

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST)	
FOR REVIEW BY:)	CHARGE NO.: 2011CF0128
)	EEOC NO.: 21BA02480
DEBORAH WILSON,)	ALS NO.: 12-0213
)	
)	
Petitioner.)	

ORDER

This matter coming before the Commission by a panel of three, Commissioners Hamilton Chang, Lauren Beth Gash¹, and Robert A. Cantone presiding, upon the Request for Review (“Request”) of Deborah Wilson (“Petitioner”), of the Notice of Dismissal issued by the Illinois Department of Human Rights (“Respondent”)² of Charge No. 2011CF0128 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 Respondent’s dismissal of Counts A and C for **LACK OF JURISDICTION** and Count B for **LACK OF SUBSTANTIAL EVIDENCE** is **SUSTAINED**.

DISCUSSION

On July 14, 2010, Petitioner filed a charge of discrimination with the Respondent alleging that the University Park Police Department (“Employer”) subjected her to sexual harassment (Count A) and suspended and harassed her in retaliation for opposing unlawful discrimination (Counts B and C), in violation of Sections 2-102(D) and 6-101(A) of the Illinois Human Rights Act (“Act”).

On January 9, 2012, the Respondent dismissed the Petitioner’s charge in its entirety. The Petitioner filed a timely Request.

Petitioner engaged in a consensual romantic relationship with one of her superiors, Deputy Chief Gregory Box, between 2003 and 2009. After the relationship ended in 2009, she alleges, Box began sexually harassing her. She filed an internal complaint on November 30, 2009. She was suspended from work between June 14, 2010, and July 13, 2010, and alleges that this was retaliation for filing the previous complaint.

As to Counts A and C, the Commission concludes that the Respondent properly dismissed the Petitioner’s claims for lack of jurisdiction. Section 7A-102(A)(1) of the Act provides that in all cases (except housing discrimination cases), a petitioner must file a charge of discrimination with the

¹ This Order is in accordance with a vote cast by Commissioner Gash prior to the expiration of her term.
² In a request for review proceeding, the Illinois Department of Human Rights is the “Respondent.” The party to the underlying charge requesting review of the Illinois Department of Human Rights’s action shall be referred to as the “Petitioner.”

Respondent within 180 days after the date of the alleged civil rights violation. This 180-day filing requirement is jurisdictional. Failure to file a charge within the prescribed time deprives the Respondent and the Commission of jurisdiction to proceed further. Trembczynski v. Human Rights Comm'n, 252 Ill. App. 3d 966, 625 N.E.2d, 215 (1st Dist. 1993). Petitioner alleged that she was sexually harassed and harassed in retaliation, beginning in July 2009, but did not specify any incidents of harassment occurring after she filed the complaint on November 30, 2009. She did not file the charge with Respondent until July 14, 2010. This is outside the jurisdictional window.

As to Count B, a *prima facie* case of retaliation requires evidence that the Petitioner engaged in a protected activity, that they suffered an adverse action, and that there is evidence of a causal connection between the protected activity and the adverse action. See Welch v. Hoeh, 314 Ill. App. 3d 1027, 1035 (3rd Dist. 2000). If the Petitioner presents a *prima facie* case, the Employer must then produce a legitimate, nondiscriminatory reason for its action, and Petitioner must prove that this reason is a pretext for discrimination. Zaderaka v. Illinois Human Rights Comm'n, 131 Ill. 2d 172, 179 (1989). Employer states that Petitioner was suspended for trying to interfere in a criminal case during which she was acting as bailiff and using profanity with a member of the public. Petitioner has not proven that these reasons were pretextual.

Accordingly, the Petitioner has not presented any evidence to show that the Respondent's dismissal of the charge was not in accordance with the Act.

THEREFORE, IT IS HEREBY ORDERED THAT:

1. The dismissal of the Petitioner's charge is hereby **SUSTAINED**.
2. This is a final Order. A final Order may be appealed to the Appellate Court by filing a petition for review, naming the Illinois Human Rights Commission, the Illinois Department of Human Rights, and University Park Police Department, as respondents, with the Clerk of the Appellate Court within 35 days after the date of service of this Order.

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)
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Entered this 22nd day of October 2018.

Commissioner Robert A. Cantone

Commissioner Hamilton Chang

Commissioner Lauren Beth Gash