STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION

IN THE MATTER OF THE REQUEST FOR REVIEW BY:	)	CHARGE NO.: **2013CP2689**
	)	EEOC NO.: **N/A**
LISA J. GILLARD,	)	ALS NO.: **14-0247**
Petitioner.	)	

ORDER

This matter coming before the Commission by a panel of three, Commissioners Hermene Hartman, Steve Kim and Cheryl Mainor presiding, upon Lisa J. Gillard's ("Petitioner") Request for Review ("Request") of the Notice of Dismissal issued by the Department of Human Rights ("Respondent") of Charge No. 2013CP2689; 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, WHEREFORE, it is hereby **ORDERED** that the Respondent's Notice of Dismissal is **SUSTAINED** for **LACK OF SUBSTANTIAL EVIDENCE.**

DISCUSSION

On April 1, 2013, the Petitioner, filed an unperfected charge of discrimination with the Respondent, perfected on April 2, 2013, alleging that Columbia College Chicago ("Columbia"), denied her the full and equal enjoyment of its facilities because of her race, black, her age, 46, her sex, female, her religion, Buddhism, her mental disability, Attention Deficit Disorder, her mental disability, Dyslexia, and in retaliation for her filing of a previous charge of discrimination with the Respondent against Columbia; and denied her services because of her race, her age, her sex, her religion, her mental disabilities, and in retaliation for her filing of a previous charge of discrimination with the Respondent against Columbia, in violation of Sections 5-102 (A) and 6-l0l(A) of the Illinois Human Rights Act ("Act"). On March 26, 2014, the Respondent dismissed the Petitioner's charge for Lack of Substantial Evidence. On May 2, 2014, the Petitioner filed her timely Request with the Commission.

The Commission concludes that the Respondent properly dismissed the Petitioner's charge for Lack of Substantial Evidence. If no substantial evidence of discrimination exists after the Respondent's investigation of a charge, the charge must be dismissed. *See* 775 ILCS 5/7A-102(D). Substantial evidence exists when the evidence is such that a reasonable mind would find the evidence sufficient to support a conclusion. *See* In re Request for Review of John L. Schroeder, IHRC, Charge No. 1993CA2747, 1995 WL 793258, *2 (March 7, 1995).

In the Petitioner's matter the evidence was insufficient to establish a *prima facie* case of discrimination or retaliation. Generally, in order to establish a *prima facie* case that Columbia denied Petitioner services, the Petitioner must show that 1) she is a member of a protected group of persons under the Act, 2) she was treated in a particular manner by Respondent, and 3) she was treated differently from a similarly situated person not in her protected group. Complainant does not satisfy the third element of her *prima facie* case. In the Petitioner's matter, there was no evidence that Columbia treated a person outside her protected class more favorably under similar circumstances.

Generally to establish a *prima facie* case of retaliation the Petitioner must show: (1) she engaged in a protected activity; (2) the Columbia committed an adverse action against her; and (3) a causal connection existed 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). A causal connection will be inferred if the period of time between the protected activity and the adverse action is sufficiently short. *See* Mitchell and Local Union, 146, 20 Ill. HRC Rep. 101, 110-11 (1985) (six months was too remote to establish connectedness); Lynell Mims and State of Illinois, Illinois Department of Lottery, Charge No. 1989CF1141, 1998 WL 937898 (December 17, 1998). In the Petitioner's matter, she engaged in a protected activity in April 2012. The alleged adverse act occurred on March 26, 2013 and on April 1, 2013, almost a year after the protected activity. As such the time period between the protected activity and the adverse action was too remote to infer a causal connection.

The Commission further concludes that Columbia articulated a non-discriminatory reason for its actions and there was no evidence of pretext. Columbia stated that it has rules which state that Alumni are limited to printing ten free pages per day, and to treat individuals respectfully an courteously. The evidence showed that on March 26, 2013, the Petitioner treated two student workers in a hostile and aggressive manner and that she refused to abide by the page limit policy. The evidence further showed that that after the Petitioner behaved aggressively towards students and staff, Columbia warned the Petitioner that any further misconduct would result in an indefinite suspension of her lab privileges. On March 29, 2013, Columbia indefinitely banned the Petitioner from its facility because she again engaged in inappropriate behavior by persistently sending unsolicited letters that were hostile and critical of the computer lab staff. Columbia is entitled to make business decisions based on its reasonable belief of facts surrounding the situation. Columbia may take its action for good reason, bad reason, reason based on erroneous facts, or for no reason at all, as long as its action is not for a discriminatory reason.... The correctness of the reason is not important as long as there was a good faith belief by Columbia in its decision....' " *See* Carlin v. Edsal Manufacturing Company, Charge No. 1992CN3428, ALS No. 7321 (May 6, 1996), quoting, Homes and Board of County Commissioner, Morgan County, 26 Ill. HRC Rep. 63 (1986). Although the Carlin case is an employment case, the premise for which it stands can be applied to the instant case. Here, Columbia was entitled to ask the Petitioner to leave its facilities based on its good faith belief that Petitioner's conduct was a violation of its policies and

warranted being asked to leave. The Petitioner acted inappropriately and Columbia asked her to leave pursuant to its policies.

In her Request, the Petitioner does not provide any substantial evidence to show that Columbia's actions were motivated by her protected class or in retaliation for filing a previous charge of discrimination. Additionally, the Petitioner has not provided any evidence that Columbia non-discriminatory reason was pretext for unlawful discrimination. In the absence of any evidence that the business consideration relied upon by the Columbia is a pretext for discrimination, it is improper for the Commission to substitute its judgment for the business judgment of Columbia. *See* Berry and State of Illinois, Department of Mental Health and Developmental Disabilities, IHRC, ALS No. S-9146 (December 10, 1997). Accordingly, it is the Commission's decision that the Petitioner has not presented any evidence to show the Respondent's dismissal of her charge was not in accordance with the Act. The Petitioner's Request is not persuasive.

THEREFORE, IT IS HEREBY ORDERED THAT:

The dismissal of Petitioner's charge is hereby **SUSTAINED.**

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 Columbia College Chicago as Respondents, with the Clerk of the Appellate Court within 35 days after the date of service of this Order.

STATE OF ILLINOIS)
)
HUMAN RIGHTS COMMISSION)

Entered this 28th day of November 2018

Commissioner Hermene Hartman

Commissioner Cheryl Mainor

Commissioner Steve Kim