

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST)	
FOR REVIEW BY:)	CHARGE NO.: 2011CN3774
)	EEOC NO.: N/A
MURIEL MAYES,)	ALS NO.: 12-0470
)	
)	
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 Muriel Mayes (“Petitioner”), of the Notice of Dismissal issued by the Illinois Department of Human Rights (“Respondent”)¹ of Charge No. 2011CN3774 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 June 13, 2011, the Petitioner filed a charge of discrimination with the Respondent alleging that Northwestern University (“Employer”) discharged her based on her arrest record, in violation of Section 2-103(A) of the Illinois Human Rights Act (“Act”). Employer posted a vacancy for a temporary position to assist employee Ann Watson, whose work visa was close to expiration, until Watson received a new visa. During her interview, Petitioner explained to Employer that she had been arrested, but not convicted of a crime; Employer decided to hire her anyway, before completion of a background check. Petitioner worked for Employer for two days, under Watson’s supervision. During this time, Watson’s work visa was renewed. Watson complained to Employer that Petitioner’s behavior was unprofessional. When completed, the background check showed that Petitioner had a 2008 pending misdemeanor battery charge and had been assigned court supervision and a small fine; when the supervision was successfully completed, the charge would be dismissed and not considered a conviction. Based on Watson’s complaints about Petitioner’s behavior, the visa renewal, and the fact that Petitioner had not paid the fine or had her case dismissed, Employer terminated her two days after her hiring. She was not replaced.

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

¹ 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.”

Employers may not use the “fact of an arrest” as a basis to discriminate. Murillo v. City of Chicago, 2016 IL App (1st) 143002, ¶ 22. Employer states that the discharge was based on Petitioner’s behavior during her short employment and the lack of need for her position after Watson’s visa status was secured. Petitioner has not shown that these reasons were pretextual. Zaderaka v. Illinois Human Rights Comm’n, 131 Ill. 2d 172, 179 (1989). Further, the fact that Employer hired Petitioner only a few days before, knowing her arrest record, indicates that there was no animus based on that record in terminating her. Harris v. Warrick County Sheriff’s Dept., 666 F.3d 444, 449 (7th Cir. 2012).

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 Northwestern University 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 2nd day of November 2018.**
HUMAN RIGHTS COMMISSION)

Commissioner Robert A. Cantone

Commissioner Hamilton Chang

Commissioner Steve Kim