

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST)		
FOR REVIEW BY:)	CHARGE NO.:	2014CP0453
)	EEOC NO.:	N/A
)	ALS NO.:	14-0434
MARIA MAHMOOD,)		

ORDER

This matter coming before the Commission by a panel of three Commissioners, Robert A. Cantone, Nabi R. Fakroddin, P.E., S.E. and Hamilton Chang, presiding, upon Maria Mahmood’s (the “*Petitioner*”) Request for Review (the “*Request*”) of the Notice of Dismissal (the “*Notice*”) issued by the Illinois Department of Human Rights (the “*Respondent*”) ¹ of Charge No.: 2014CP0453 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 JURISDICTION** is **SUSTAINED**.

DISCUSSION

On August 19, 2013, the Petitioner filed a Charge of Discrimination (the “*Charge*”) with the Respondent, in which she alleged that the University of Illinois at Chicago (“*UIC*”) wrongfully dismissed her from the College of Medicine due to her disability, visual impairment and major depressive disorder; wrongfully dismissed her from the College of Medicine due to perceived disability, oculocutaneous albinism; wrongfully dismissed her from the College of Medicine due to her national origin, Pakistan; and wrongfully dismissed her from the College of Medicine in retaliation for requesting reasonable accommodations, all in violation of Sections 5-102(A) and 6-101(A) of the Illinois Human Rights Act, 775 ILCS 5/1-101 *et seq.* (the “*Act*”). On June 23, 2014, the Respondent dismissed the Petitioner’s Charge for Lack of Jurisdiction. On September 25, 2014, the Petitioner filed this timely Request.

In this matter before the Commission, the Petitioner was a student at UIC’s College of Medicine. She alleged that due to her visual impairment, she required specific accommodations in order to take exams, including the United States Medical Licensing Examination. She also alleged that due to UIC not providing her with reasonable accommodations in order to complete required examinations, she developed major depressive disorder. Due to the foresight that she

¹ In a request for review proceeding, the Illinois Department of Human Rights shall be referred to as the “Respondent”. The party to the underlying charge requesting review of the Illinois Department of Human Rights’ action shall be referred to as the “Petitioner”.

may not complete all required examinations within seven (7) years of graduation as required by UIC's policies and procedures, the Petitioner set tissue paper on fire in the women's restroom. Subsequently, UIC deliberated on whether the Petitioner should remain a student at UIC or face dismissal for "failure to progress and unprofessional behavior". In fact, in a notice dated May 15, 2012, UIC informed the Petitioner that due to her failure to progress and unprofessional behavior, the Chicago Student Promotions Committee recommended that she be dismissed from the College of Medicine. And on August 30, 2012, the Chicago Committee on Student Promotions informed the Petitioner that her appeals were denied and the dismissal from the College of Medicine was effective August 24, 2012.

In her Request, the Petitioner argued that she timely filed her Charge with the Respondent within the required 180-day period based on her position that the date of her injury was February 20, 2013, the date that the Chancellor sent her notice that she (the Chancellor) upheld the decision of the Chicago Committee on Student Promotions to dismiss the Petitioner from the university for unprofessionalism and failure to make academic progress. However, during its investigation, the Respondent acknowledged the May 15, 2012 notice to the Petitioner informing her that the Chicago Student Promotions Committee recommended that she be dismissed from the College of Medicine, which dismissal was affirmed by the Chicago Committee on Student Promotions and was effective starting August 24, 2012.

The Respondent urges the Commission to sustain the dismissal of the Petitioner's Charge for Lack of Jurisdiction. Section 7A-102(A) of the Act states that a charge must be filed within 180 days of the date of the alleged civil rights violation. This is when the Complainant should have notice of the civil rights violation. See Faulkner-King v. Dept. of Human Rights, 225 Ill. App. 3d 784, 587 N.E.2d 599 (4th Dist. 1992). Section 7A-102(A) of the Act is a jurisdictional requirement and failure to file a charge within the prescribed time period deprives the Department of Human Rights of jurisdiction to investigate the charge. See Trembczynski v. Human Rights Commission, 252 Ill. App. 3d 966, 625 N.E.2d 215 (1st Dist. 1993).

Here, the Petitioner was first notified of her dismissal from the College of Medicine in the May 15, 2012 notice. Thereafter, the Petitioner filed appeals with UIC urging the College of Medicine to reverse its dismissal, grant her re-entry and provide her with reasonable accommodations to complete the remaining requirements to attain her medical degree. But subsequently UIC gave the Petitioner notice on August 30, 2012 that effective August 24, 2012; her dismissal from the College of Medicine was affirmed. Thus, no matter which date is used to determine the 180-day period, either May 15, 2012 or August 24, 2012, the Petitioner failed to file her Charge within 180 days from the alleged civil rights violation.

Even if the Petitioner filed her Charge within 180 days of the civil rights violation, the Respondent still would have limited jurisdiction to investigate this cause pursuant to Section 5-102.2 of the Act. Specifically, Section 5-102.2 of the Act limits the Respondent's jurisdiction to investigate places of education, including postgraduate schools, to violations alleging the failure to enroll an individual, the denial of access to facilities, goods, or services, or severe or

pervasive harassment of an individual when the covered entity fails to take corrective action to stop the severe or pervasive harassment. See 775 ILCS 5/5-102.2.

THEREFORE, IT IS HEREBY ORDERED THAT:

The dismissal of the Petitioner's Charge is hereby **SUSTAINED**.

This is a Final Order. A Final Order may be appealed to the Illinois Appellate Court by filing a Petition for Review, naming the Illinois Department of Human Rights, the Illinois Human Rights Commission, and The University of Illinois at Chicago as named party respondents, with the Clerk of the Illinois Appellate Court within 35 days after the date of service of this Final Order.

STATE OF ILLINOIS

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) **Entered this 20th day of December 2018**

HUMAN RIGHTS COMMISSION

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Commissioner Robert A. Cantone, Esq.

Commissioner Nabi R. Fakroddin, P.E., S.E

Commissioner Hamilton Chang