

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

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| IN THE MATTER OF THE REQUEST |) | |
| FOR REVIEW BY: |) | CHARGE NO.: 2011CP3694 |
| |) | EEOC NO.: N/A |
| LISA J. GILLARD, |) | ALS NO.: 12-0619 |
| |) | |
| |) | |
| 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 Lisa J. Gillard (“Petitioner”), of the Notice of Dismissal issued by the Illinois Department of Human Rights (“Respondent”) ¹ of Charge No. 2011CP3694 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 October 16, 2011, the Petitioner filed a charge of discrimination with the Respondent alleging that the University of Chicago (“University”) denied her the full and equal enjoyment of its facility because of 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”). Petitioner alleges that on March 23, 2011, she was denied access to the University’s law library. On June 14, 2011, she emailed the University’s general counsel to complain about this denial, and on June 15, 2011, she was denied access to the University library’s research center. The University informed her that it was denying access because she had not obtained a library pass based on a legitimate research need.

On August 29, 2012, the Respondent dismissed the Petitioner’s charge in its entirety. The Petitioner filed a timely Request.

Generally, 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 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’s claim fails at the third prong: she has not shown that individuals outside her race, who had not complained of discrimination, who also had not obtained a library pass, were allowed to use

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.”

the facilities. The University asserts that it has banned two other individuals from the library facilities, outside Petitioner's race, who had not complained of discrimination.

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 the University of Chicago 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 16th day of November 2018.**
HUMAN RIGHTS COMMISSION)

Commissioner Robert A. Cantone

Commissioner Hamilton Chang

Commissioner Steve Kim