

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST)	
FOR REVIEW BY:)	CHARGE NO.: 2012CF0436
)	EEOC NO.: 21BA12554
DR. DOMINIQUE LOW,)	ALS NO.: 12-0713
)	
)	
Petitioner.)	

ORDER

This matter coming before the Commission by a panel of three, Commissioners Hamilton Chang, Rose Mary Bombela-Tobias, and Robert A. Cantone presiding, upon the Request for Review (“Request”) of Dr. Dominique Low (“Petitioner”), of the Notice of Dismissal issued by the Illinois Department of Human Rights (“Respondent”)¹ of Charge No. 2012CF0436 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 August 8, 2011, the Petitioner filed a charge of discrimination with the Respondent alleging that Loyola University Medical Center (“Employer”) discharged her due to her race, national origin, ancestry, sex, and in retaliation for opposing unlawful discrimination, in violation of Sections 2-102(A) and 6-101(A) of the Illinois Human Rights Act (“Act”). Petitioner was hired as a first-year medical resident in June 2010. In November 2010, Employer placed Petitioner on three months’ probation. In February 2011, she was removed from the residency program. Petitioner appealed the decision, which Employer rejected in July 2011. She alleges that in September 2010, she complained to Employer’s program director of discrimination by a senior resident, and made additional complaints in November 2010 and February 2011.

On August 31, 2012, the Respondent dismissed the Petitioner’s charge in its entirety. The Petitioner filed a timely Request.

To present a *prima facie* case that Employer discharged her based on her race, national origin, ancestry, or sex, Petitioner must show: 1) she is a member of a protected class; 2) she was performing her work satisfactorily; 3) she was subject to an adverse action; and 4) the Employer treated a similarly situated employee outside her protected class more favorably under similar circumstances. Marinelli v. Human Rights Comm’n, 262 Ill. App. 3d 247, 253-54 (2d Dist. 1994). Even assuming that Petitioner presented a *prima facie* case, the Employer has produced a legitimate,

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.”

nondiscriminatory reason for discharging her. Zaderaka v. Illinois Human Rights Comm'n, 131 Ill. 2d 172, 179 (1989). Between September 2010 and February 2011, Employer received repeated complaints from other employees about petitioner's lack of clinical ability and cooperation. These complaints were supported by a number of unsatisfactory performance evaluations. Petitioner's work did not improve after she was placed on probation. Petitioner has not proven that this reason is a pretext for discrimination. The Commission does not sit as a "super-personnel department" to examine an employer's business decisions, even if those decisions seem "high-handed" or "mistaken." Mechnig v. Sears, Roebuck & Co., 864 F.2d 1359, 1365 (7th Cir.1988) (citations omitted).

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). Even assuming Petitioner presented such a case, she has not proven that the Employer's proffered reason for discharging her was pretextual. Zaderaka, 131 Ill. 2d at 179.

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 Loyola University Medical Center 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 Rose Mary Bombela-Tobias