

STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION

IN THE MATTER OF THE REQUEST	)		
FOR REVIEW BY:	)	CHARGE NO.:	2014CP1846
	)	EEOC.:	N/A
LISA J. GILLARD	)	ALS NO.:	14-0525
	)		
Petitioner.	)		

**ORDER**

This matter coming before the Commission by a panel of three commissioners, Michael Bigger, Amy Kurson and Cheryl Mainor, presiding upon Lisa Gillard's ("Petitioner") Request for Review ("Request") of the Notice of Dismissal issued by the Illinois Department of Human Rights ("Respondent") of Charge No. 2014CP1846 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 charges for **LACK OF SUBSTANTIAL EVIDENCE** is **SUSTAINED**.

**DISCUSSION**

On January 29, 2014, the Petitioner, Lisa Gillard, filed a perfected charge with the Respondent, alleging University of Illinois at Chicago denied her full and equal enjoyment of its' library due to her race (African American), age (46 years), religion (Buddhism), mental disability (Dyslexia) and mental disability (Attention Deficit Disorder) in violation of Section 5-102(A) of the Illinois Human Rights Act (Act). On September 4, 2014, the Respondent dismissed Petitioner's charges due to lack of substantial evidence. The Petitioner timely filed a Request for Review on September 30, 2014.

The Commission concludes that the Respondent properly dismissed all of Petitioner's charges for lack of substantial evidence. If no substantial evidence 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 full and fair enjoyment. To establish a *prima facie* case of discrimination concerning a public accommodation the Petitioner must show that: 1) the Petitioner is within a protected category; 2) she was denied or refused the full and equal enjoyment of the facilities, or goods or services; and 3) that others not within his or her protected class were given full

enjoyment of those facilities. See In the Matter of Velma J. Henderson and Steak N Shake, Inc., IHRC, Charge No. 1996CP2939, 1999 WL 33252627, \*9 (March 24, 1994).

Respondent concedes that the University of Illinois at Chicago (UIC) was a place of public accommodation.<sup>1</sup> Petitioner alleges she was denied the full and equal enjoyment of the University of Illinois library due to her race, age and religion (Counts A-C). Petitioner is an alumnus and a regular patron at the library on the weekends. On August 10, 2013, one white and one non-African American UIC officer who previously saw the Petitioner standing outside the library before it was opened, obtained her whereabouts inside the library and requested she provide state identification.<sup>2</sup> The investigation revealed UIC staff assisted Petitioner with research log-on privileges. On September 12, 2013, while at UIC library, an employee allegedly stated that Petitioner is not a member of the campus community, should be barred from all resources and computer use and that no one likes the Petitioner.<sup>3</sup> On November 1, 2013 a UIC employee told Petitioner not to touch any research computer and requested identification. On December 1, 2013, a UIC officer from the August 10, 2013 incidence approached her and spoke loudly to her. Between 9:00 a.m. and 12:46 p.m., on January 22, 2014, a UIC employee passed by Petitioner on four occasions. The UIC employee's route to and from her office takes her pass the Petitioner's seating area.

UIC alleged Petitioner stated she identified her age, religion or disability status in her complaint. Petitioner did not refute this allegation. From August 10, 2013 to January 16, 2014, Petitioner utilized the UIC library. At the January 24, 2014 meeting, Petitioner failed to identify a UIC employee that had denied her use of the library or its services. Petitioner has failed to prove a *prima facie* element of fair and full enjoyment and the department's dismissal for lack of substantial evidence is proper.

Respondent concedes that the University of Illinois at Chicago (UIC) was a place of public accommodation. Petitioner alleges she was denied the full and equal enjoyment of the University of Illinois library due to her mental disability (Dyslexia) and mental disability (Attention Deficit Disorder) (Counts D-E) from January 15, 2014 to April 29, 2014. Petitioner was an alumnus and a regular patron at the library on the weekends. UIC alleged Petitioner stated she identified her disability status in her complaint. Petitioner did not refute this allegation. The identification of the disability occurred after the alleged basis for discrimination. From August 10, 2013 to January 16,

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<sup>1</sup> Section 5-102.2 of the Act states that the Department's jurisdiction as to a place of public accommodation is defined in Section 5-101(A)(11) and is limited to ... (2) the denial of access to facilities, goods, or services. Section 5-101(A)(11) of the Act states that a place of public accommodation includes a non-sectarian nursery, day care center, elementary, secondary, undergraduate, or postgraduate school or place of education.

<sup>2</sup> The officers were sent to the library to investigate a report of a "heavily clothed individual" on a warm day. The Office of Access and Equity investigated the Petitioner's complaint and found no evidence supporting Complainant's allegations of stalking or racial profiling.

<sup>3</sup> Employee stated she did not like Petitioner's tone. Employee offered but had difficulty logging Petitioner onto the public computer. Employee informed Petitioner that she would contact the IT department for assistance and informed petitioner of other public computers on the 3<sup>rd</sup> and 4<sup>th</sup> level of the library. OAE staff found no violation of UIC discrimination policy.

