

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST)		
FOR REVIEW BY:)	CHARGE NO.:	2014CF1754
)	EEOC.:	21BA40725
ANN MONAHAN,)	ALS NO.:	14-0459
Petitioner.)		

ORDER

This matter coming before the Commission by a panel of three commissioners, Chair Rose Mary Bombela-Tobias and Commissioners Patricia Bakalis Yadgir and Michael Bigger presiding upon Ann Monahan’s (“Petitioner”) Request for Review (“Request”) of the Notice of Dismissal issued by the Illinois Department of Human Rights (“Respondent”) of Charge No. 2014CF1754 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 January 14, 2014, the Petitioner filed a charge of harassment and retaliation with the Respondent alleging her employer, Cook County Health and Hospitals System harassed her and terminated her on July 23, 2013 as retaliation for filing a sexual harassment charge in violation of Sections 1-103(Q), 2-102(A) and 6-101(A) of the Illinois Human Rights Act (Act). On July 7, 2014, the Respondent dismissed both counts of the Petitioner’s charge for lack of substantial evidence. The Petitioner filed a timely Request to Review on October 9, 2014.

The Commission concludes that the Respondent properly dismissed the Petitioner’s charges 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. 775 ILCS 5/7A-102(D)(3). Section 7A-102(D)(2) states substantial evidence exists when the evidence is such that a reasonable mind would find the evidence sufficient to support a conclusion and which consists of more than a mere scintilla but may be somewhat less than a preponderance.

The evidence was insufficient to establish a *prima facie* case of harassment (Count A). Actionable harassment occurs when the workplace is permeated with discriminatory ridicule and insult that is sufficiently severe or pervasive to alter the conditions of the victim’s employment and create an abusive working environment. See Harris v. Forklift Systems, Inc., 510 U.S. 17, 20, 114 S.Ct. 367, 371, 126 L.Ed.2d 295 (1993).

Petitioner alleges she was harassed by being excluded from emails and meetings as well as employees ignoring her work and her request for involvement in important matters. These activities are not sufficiently severe or pervasive enough to rise to the level of actionable harassment. As a result, the Petitioner had insufficient evidence to sustain a charge and the Department's dismissal for lack of evidence was proper.

The evidence was insufficient to establish a *prima facie* case of retaliation (Count B). A *prima facie* case of retaliation is demonstrated when the Petitioner shows 1. Petitioner engaged in protected activity, 2. Respondent committed an adverse action against her and 3. A causal connection exists between the protected activity and the adverse action. Hofflet v. Department of Human Rights, 367 Ill.App.3d 628, 634, 867 N.E.2d 14, 310 Ill.Dec.701 (2006). Additionally, a causal connection will be inferred if the period between the protected activity and the adverse action is sufficiently short. See Mitchell and Local Union, 146, 20 Ill. HRC Rep. 101, 110-111 (1985) (six months was too remote to establish connectedness).

Petitioner alleges her employer discharged her on July 23, 2013 because she reported she was sexually harassed by Ibrar Ahmad on August 17, 2012. Petitioner's work performance was criticized and she refused to perform certain functions. On June 11, 2013, Petitioner met with Dr. Rumoro regarding concerns over her ethics, competence, collaboration, accountability, respect and professionalism. This conversation took place almost a year after the sexual harassment charge which is too remote to establish connectedness. As a result, Petitioner cannot establish a *prima facie* element of retaliation. The Respondent therefore lacked sufficient evidence and

the dismissal of the charge was proper.

THEREFORE, IT IS HEREBY ORDERED THAT:

1.The dismissal of the Petitioner's charges are 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 Cook County Health and Hospitals System as the 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 7th day of Nov. 2018.

Chair Rose Mary Bombela-Tobias

Commissioner Patricia Bakalis Yadgir

Commissioner Michael Bigger