations, law offices, and hospitals) followed by a catchall phrase, “or other service establishment.” Like the *Silguero* plaintiffs, Gomez alleges that CSL is a place of public accommodation under both the ADA and the Act because it falls under the catchall phrase in both statutes.

Case Note: *Robles v. Domino's Pizza, LLC*, 913 F.3d 898 (9th Cir. 2019)

Rachel Lee, Coles Fellow

The Ninth Circuit recently published an opinion that applied the Americans with Disabilities Act (ADA) to websites and mobile applications. Guillermo Robles, a blind man, uses screen-reading software that communicates the content of websites. After several unsuccessful attempts at ordering on Domino's Pizza's website and app, Robles brought this suit alleging that Domino's violated the ADA (42 U.S.C. § 12101) and California's Unruh Civil Rights Act (UCRA) (California Civil Code Sec. 51) by failing to "design, construct, maintain, and operate" its website and app to be fully accessible to him and other blind or visually-impaired people. *Robles*, 913 F.3d at 902.

The Ninth Circuit agreed with the District Court that Title III of the ADA applied to Domino's website and app. Specifically, the Ninth Circuit held that Domino's, a place of public accommodation, unlawfully discriminated against those with disabilities because it failed to provide "auxiliary aids and services." 42 U.S.C. § 12182(b)(2)(A)(iii) (1990). Deferring to the Department of Justice's (DOJ) administrative guidance on ADA compliance, auxiliary aids include "accessible electronic and information technology" (e.g. screen reader software, closed captioning, hearing-aid compatible headphones, etc.) and must "ensure effective communication" with customers with disabilities. 28 C.F.R. § 36.303(c)(1) (2016).

Here, the ADA applied to Domino's even though its customers primarily accessed its website and app away from the physical restaurant. In doing so, the Ninth Circuit interpreted the ADA to apply "to the services of a place of public accommodation, not services in a place of public accommodation." *Robles*, 913 F.3d at 905 (citing *Nat'l Fed'n of the Blind v. Target Corp.*, 452 F. Supp. 2d 946, 953 (N.D. Cal. 2006) (holding that limiting the ADA to apply only to discrimination on the premises of a public accommodation would contradict its plain language meaning)). It is significant here that Domino's website and app both facilitate access to Domino's goods and services and are the primary and most heavily advertised means of ordering from Domino's. This creates a nexus between Domino's website and app and its physical restaurants, distinguishing the case from *Weyer v. Twentieth Century Fox Film Corp.* 198 F.3d 1104, 1113-14 (9th Cir. 2000) (holding that an insurance company was not a "place of public accommodation" because no nexus existed between the discriminatory insurance policy at issue and the physical company office's accessibility).

Additionally, the Ninth Circuit held that Domino's had fair notice that its website and app must comply with the ADA, so there was no violation of Domino's 14th Amendment right to due process. Moreover, a lack of specific regulations by the DOJ on how to comply with one's statutory obligations does not eliminate Domino's duty to comply. See *Kirola v. City & County of San Francisco*, 860 F.3d 1164, 1180 (9th Cir. 2017) (public entities must consider technical accessibility requirements even when no such requirements exist); *Barden v. City of Sacramento*, 292 F.3d 1073, 1076-78 (9th Cir. 2002) (public entities must maintain accessible public sidewalks despite lack of regulations addressing sidewalks).

The *Robles* decision leaves open several legal questions that may arise in future litigation. First, rather than adopting a specific guideline for compliance, the Ninth Circuit concluded that Domino's website and mobile app "must provide effective communication and facilitate 'full and equal enjoyment' of Domino's goods and services to its customers who are disabled." *Robles*, 913 F.3d at 909. Several federal agencies have adopted the Web Content Accessibility Guidelines (WCAG), which provides recommendations to employers on how to make their technology content more accessible to people with disabilities, such as making font sizes and background colors adjustable. However, the question of whether such standards are sufficient or necessary remains; the DOJ has refused to explicitly adopt the WCAG as a legal standard. In fact, in a letter to Congress in 2018, the DOJ stated "noncompliance with a voluntary technical standard for website accessibility does not necessarily indicate noncompliance with the ADA." Letter from Stephen E. Boyd, DOJ to House of Representatives (Sept. 25, 2018).

Second, the jurisdictional split regarding whether a nexus is necessary for a website and mobile application to constitute a place of public accommodation further complicates the issue. But see *Robles*, 913 F.3d at 905 n.6 (reserving nexus question for situations only where the inaccessibility impedes access to the goods and services of a physical location). This raises questions regarding the applicability of the ADA to online-only businesses, e.g. Airbnb. The First, Second, and Sev-

Case Note: *Robles v. Domino's Pizza, LLC*, 913 F.3d 898 (9th Cir. 2019) ...continued

Rachel Lee, Coles Fellow

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-enth Circuits have held that the ADA can apply to a website independent of a nexus between the website and a physical place. See *Doe v. Mut. of Omaha Ins. Co.*, 179 F.3d 557, 558 (7th Cir. 1999); *Pallozzi v. Allstate Life Ins. Co.*, 198 F.3d 28, 31-32 (2d Cir. 1999); *Carparts Distrib. Ctr. v. Auto. Wholesaler's Ass'n*, 37 F.3d 12, 19 (1st Cir. 1994). In contrast, the Third, Sixth, Ninth, and Eleventh Circuits have held that a nexus must exist between the physical place and website for the ADA to apply. See *Robles*, 913 F.3d at 905-906; *Gil v. Winn-Dixie Stores, Inc.*, 257 F. Supp. 3d 1340, 1348-49 (S.D. Fla. 2017); *Ford v. Schering-Plough Corp.*, 145 F.3d 601, 612-13 (3d Cir. 1998); *Parker v. Metro. Life Ins. Co.*, 121 F.3d 1006, 1010-11 (6th Cir. 1997). Without fulfilling the requisite requirement of being a place of public accommodation, the ADA does not apply. The lack of consensus among circuits is particularly troublesome because of the nature of the Internet: it has no borders. Without further legislation, the circuit split and lack of specific accessibility guidelines are likely to remain complex considerations for businesses to navigate.

The Ninth Circuit's decision has far-reaching ramifications for businesses. Places of public accommodation will now have to consider engaging in audits of their websites and mobile applications to proactively plan for compliance with the ADA, save technology costs, and avoid future litigation.

Case Note: *Darby v. Childvine, No. 19-4214* (6th Cir. June 30, 2020)

Marlee Rich, Coles Fellow

As technology exponentially improves, our access to information about our body and our health also increases. While "knowledge is power," often the application of this new information has no precedent before the law and, at some point, must be adjudicated. *Darby v. Childvine*, 19-4214, 2020 WL 3529579 (6th Cir. June 30, 2020) brings a question of first impression before the Sixth Circuit Court of Appeals: whether genetic mutations can be protected as a disability under the Americans with Disabilities Act.

Childvine, Inc., a daycare facility, hired Sherryl Darby as an administrative assistant. Shortly after beginning her employment, she notified her supervisor that she had been diagnosed with breast cancer and needed a double mastectomy later that month. Darby alleged that her supervisor encouraged her to delay the surgery and doubted that *Childvine* would continue to employ Darby. Worried about losing her job, Darby decided to delay her surgery until after the end of her probationary period. After the procedure, Darby returned to work with a medical release as requested. However, she was told that she had been terminated for "'unpleasant' attitude, dress code violations, and 'being unable to work.'" *Darby*, 2020 WL 3529579, at *1.

Darby brought suit against *Childvine* under the ADA. She claimed that she had been discriminated against for her disability and that *Childvine's* reason for termination was pretextual. It was revealed during discovery that Darby was not diagnosed with breast cancer. Rather, genetic testing revealed a genetic mutation known as BRCA1, which interferes with normal cell growth and greatly increases the likelihood of certain types of cancers. As a result of this new information, the District Court granted *Childvine's* motion to dismiss for failure to state a claim. Darby appealed.

In order to state a claim of disability discrimination under the ADA, Darby was required to show that (1) she was disabled, (2) she was qualified to perform her job requirements with or without reasonable accommodation, and (3) she would not have been discharged but for her disability. *Darby*, 2020 WL 3529579, at *3. The key question was the first prong: whether Darby's genetic mutation qualified as a disability under the ADA. The Court held that Darby's genetic mutation could qualify as a disability under the ADA.

Continued on page 7...

Case Note: Darby v. Childvine, No. 19-4214 (6th Cir. June 30, 2020)...continued

Marlee Rich, Coles Fellow

Continued from page 6...

The Court conducted a textual analysis of the relevant portions of the statute, looking into the plain meaning and definitions provided under the ADA. A disability is defined as “a physical or mental impairment that substantially limits one or more major life activities.” 42 U.S.C. § 12102(1)(A). First, the Court examined “physical or mental impairment” which is defined as “[a]ny physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems.” 29 C.F.R. § 1630.2(h)(1). “Substantially limits” is considered a relative term as compared to the general population. Finally, “major life activity” is broadly defined as including “any operation of a major bodily function, including... normal cell growth.” 42 U.S.C. § 12102(2)(B); 29 C.F.R. § 1630.2(i)(1)(ii). The court makes it clear that these standards are intended to favor coverage for cases on the margin. As applied to Darby’s genetic mutation, the Court reasoned that BRCA1 substantially limits normal cell growth, which affects a “body system”, compared to the general population.

These inclusive definitions, in combination with the fact that Darby’s condition was considered serious enough to warrant a major invasive surgery, points to coverage under the ADA as a disability. The Court also cites to *Bragdon v. Abbott*, 524 U.S. 624, 655 (1998) which held that a diagnosis of HIV, which had not yet turned into AIDS, was enough to satisfy the pleading standard and to be considered a disability. The Court considered this case analogous to Darby’s genetic mutation.

However, the Court was careful to clarify that a genetic mutation that merely pre-disposes an individual to cancer or other conditions is not a disability under the ADA. See *Shell v. Burlington N. Santa Fe Ry. Co.*, 941 F.3d 331, 335–36 (7th Cir. 2019) (holding that conditions that might develop as a result of obesity are not covered as a disability under the ADA). They also emphasized the narrowness of this holding; and that further investigation beyond “four corners of Darby’s complaint” is necessary. *Darby*, 2020 WL 3529579, at *5. Expert testimony during discovery can still either support or deny Darby’s claim.

On first glance this case seems to contradict the holding in *Shell*. However, there is an important distinction: at the time of discrimination, Darby had a genetic mutation which limited normal cell growth, while *Shell*, at the time of discrimination, had no condition that could be defined as a disability under the ADA, only fears of developing one. As research and availability of DNA testing increases, we will likely continue to see more cases surrounding similar questions of protection under the ADA and other statutes.



The Health and Wellness of our Guests and Staff is our First Priority!

During the COVID-19 outbreak the Illinois Human Rights Commission will remain open with certain services being provided remotely

The Commission will continue to service the residents of the State of Illinois as follows:

- ⇒ **Complaint and Request for Review Filing:** Effective April 7, 2020 and throughout the duration of the Gubernatorial Disaster Proclamation all motions, orders, notices and other pleadings required to be served under the Illinois Human Rights Act or the Commission Procedural Rules shall be served by in-person, by first-class U.S. mail, or by electronic mail. Commission Procedural Rule Section 5300.30(a). **For the health and safety of Illinois residents and the Commission staff while COVID-19 protocols are in place filing at the Commission by U.S. Mail or electronically is strongly encouraged.**
- ⇒ **Filing by U.S. Mail:** An item properly received by mail shall be deemed to have been filed on the date specified in the applicable proof of mailing. Proof of mailing shall be made by filing with the Commission a certificate of the attorney, or the affidavit of a person who is not an attorney, stating the date and place of mailing and the fact that proper postage was prepaid. The certificate or affidavit shall be filed with the Commission at the same time the item to which it refers is filed. If the certificate or affidavit does not accompany an item filed by mail, an item received by mail shall be deemed to have been filed when postmarked, properly addressed and posted for delivery. Commission Procedural Rule Section 5300.40(a). Service by mail shall be deemed complete 4 days after mailing of the document, properly addressed and posted for delivery, to the Person to be served. Commission Procedural Rule Section 5300.40(c).
- ⇒ **Filing Electronically:** **Filing electronically will be completed by filing all required documents at HRC.NEWS@illinois.gov.** A document submitted by electronic mail shall be considered timely if submitted before midnight (in the commission's time zone) on or before the date on which the document is due, unless it is submitted on a Saturday, Sunday or legal State holiday, in which case, it is deemed filed on the following business day. Filing electronically at the Commission will remain in place while the [Gubernatorial Disaster Proclamation](#) is in place.
- ⇒ **Weekly Request for Review Commissioner Panel Meetings:** Weekly Request for Review Commissioner Panel Meetings have been cancelled through April 17, 2020. Please check the HRC website (www.illinois.gov/ihr) for details regarding panel meetings beginning the week of April 20, 2020.
- ⇒ **Administrative Law Section (ALS) Hearings:** Until further notice all ALS public hearings have been rescheduled. If you have questions regarding your appearance at a hearing, please contact the Judges' clerk by calling 312-814-6269.
- ⇒ **ALS Briefing and Motion Deadlines:** Effective April 3, 2020 and throughout the duration of the [Gubernatorial Disaster Proclamation](#) all post-hearing briefing deadlines and motion deadlines will be extended by 30 days. If you have questions regarding your briefing and motion deadlines, please contact the Judges' clerk by calling 312-814-6269.
- ⇒ **ALS Motion Call, Settlement Conferences and Status Hearings:** ALS Motion Calls, Settlement Conferences and Status Hearings will be conducted telephonically. If you have questions, please contact the Judges' clerk by calling 312-814-6269. The electronic filing system is not intended to handle voluminous filings. If you wish to file a motion with the Administrative Law Section (ALS) with extensive supporting documentation, you can file the motion itself electronically (meeting any applicable deadlines), but you should send hard copies of the supporting documents to the Commission through U. S. mail.

Questions: For any questions please contact the Commission by calling 312-814-6269 or by email at HRC.NEWS@illinois.gov.

Please Let's Keep Each Other Safe!

FAQs For Commission Filing Procedures During COVID-19 Outbreak

This FAQ is intended to provide the public with answers to routinely asked questions regarding the Commission's electronic filing procedures during the COVID-19 outbreak.

The Commission remains open to service the residents of Illinois during the COVID-19 outbreak with certain es being provided remotely. Currently filing can be completed electronically by filing all required documents at HRC.NEWS@illinois.gov. Please see the Commission Filing Procedures during COVID-19 Outbreak for details.

Q: How will I know that the Commission received my filing submitted to the HRC.NEWS@illinois.gov mailbox?

A: The Commission will send you an acknowledgement email confirming the filing and the date filed.

Q: Will facts and/or arguments in my email message be included in my filing?

A: No facts and/or arguments in the underlying email message will be included in your filing. All facts and/or arguments must be included in the filing forms themselves. For new Request for Review filings, all facts and/or arguments must be included in the Request for Review form generated by the Illinois Department of Human Rights. For Complaints, Motions, Appearance Forms, Pre-Hearing Memoranda, Responses, Replies, etc., all facts and/or arguments must be included in the applicable form and not in the underlying email message to the Commission. Please make sure to submit your documents in your filing in the order you would like the Commission to review, just as you would in a filing sent via U.S. Mail or hand delivered to the Commission.

*Sample filing forms can be found on the Commission website at www.illinois.gov/ihr.

Q: Do I need to provide my contact information in the email message?

A: Yes, please provide your name, telephone number, mailing address and Charge No. in your email message to the Commission.

For any questions please contact the Commission by calling 312-814-6269 or by email at HRC.NEWS@illinois.gov.

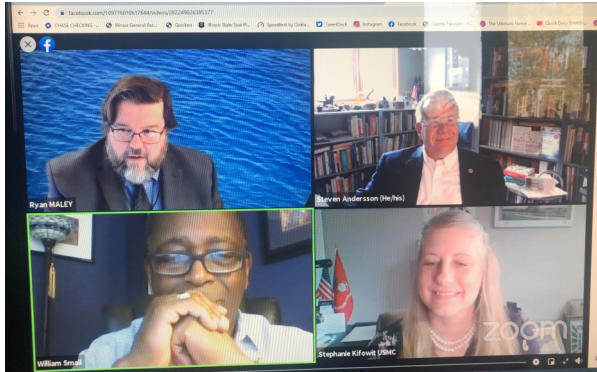
Please Stay Safe and Healthy!

From the Chief Administrative Law Judge, Michael J. Evans

The Administrative Law Section (ALS) is encouraging litigants to submit filings by mail, or electronically, rather than filing in person. The Administrative Law Judges (ALJs) are holding motion call telephonically, and issuing written orders on motions. Please make sure we have the right numbers to reach you. To avoid confusion, try to let us know your correct number at least 48 hours before the scheduled motion call time.

Commissioner Outreach

July 29, 2020



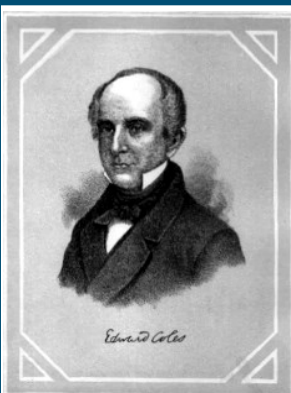
On July 29, 2020, Commissioner Andersson took to Facebook Live to help expand the public's awareness of the Human Rights Commission and its purpose. Illinois State Representative Stephanie Kifowit (D-Aurora) asked Commissioner Andersson to join her for this event. He was also joined by two members of the Aurora Human Rights Commission (William Small and Ryan Maley) to discuss how the local agency and the state commission share a common goal of insuring all people's human rights are protected while approaching the issues of civil rights from different and complimentary perspectives. The event was viewed by approximately 1,800 people.

October 8, 2020

On October 8, 2020, Commissioner Turner participated in a virtual panel discussion with Chicago-Kent College of Law designed to educate Kent law students on a career in Labor and Employment law, and on the functions of the Illinois Human Rights Commission.

November 10, 2020

On November 10, 2020, Commissioner Barreno-Paschall, General Counsel Kellee Chube, and I, Commissioner Cantone, participated in a virtual Meet & Greet discussion with Chipu Nyambuya, Director of Externships at Loyola University, College of Law, and some of the Loyola law students, regarding the Illinois Human Rights Commission, our backgrounds, and what we do.



Edward Coles Fellowship

The Illinois Human Rights Commission Governor Edward Coles Fellowship is an internship program for second and third year law students interested in civil rights and administrative law. The Coles Fellowship is named in honor of Edward Coles (1786 - 1868), the second Governor of Illinois (1822 - 1826). Edward Coles was an early abolitionist who was primarily responsible for keeping Illinois a free state prior to the Civil War.

Requirements at minimum include completion of at least one (1) year of legal writing prior to beginning the Fellowship, very good legal writing and legal research skills, and a commitment to upholding the enunciated protected civil rights under the Illinois Human Rights Act. Fellowships are unpaid, but interested students should contact their schools for information on outside funding resources or obtaining school credit.

To Apply

Summer 2021: We encourage interested students to apply through the Midwest Public Interest Law Career Conference, where we will be conducting interviews. Applicants who are unable to attend MPILCC should submit their application materials by 2/1/21. Spring/Fall: applications are accepted on a rolling basis. Please email (preferred) or mail a resume, cover letter, transcript, and writing sample to:

Kellee M. Chube, General Counsel
HRC.internships@illinois.gov

or

RE: COLES FELLOWSHIP
 Illinois Human Rights Commission
 JRTC 100 W. Randolph, Suite 5-100
 Chicago, Illinois 60601

2020 CLE Review

Date	Topic	Presenter
January 1, 2020	“On Account of Sex” An Update on the Equal Rights Amendment, Possible Passage and Its impact on Human Rights in Illinois	Steven A. Andersson, Commissioner Illinois Human Rights Commission
February 4, 2020	Providing Culturally Responsive Legal Services for LGBT Elders	Elisabeth Hieber, Attorney Center for Disability & Elder Law
July 21, 2020	Legal Proceedings in a Virtual World: Hearings, Depositions and Trials in the age of COVID-19	Honorable Alison C. Conlon Circuit Court of Cook County Conrad C. Nowak, Partner Hinshaw & Culbertson LLP
August 17, 2020	Accused, Still Presumably Innocent, but Fired Anyway: Arrest Record Discrimination in Illinois and Elsewhere	Lester G. Bovia, Jr., Interim Inspector General Department of Children & Family Services
September 22, 2020	Hot Topics in Reasonable Accommodations under the Fair Housing Act	Mary Rosenberg, Attorney Access Living
October 29, 2020	Accommodating People with Disabilities in State Administrative Hearings	Rachel M. Weisberg, Attorney Employment Rights Helpline Manager Equip for Equality (EFE) Azeema N. Akram Administrative Law Judge Illinois Commerce Commission
December 3, 2020 (Summit)	Sexual Orientation as a Protected Class Under the IHRA and Bostock	Charlotte Burrows, Commissioner Equal Employment Opportunity Commission William J. Borah, Administrative Law Judge Illinois Human Rights Commission
December 3, 2020 (Summit)	COVID-19 and Its Impact on the Human Rights Act in Employment, Housing and Education	Cathy A. Pilkington, Attorney Law Office of Cathy A. Pilkington Lon D. Meltesen, Regional Manager US Department of Housing & Urban Development (HUD) Maurice Swinney, EdD, Chief Equity Officer Chicago Public Schools
December 3, 2020 (Summit)	Approaches to Diversity, Equity & Inclusion Initiatives in Illinois	Emanuel “Chris” Welch, State Representative Illinois House of Representatives Steven Cade, Partner Foley & Lardner LLP Jasmine Hooks, Chief Operating Officer State of Illinois, Office of the Governor



Lunch & Learn via WebEx

Please visit www.illinois.gov/ihr for WebEx information

CLE Credit: One hour of general CLE credit for Illinois attorneys (pending)

January 26, 2021

Presenter: Mary M. (Betsey) Madden, Chief Legal Counsel and Ethics Officer
Illinois Department of Human Rights

Kelley M. Chube, General Counsel and Ethics Officer
Illinois Human Rights Commission

Topic: The Path of a Discrimination Charge under the Illinois Human Rights Act

February 2021 - TBD

Presenter: Allison K. Bethel, Clinical Professor of Law/Director, Fair Housing Legal Clinic
UIC John Marshall Law School

Topic: Fair Housing

March 26, 2021

Presenter: Noah A. Frank, Corporate Counsel
ENLIVANT

Topic: Aging Workforce

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