



THE PEOPLE'S FORUM FOR PROTECTING CIVIL RIGHTS

ILLINOIS HUMAN RIGHTS COMMISSION
2003 ANNUAL REPORT

OUR MISSION

The ILLINOIS HUMAN RIGHTS COMMISSION is dedicated to promoting freedom from unlawful discrimination as defined by the ILLINOIS HUMAN RIGHTS ACT.

The Act forbids discrimination based on sex, age, race, color, religion, arrest record, marital status, handicap, citizenship, national origin, ancestry, unfavorable military discharge, retaliation and sexual harassment.

The Act forbids discrimination in employment, real estate transactions, higher education, public accommodations and access to financial credit.

Our mission is to provide a neutral forum for resolving complaints of discrimination filed under the Illinois Human Rights Act.

Our primary responsibility is to make impartial determinations of whether there has been unlawful discrimination as defined by the Illinois Human Rights Act. We are also responsible for furnishing information to the public about the Act and the Commission.

To fulfill our mission, we strive to provide professional and competent service to everyone who seeks information from us or who has a case before the Commission.



STATE OF ILLINOIS HUMAN RIGHTS COMMISSION

Honorable Rod R. Blagojevich
Members of the General Assembly
Citizens of Illinois

The Illinois Human Rights Commission hereby submits to you its Annual Report for the Fiscal Year July 1, 2002 through June 30, 2003.

The Commission is non-partisan and is dedicated to serving all the people of Illinois to ensure that the Human Rights Act is enforced. It provides a fair and impartial determination for those who may have suffered discrimination or were accused of discrimination as defined by the Act.

The Commission strives to give efficient, courteous service to everyone who seeks information or has a case before the Commission. While experiencing tight budget constraints this fiscal year, the Commissioners and staff doubled their efforts to become more efficient with fewer resources.

With a new chairman, executive director and commissioners appointed late in the fiscal year, the current Commission has set a course to streamline its operations and to resolve claims as quickly and efficiently as due process and fairness allow.

The Commission is dedicated to serving the people of Illinois, with a renewed emphasis on educating the General Assembly and the public regarding the resources available to resolve discrimination claims.

Illinois Human Rights Commission

J.B. Pritzker, Chairman

*Arabel Alva Rosales
Marti Baricevic
David Chang
Leslie M. Fox*

*Marylee V. Freeman
Dolly Hallstrom
Sakhawat Hussain, M.D.
Yvette Kanter*

*Spencer Leak, Sr.
James A. Maloof
Munir Muhammad
Daniel C. Sprehe*

"Our mission centers on providing a fair and impartial forum for protecting civil rights."

- J.B. Pritzker, Chairman of the Illinois Human Rights Commission

2003 EXECUTIVE SUMMARY

SERVING THE PUBLIC EFFICIENTLY AND EFFECTIVELY

In Fiscal Year 2003, Commissioners and staff renewed their commitment to serving the public with fairness and integrity, including individuals, companies or other groups.

The Commission oversees an impartial hearing process for those who may have suffered discrimination or have been accused of discrimination. Credit belongs to the Commission and the current staff for their hard work in continuing to deliver on this mission within tight budget constraints.

The Commission underwent many changes, culminating in a new executive staff, a new chairman and four new commissioners. With these changes, the Commission was invigorated to provide the best service possible.

**The process of streamlining delivery of service to the public continued, with the entire Commission identifying ways to improve our service.*

**Fiscal and audit weaknesses were identified. Corrective measures included the elimination of office credit cards, implementation of an improved process for handling fiscal matters and compliance with state guidelines regarding travel vouchers and reimbursements.*

**A new office-wide case management system was installed that allows for faster, easier sharing of information. This enabled staff to begin to implement long-needed upgrades in the management of the Commission's cases.*

**The training program for the Commission's administrative law judges and support staff was upgraded. Commissioners underwent training on changes in the Illinois Human Rights Act, requirements of the Open Meetings Act and federal housing regulations.*

It has been a year of transition for the Commission. In Fiscal Year 2004 the people of Illinois will continue to reap the benefits of this year's efforts.

I encourage legislators to contact our offices to learn how the Commission helps your constituents. Together we can assure that the resources of the Commission are fully utilized by the people of Illinois.

J.B. Pritzker
Chairman



CASE STUDY # 1

KIMBERLY CRUMP v CASTLEHAVEN CARE CENTER

WHEN AN EMPLOYER IS FOUND LIABLE, THE COMMISSION MUST JUDGE WHAT DAMAGES ARE APPROPRIATE.

In this case the Complainant sought more than \$2 million in damages. The Respondent argued that she was entitled to nothing.

The Complainant charged that she was discharged from her job as a nurse for opposing racist and sexist comments from co-workers. The Respondent was found liable by default.

The Respondent argued that although it was liable, damages should be reduced: In addition to the illegitimate reason for firing the Complainant, it had legitimate reasons that it could have used, but did not. The Complainant argued that she was entitled to punitive damages, emotional distress damages and consequential damages.

The IHRC did not accept the Respondent's argument that the Complainant was entitled to nothing. Nor did it accept the Complainant's request for punitive and consequential damages. The Complainant was awarded her actual damages: \$5,361.00.

"Non-partisan Commissioners and dedicated Judges serve all those in need throughout Illinois."

- Mary K. Kennedy, Chief Administrative Law Judge

WORKING TOGETHER FOR HUMAN RIGHTS

IHRC ADDRESSES UNLAWFUL DISCRIMINATION

From employment opportunities to public services, from housing issues to financial credit: unlawful discrimination in any area is unacceptable.



Promoting Freedom from Discrimination

If an individual or company has been accused of discrimination or feels discriminated against, what recourse is available under Illinois law?

Illinois instituted the most comprehensive civil rights legislation in its history

The Illinois Human Rights Act was passed by the General Assembly and signed into law by then Governor James R. Thompson on December 6, 1979.

The Act forbids discrimination based on sex, age, race, color, religion, arrest record, marital status, handicap, citizenship status, national origin, ancestry, unfavorable military discharge, sexual harassment and retaliation.

Discrimination is forbidden in employment, real estate transactions, higher education, public accommodation and access to financial credit.

The Human Rights Commission and the Department of Human Rights Work Together to Enforce the Act

How could the Illinois public be assured that the words of the Illinois Human Rights Act would become reality?

The Act created a two-part enforcement procedure. The Department of Human Rights investigates charges of discrimination brought under the Act. The Illinois Human Rights Commission reviews and issues decisions on complaints of unlawful discrimination.

The spirit of the Act encourages resolution of claims through the least litigious means. Therefore, claims are resolved at many different stages of the investigation and hearing process. If claims are contested, the Commission acts as an independent forum for all involved parties to receive a final hearing and decision.



CASE STUDY #2

SYLVIA VEGA v CAMPAGNA-TURANO BAKING CO.

THE IHRC CAN DISMISS A CASE BEFORE A PUBLIC HEARING IF THE COMPLAINANT'S CLAIM DOES NOT STATE A REAL CAUSE OF ACTION. THIS SAVES BOTH PARTIES LITIGATION COSTS AND EXPEDITES THE COMMISSION'S WORK.

The Complainant charged that her employer was liable for sexual harassment. She claimed a co-worker had harassed her. The Respondent took action to correct the situation as soon as it learned of the Complainant's complaint.

The Commission dismissed this case before it went to a public hearing.

Even if the Complainant proved the facts of her claim, it would not amount to a violation of the Human Rights Act. The Complainant would not have demonstrated the Respondent's responsibility for the co-worker's actions.

The Illinois Human Rights Act established a check-and-balance system to investigate charges and make determinations regarding their validity.



Non-Partisan Commission Arbitrates Fairness

The Commission consists of a staff and 13 Commissioners, appointed by the Governor with the advice and consent of the Senate. No more than seven Commissioners can be from the same political party. The Governor designates one of the Commissioners as the Chairman.

Newly appointed Commissioners serve a four-year term, while appointees filling a vacancy serve for only the remaining term of the member being replaced. At the end of their terms, Commissioners may be reappointed.

The staff includes an Executive Director, a General Counsel and Assistant General Counsel, a Chief Administrative Law Judge, a Chief Fiscal Officer, Administrative Law Judges and administrative operations staff. Offices are maintained in Chicago and Springfield.

Through its non-partisan structure, the Commission serves all people and entities throughout the state.

"Each step involved in filing a claim helps ensure continuity and fairness for all involved parties."

- Sakhawat Hussain, M.D., Commissioner

WHEN TO INVOLVE THE HUMAN RIGHTS COMMISSION

FOLLOWING THE CORRECT PROCESS HELPS EVERYONE

When filing a claim of discrimination, litigants must follow the rules and regulations of the Commission regarding deadlines and proper procedures.



Staff members can help answer questions for those who want to learn proper practices and procedures for each level of contact with the Commission.

Using the Correct Process

The Commission recommends that parties involved in discrimination complaints use the services of an attorney who is familiar with the process. An individual unfamiliar with the process could unfortunately make an error that could complicate the proceedings or have a fundamentally adverse impact on his or her rights.

To assist the public, the Commission staff can provide a list of attorneys who have been involved in other cases as a resource.

A discrimination charge can be initiated by calling, writing or visiting the Department of Human Rights' Chicago or Springfield office within 180 days of the date the alleged discrimination took place. The deadline for filing for housing claims is longer—up to a year following the alleged incident.

The alleged "violation" and the Commission are notified of the filed claim, and the Department begins its investigation. Upon completion, the Department serves the parties with one of the following findings:

- 1. The Department finds substantial evidence that a violation occurred.*
- 2. The claim is dismissed because the Department finds there is not substantial evidence that a violation of the Act occurred.*



CASE STUDY #3

DAWN GERATY v ANTIOCH POLICE DEPARTMENT

THE COMMISSION WILL NOT HEAR A CHARGE IF JURISDICTION IS NOT PROPER.

Some cases are dismissed early in the process because the claim does not conform to the Commission's jurisdiction.

In this case the Complainant's charge was dismissed by the Department of Human Rights. The Complainant did not seek review of this decision.

Involving the Commission

When the Department finds evidence of a violation, it files a complaint with the Human Rights Commission. This begins the Commission's official involvement in reviewing and hearing the complaint.

The Commission, through its appointed administrative law judges, conducts administrative hearings. After both parties provide evidence, including witnesses' sworn testimony, the presiding Administrative Law Judge issues a recommended order and decision. This step is similar to a court trial.

If either party wishes, it may request a review of the hearing by the Commission. It will hear arguments of law, based on the record of the sworn testimony, and will issue an order similar to an appellate court decision.

The Commission meets in panels of three Commissioners to hear cases based on the exceptions to the recommended orders filed by either party. If desired, a party may ask the entire Commission to rehear any order decided by a small panel. However, the Commission grants such rehearings at its discretion.

The Commission also reviews, then approves or rejects, the terms of settlements between parties submitted by the Department of Human Rights.

*"Each of us believes deeply in civil rights for all.
The Commission provides a neutral forum for
resolving unlawful discrimination."*

- James Sledge, Executive Director

COMMISSION STAFF AND COMMISSIONERS

PROUD TO SERVE THE PUBLIC

*Commission Staff: The public and Commissioners are served
by staff in the Chicago and Springfield offices.*

James P. Sledge *Executive Director*
James E. Snyder *General Counsel*
Mary K. Kennedy *Chief Administrative Law Judge*
Jack R. Pearce, Jr. *Chief Fiscal Officer*
Michael J. Evans *Deputy Chief Administrative Law Judge*
Matthew Z. Hammoudeh *Assistant General Counsel*

Administrative Law Judges

David J. Brent
Kelli L. Gidcumb
Marianne K. Lindt
Sabrina M. Patch
Michael R. Robinson

Support Staff

Graciela Delgado
Tonya C. Harris
Doug Hart
Wilma J. Johnson
Gail Kruger
Maritza Torres-Hernandez
Christine M. Welninski

1.) J.B. Pritzker is Chairman of Pritzker Group and a partner at New World Ventures, a venture capital firm. Governor Rod Blagojevich appointed Mr. Pritzker as Chairman of the Illinois Human Rights Commission in 2003.

2.) Arabel Alva Rosales is a former director of the Illinois Liquor Control Commission and is currently President of A. Alva Rosales & Associates, Ltd. Governor George Ryan appointed Ms. Alva Rosales to the Commission in 1999.

3.) Marti Baricevic is a Business Industry Training Representative for Southwestern Illinois College. Governor Rod Blagojevich appointed Ms. Baricevic to the Commission in 2003.

4.) David Chang is a retired restaurateur and is a leader in Chicago's Asian American Community. Governor Rod Blagojevich appointed Mr. Chang to the Commission in 2003.

5.) Leslie M. Fox is known for her work with the Democratic National Committee. She was the executive director of the Host Committee for the 1996 Democratic National Convention in Chicago. Governor Rod Blagojevich appointed Ms. Fox to the Commission in 2003.

6.) Marylee V. Freeman is the Director of Intergovernmental Outreach for the City of Chicago and has previously served as the City's Community Group Coordinator. Governor George Ryan appointed Ms. Freeman to the Commission in 1999. (not pictured)

7.) Dolly Hallstrom served in the Illinois General Assembly from 1979 to 1983. Ms. Hallstrom is the longest serving commissioner and was appointed to the Commission in 1991 by Governor Jim Edgar.

8.) Sakhawat Hussain, M.D. is a gastroenterologist and president of the medical staff at Chicago's Advocate Trinity Hospital. Governor Jim Edgar appointed Dr. Hussain to the Commission in 1994.

9.) Yvette Kanter is a professional volunteer for the Jewish Federation of Metropolitan Chicago. Governor Jim Edgar appointed Ms. Kanter to the Commission in 1998.

1.) J.B. Pritzker



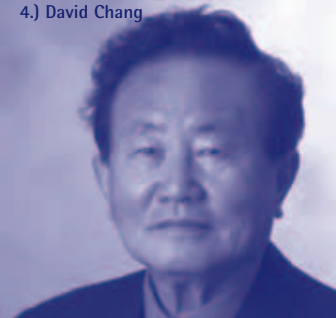
2.) Arabel Alva Rosales



3.) Marti Baricevic



4.) David Chang



5.) Leslie M. Fox



7.) Dolly Hallstrom



8.) Sakhawat Hussain, M.D.



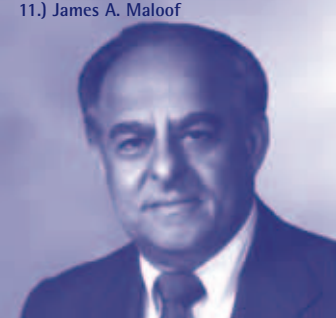
9.) Yvette Kanter



10.) Spencer Leak, Sr.



11.) James A. Maloof



12.) Munir Muhammad



13.) Daniel C. Sprehe



10.) Spencer Leak, Sr. is President of Leak and Sons Funeral Home. Governor George Ryan appointed Mr. Leak to the Commission in 2001.

11.) James A. Maloof is the longest serving mayor of Peoria, having been elected to serve three consecutive terms from 1985 to 1997. He is the owner of Maloof Realty. Governor George Ryan appointed Mr. Maloof to the Commission in 1997.

12.) Munir Muhammad is a well-known activist in the African-American community in Chicago. He is the host of several television programs, including "Muhammad and Friends" and "The Munir Muhammad Show." Governor Rod Blagojevich appointed Mr. Muhammad to the Commission in 2003.

13.) Daniel C. Sprehe has worked in Illinois government for more than 15 years and is currently a Government Affairs consultant. Governor George Ryan appointed Mr. Sprehe to the Commission in 1999.

"We're here to help everyone understand the process. We enjoy helping attorneys and litigants."

- Maritza Torres-Hernandez, Staff Assistant

HOW THE PROCESS WORKS

ANSWERING QUESTIONS UP FRONT

The Commission helps people resolve cases as swiftly as possible and with the least amount of litigation.



Discrimination complaints can be very complex. The Commission works to provide fair adjudication.

This section addresses many commonly asked questions about the Commission process.

Q: What types of discrimination are covered by the Act?

If you have access to a computer, visit the Illinois Human Rights Commission's web site at www.state.il.us/ihr for a full copy of the Act.

You can also come to the Commission's offices in Springfield or Chicago, or call us at 312.814.6269 or 217.785.4350.

Q: Once my case has been filed with the Department of Human Rights and referred to the Commission, will I need a lawyer?

You have a right to be represented by an attorney at the Department of Human Rights and at all Commission proceedings, but you are not required to obtain counsel, however parties are strongly encouraged to do so. By law, the Commission must use the same rules of evidence that are applied

in state trial courts. If you are unfamiliar with civil rules of evidence or procedure, you would be at a disadvantage if your opponent is represented by an attorney.

Q: If I can't afford a lawyer, will the Commission appoint one for me?

No. The Commission does not appoint attorneys to represent those appearing before it. As a service, the Commission maintains a list of legal service organizations that provide free or low cost legal assistance to those who qualify.

Q: What does the legal term "discovery" mean? When does it occur?

Discovery is a legal process that allows a party to obtain information that is in the custody of the other party. This helps each party in the preparation of their own case. The primary reason for discovery is to avoid unfair "surprises" at the public hearing.

Discovery takes place between the filing of an answer to a complaint and the entry of an Order setting the date for the public hearing.



CASE STUDY #4

PEARCE v CITY OF HARVEY

ALTHOUGH IT IS RARE, A PARTY MAY APPEAL A COMMISSION DECISION TO THE ILLINOIS APPELLATE COURT. IN THIS CASE, THE COURT UPHELD THE EARLIER DECISION.

Due to a layoff, the Complainant was discharged as a water meter reader. The Respondent called some employees back to work, but did not include the Complainant.

The IHRC found the Complainant was not called back because the Respondent was retaliating against him. The Complainant had testified against the Respondent in two earlier race discrimination cases.

The Respondent filed an appeal. The Illinois Appellate Court sustained the Commission's decision.

Q: How does discovery work?

Commission procedure permits discovery through the use of written questions and requests for documents that are served upon the opposing party and must be answered, under oath, within 28 days after being served.

Q: What is involved in the pre-hearing stage of the administrative law process?

The pre-hearing procedures depend upon where the alleged violation took place. If the site of the alleged discrimination is located in Cook County, an oral motion practice occurs. Having an oral motion expedites the pre-hearing stage by often producing immediate responses from the opponent of a motion. It also can produce prompt rulings from the administrative law judge hearing the motion. Motion practice for cases located outside Cook County is generally conducted by telephone conference calls or mail. Because the Springfield office covers a large geographic area, there is no set oral motion practice there. Instead, written motions and responses are generally used.

Q: How long does the entire process take?

As with any litigation, the time varies. The length of litigation is dependent on the discovery process and pretrial motions.

Q: Once a complaint is filed, must it move to a public hearing?

No. Pre-hearing settlement conferences are offered and used extensively at various stages in the resolution of complaints. A settlement can be reached after the filing of a respondent's answer, after discovery is completed and even during the public hearing. The administrative law Judge encourages parties to participate in settlement conferences and a final resolution is often reached before a hearing takes place.

Q: Is a settlement always made public if it occurs before a public hearing begins?

Not always. Parties who choose to settle can do this in two ways. The first way, and the most common choice, is to settle between themselves without presenting the settlement to the Commission. These settlements may include an agreement to keep the terms of the settlement confidential. Secondly, parties can submit the settlement agreement to the Commission for approval.

Q: Do I have to travel to Chicago or Springfield for a public hearing?

Public hearings are held at a location that is within 100 miles of the site where the human rights violation is alleged to have occurred. The Commission's administrative law judges travel to locations as necessary.

Q: What is a public hearing like?

Public hearings are very similar to circuit court trials and, therefore, conducted with the same level of formality. Both parties present their case following the rules of evidence used in Illinois courts. Hearings typically range from two to three days, but can take as little as less than half a day or as much as several weeks.

Q: If the Commission finds that an employer committed a civil rights violation, can the employer go to jail? What other remedies are available?

The Act does not provide a criminal penalty for committing a civil rights violation. The Respondent is ordered to pay damages to the Complainant, and may also be ordered to pay the Complainant's attorney fees.

The Act does provide for a Respondent who is found to have committed a civil rights violation can be barred from holding a state contract.

"All involved parties may seek review of a decision at various checkpoints to help ensure fairness."

- Matthew Z. Hammoudeh, Assistant General Counsel

UTILIZING THE COMMISSION REVIEW PROCESS

KNOWING THE STEPS IN ADVANCE

Most cases are decided through the administrative hearing process. The parties may accept the Administrative Law Judge's recommended order as the final order of the case.



However, the Human Rights Act allows the parties to seek review by the Commissioners.

The Commission may accept, reject, reverse or modify a Judge's recommendations, or remand the case for further proceedings.

Either party may file exceptions to the Judge's recommendation. The Commission meets in panels consisting of three Commissioners, and considers the exceptions and any response for the other party, and determines whether the case merits further review. For example, the Commission will not grant review when a party merely seeks to admit evidence that could have been raised before the Judge.

The Commission may review the case and issue an Order and Decision, or may decline to review the case, at its discretion. The Commission considers exceptions in approximately 100 cases per year. It issues an Order and Decision in approximately 40, and grants formal oral argument in approximately 10 of those cases.

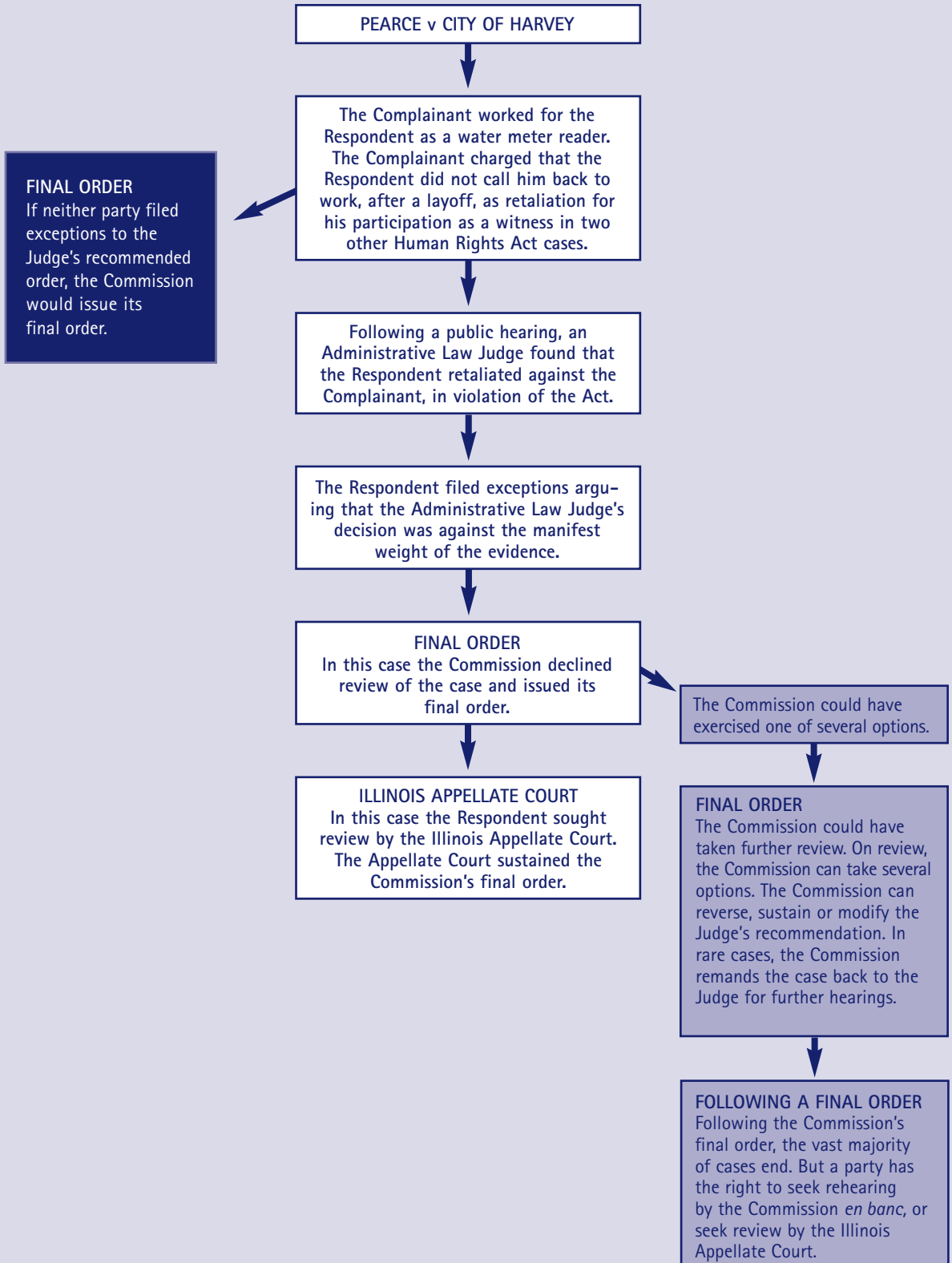
After the Commission has issued an Order and Decision as a panel of three Commissioners, the parties may seek further review. Usually they do not.

A party may seek review of a three-member panel by the full Human Rights Commission, with all 13 Commissioners serving *en banc*. This happens approximately three times per year.

Once the Commission has issued a final order: By accepting the Judge's recommendations, issuing an Order and Decision, or hearing the matter at the full Commission, a party may seek review of that final decision by the Illinois Appellate Court.

THE COMMISSION REVIEW PROCESS

{AN EXAMPLE}



"By working as a team, we make the most of our budget and address the needs of all involved parties."

- Wilma Johnson, Office Administrator, Chicago

ILLINOIS HUMAN RIGHTS COMMISSION

BUDGET APPROPRIATION FOR FY 2003

Funding is appropriated annually from the state budget to cover all of the Human Rights Commission's statewide services to the people of Illinois.

ILLINOIS HUMAN RIGHTS COMMISSION BUDGET APPROPRIATION FOR FY 2003

Personal Services	\$931,000.00
Employee Retirement by State	\$ 37,000.00
Retirement	\$102,410.00
Social Security	\$ 71,222.00
Contractual Services	\$135,400.00
Travel	\$ 30,000.00
Commodities	\$ 13,000.00
EDP	\$ 3,000.00
Telecommunications	\$ 26,000.00
Total:\$1,349,932.00

A close-up photograph of a woman with dark hair, wearing a dark top, talking on a mobile phone. She is looking down and to the right, with her hand near her face.

CASE STUDY #5

VELMA GREER v WAL-MART STORES

IN CASES OF UNIQUE IMPORTANCE THE FULL HUMAN RIGHTS COMMISSION WILL REVIEW A DECISION.

The Complainant charged that she had been discriminated against on the basis of her race while shopping at a Wal-Mart store.

The Commission found that the Complainant was asked to verify her purchases with a receipt when she exited a store, but this was a neutral procedure applied to all customers regardless of race.

The Complainant sought review by the full Commission. All 13 Commissioners reviewed the matter and sustained the earlier finding.

"How do you get help in cases of alleged unlawful discrimination? Turn to the Department and Commission."

- Kelli Gidcumb, Administrative Law Judge, Springfield

NEED HELP WITH UNLAWFUL DISCRIMINATION CLAIMS?

RESOURCES AT THE READY

Many resources are available for people in Illinois who believe they have been discriminated against or have been unjustly accused of discrimination.



We are here to serve you.
Please contact us anytime.

Illinois Human Rights Commission
100 W. Randolph Street, Suite 5-100
Chicago, IL 60601
Phone: (312) 814.6269
TDD: (312) 814.4760

Or

Illinois Human Rights Commission
404 Stratton Building
401 South Spring Street
Springfield, IL 62706
Phone: (217) 785.4350
TDD: (312) 814.4760

Web site: www.state.il.us/ihr



"I support the efforts of the Illinois Human Rights Commission. By developing innovative, new ideas and making service improvements, I am confident the Commission will continue to fight unlawful discrimination."

*– Rod R. Blagojevich, Governor
State of Illinois*



State of Illinois Annual Report of the Illinois Human Rights Commission Fiscal Year 2003

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