

**STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST	)	
FOR REVIEW BY:	)	CHARGE NO.: <b>2012CP0666</b>
	)	EEOC NO.: <b>N/A</b>
<b>PENNEY WASHINGTON,</b>	)	ALS NO.: <b>12-0363</b>
	)	
	)	
Petitioner.	)	

**ORDER**

This matter coming before the Commission by a panel of three, Commissioners Hamilton Chang, Steve Kim, and Robert A. Cantone presiding, upon the Request for Review (“Request”) of Penney Washington (“Petitioner”), of the Notice of Dismissal issued by the Illinois Department of Human Rights (“Respondent”)<sup>1</sup> of Charge No. 2012CP0666 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 the Petitioner’s charge for **LACK OF SUBSTANTIAL EVIDENCE** is **SUSTAINED**.

**DISCUSSION**

On September 12, 2011, the Petitioner filed a charge of discrimination with the Respondent alleging that the Board of Education of Crete-Monee School District 201-U (“Board”) denied her full and equal enjoyment of its facilities and services due to her race and in retaliation for opposing unlawful discrimination, in violation of Sections 5-102(A) and 6-101(A) of the Illinois Human Rights Act (“Act”).

On May 1, 2012, the Respondent dismissed the Petitioner’s charge in its entirety. The Petitioner filed a timely Request.

Petitioner’s son attended high school in the Board’s district. Petitioner had filed at least three charges against the Board, in October 2008, April 2009 and January 2010. On August 17, 2011, Petitioner went to her son’s school to return an overdue library book and get a receipt. When she went to the school office, the principal told her that she was not allowed to enter the school without prior permission, due to previous altercations between Petitioner and the school secretary. Petitioner refused to leave, and the principal called the police. The principal gave Petitioner a receipt for the library book, and the police escorted Petitioner out of the school.

To establish a *prima facie* case of discrimination concerning a public accommodation, the Petitioner must show: 1) she is a member of a protected class; 2) she was denied full and equal

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<sup>1</sup> 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.”

enjoyment of the facilities and services; and 3) similarly situated individuals outside her protected class were treated more favorably. See In the Matter of Velma J. Henderson and Steak N Shake, Inc., IHRC, Charge No. 1996CP2939, 1999 WL 33252627, \*9 (March 24, 1994). Petitioner did not provide examples of any similarly-situated school parents of a different race who were treated more favorably when they refused to leave the school premises, so she did not present a *prima facie* case.

A *prima facie* case of retaliation requires evidence that the Petitioner engaged in a protected activity, that she 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, 733 N.E.2d 410, 416 (3rd Dist. 2000). Petitioner failed to show a causal nexus between her previous discrimination complaints and the principal's actions in August 2011 (almost two years after the last complaint). Even if Petitioner had presented a *prima facie* case, she would still fail, because the Board produced a legitimate, nondiscriminatory reason (Petitioner's altercations with the school secretary) for its action, and Petitioner has not proved that this reason was pretextual. Zaderaka v. Illinois Human Rights Comm'n, 131 Ill. 2d 172, 179 (1989).

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 Board of Education of Crete-Monee School District 201-U 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 23rd day of October 2018.**  
**HUMAN RIGHTS COMMISSION** )

Commissioner Robert A. Cantone

Commissioner Hamilton Chang

Commissioner Steve Kim