

**STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION**

<b>IN THE MATTER OF THE REQUEST</b>	)	
<b>FOR REVIEW BY:</b>	)	CHARGE No.: 2014 CF 1753
	)	EEOC.: 21 BA 40724
Ann Monahan,	)	ALS No.: 14-0485
	)	
<b>Petitioner.</b>	)	

ORDER

This matter coming before the Commission by a panel of three, Commissioners Robert A. Cantone, Steve Kim, and Nabi R. Fakroddin, presiding, over the Matter of Ann Monahan’s (Petitioner) Request for Review (Request) of the Notice of Dismissal issued by the Illinois Department of Human Rights (Respondent<sup>1</sup>), of Charge 2014CF1753 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 in 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 discrimination alleging that her employer harassed her and discharged her in retaliation for opposing unlawful discrimination in violation of Sections 1-103(Q), 2-102(A), and 6-101(A) of the Illinois Human Rights Act. 775 ILCS 5/1 *et. seq.*

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. 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. In re Request for Review of John L. Schroeder, IHRC, Charge No. 1993CA 2747, 1995 WL 793258, (March 7, 1995).

On May 14, 2012, the Petitioner was hired as a research and grants specialist by Rush University Medical Center, an academic medical center. The Petitioner’s employment required her to split her time working with Rush and at Cook County Health and Hospital Systems (CCHHS). On August 17, 2012, she complained about an incident

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<sup>1</sup> In a Request for Review Proceeding, the Illinois Department of Human Rights is the “Respondent.” The party to the underlying charge who is requesting review of the Department’s action shall be referred to as the “Petitioner.”

of sexual harassment and accused a CCHHS employee of taking inappropriate pictures of her with his phone. The Petitioner participated in the investigation and a pre-disciplinary hearing of the accused. On September 18, 2012, based on the hearing officer's conclusions that the allegations did not have merit, CCHHS returned the employee to service.

The Petitioner contends that beginning in February 2013 and continuing until July 2013, she was harassed by her employer and discharged in retaliation for her opposing the August 17, 2012 allegation of sexual harassment.

To establish a *prima facie* case of retaliation, the Petitioner must show that she 1) engaged in a protected activity, 2) the employer committed an adverse act against her, and 3) a causal connection existed between the protected activity and the adverse act. Welch v. Hoeh, 314 Ill. App. 3d 1027, 1035, 733 N.E. 2d, 410, 416 (3<sup>rd</sup> 2000).

Here, the Petitioner engaged in protected activity by reporting and objecting to an incident of sexual harassment. She failed to establish however, that she was subjected to workplace harassment or that her position was eliminated in retaliation for that protected activity.

Whether an environment is hostile or abusive can be determined by looking at all the circumstances, including the frequency and severity of discriminatory conduct, whether it is threatening or humiliating, and whether it unreasonably interferes with an employee's work performance. See Harris v. Forklift Systems, Inc., 510 U.S. 17 (1993). The Petitioner's allegations that she felt ignored, undervalued, and excluded, without more, simply do not rise to the level of harassment.

Similarly, the Petitioner failed to provide substantial evidence to support her claim that her position was eliminated in retaliation of her opposing sexual harassment. The record amply reflects her employer's concern about the timeliness and quality of her work as well as her ability to communicate with colleagues. Moreover, the elimination of her position, on July 23, 2013 occurred more than ten months after the Petitioner engaged in protected activity.

The Petitioner's Request details her disagreement with her employer's performance evaluation, suggests that the investigation of alleged sexual assault is still ongoing, and implies that the Respondent was unduly influenced by the Employer and CCHHS. A review of the Respondent's investigative file finds no support for these contentions.

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 Rush 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**

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Entered this 21st day of December 2018

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**HUMAN RIGHTS COMMISSION**

Commissioner Robert A. Cantone

Commissioner Steve Kim

Commissioner Nabi R. Fakroddin