

City of Chicago
COMMISSION ON HUMAN RELATIONS

ADJUDICATION DIVISION

2014 Activity
Concerning Discrimination Cases
filed under the
Chicago Human Rights Ordinance
and
Chicago Fair Housing Ordinance



Chicago Commission on Human Relations
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Adjudication of Discrimination Complaints

The authority of the Commission on Human Relations to enforce the Chicago Human Rights Ordinance and the Chicago Fair Housing Ordinance is exercised through the Adjudication Division. The work of the Division is:

- To receive and investigate complaints alleging violations of the Chicago Human Rights Ordinance and the Chicago Fair Housing Ordinance.
- To facilitate the settlement of cases, where possible.
- To determine, after investigation and hearing, whether discrimination occurred in violation of the Human Rights Ordinance or the Fair Housing Ordinance.
- To order remedies if the complainant proves at a hearing that discrimination has occurred.

The orders of the Commission's Adjudication Division and the rulings of the Board of Commissioners in discrimination cases carry the force of law. If the Board of Commissioners rules that discrimination occurred, it has the power to impose fines and order injunctive relief as well as the payment of out-of-pocket damages, emotional distress damages, punitive damages, attorney fees, and costs.

In investigating and adjudicating a discrimination complaint filed by a member of the public, the role of the Commission is neutral. It does not serve as either side's lawyer, advisor, or advocate. It is not a prosecutor of the case. It does not take the side of either the complainant (the person who filed the complaint) or the respondent (the alleged violator).

Adjudication on the Web

See the Commission on Human Relations web site at www.cityofchicago.org/humanrelations for more information about Chicago's discrimination ordinances and their enforcement, including –

- Copies of the Chicago Human Rights Ordinance and the Chicago Fair Housing Ordinance
- Copy of the Commission on Human Relations Enabling Ordinance
- The regulations governing enforcement of these ordinances
- Information on how to research Commission case law
- A *Board Rulings Digest* summarizing decisions about violations and remedies ordered
- A complaint form and frequently-used forms for complainants and respondents
- A *Guide to Discrimination Complaints* in English and Spanish
- Information and forms to help complainants prepare, file, and prove a complaint
- Information and forms to help respondents respond to a complaint
- Information about other discrimination laws and enforcement agencies

Also, see and “like” the Commission's Facebook page for updates and frequently asked questions.

What is Discrimination?

In general, to prevail in a discrimination case under the City of Chicago ordinances, a complainant must be able to prove by a preponderance of the evidence that:

- The complainant was subjected to *adverse treatment* by a covered individual, business, or government entity (the respondent).
- This conduct was based on the complainant's status in one or more of these *protected categories*:

Race	Sex	Age (over 40)
Color	Sexual Orientation	Disability
National Origin	Gender Identity	Source of Income
Ancestry	Marital Status	Military Discharge Status
Religion	Parental Status	Credit History (employment only)

- The conduct was in one of the following *covered areas*:

Housing	Public Accommodations
Employment	Credit or Bonding Transactions

- The adverse action took place *in the City of Chicago*.
- The complaint was filed within *180 days* of the alleged discriminatory action.
- The complainant was treated differently *because of* his or her protected status, and not for other legitimate, non-discriminatory reasons.

Filing a Discrimination Complaint

Intake staff of the Adjudication Division are available during announced business hours to answer inquiries about filing a complaint under the Chicago Human Rights Ordinance or Chicago Fair Housing Ordinance. Those interested should telephone (312) 744-4111. Intake staff will assist the public with preparation of complaints on a walk-in basis. They also provide forms for self-preparation of complaints and filing by mail, facsimile, or electronic mail. There is no filing fee.

A complaint form, along with additional information about the ordinances and the adjudication process, can also be found on the Commission's web site: www.cityofchicago.org/humanrelations.

How Cases Proceed

People who believe they have been subjected to discrimination as defined in the City of Chicago ordinances may file written complaints with the Commission following a prescribed form. After a complaint is filed, the Commission notifies each named respondent and sets a deadline to submit a written response and any documents that support the respondent's position. The complainant also receives a deadline to reply to any response and to submit any documentation that supports the allegations of the complaint.

The Commission will offer the parties the opportunity to try to settle the case before the investigation is completed. Settlement is voluntary. The Commission does not propose or advocate particular settlement terms, but staff may draft the agreed terms of a settlement for parties to sign.

If the case does not settle or otherwise close at the pleading stage, the investigator completes any additional evidence-gathering that may be needed and compiles the evidence for review by senior staff of the Commission. Investigation usually consists of interviewing witnesses and examining relevant documents or physical evidence. The investigator may seek information about the experiences of other people whose situations are comparable to the complainant's. Investigators may conduct site visits when appropriate to the case. The Commission has subpoena power along with the power to sanction parties that fail to cooperate with the investigation.

A Compliance Committee of Commission senior staff then determines whether or not there is "substantial evidence" of discrimination. A finding of substantial evidence does not mean the complainant has won the case, but only that there is enough evidence of a violation for the case to go forward. If the Compliance Committee finds no substantial evidence of an ordinance violation, it dismisses the case. The complainant may request a review of the dismissal.

If the Commission finds there is substantial evidence of discrimination (or retaliation if applicable), it notifies the parties that the case will proceed to an administrative hearing. Again, the parties may attempt to settle the case prior to the hearing.

The administrative hearing is a trial, but somewhat less formal than in a court. A hearing officer is appointed by the Commission from a pre-selected panel of attorneys with experience in civil rights litigation. The hearing officer presides over the hearing and manages the pre-hearing and post-hearing process. Commission staff do not prosecute the case or represent the complainant at this hearing. It is entirely the complainant's responsibility to prove the case and to prove entitlement to injunctive and monetary relief as well as any attorney fees and costs. Pre-hearing discovery and subpoena procedures are available to the parties to aid in obtaining evidence to support their positions.

Based on the hearing officer's recommendation and the hearing record, the Board of Commissioners makes the final determination as to whether the complainant has proved that the respondent has violated the Chicago Human Rights Ordinance or the Chicago Fair Housing Ordinance. If the Board rules that there has been a violation, it also determines what relief will be awarded to the complainant.

Relief may include a fine for each violation, an order to take steps to eliminate discriminatory practices (injunctive relief), an award of damages to be paid to the complainant, and an order to pay the prevailing complainant's attorney fees. Final orders awarding or denying relief have the force of law, can be appealed to the state court on a *certiorari* petition, and are enforceable by obtaining a state court judgment.

Summary of Filing and Adjudication Activity

The table below summarizes complaint filing and adjudication activity during 2014 in the categories of discrimination complaints accepted under the City's ordinances. The 2014 figures are compared to those for 2013.

Case Activity Summary	Housing 2014 / 2013	Employment 2014 / 2013	Public Accommodation 2014 / 2013	Credit 2014 / 2013	TOTAL 2014 / 2013
COMPLAINTS FILED	96 / 90	71 / 76	79 / 92	0 / 3	246 / 261
Staff-Assisted	66 / 45	44 / 47	26 / 40	0 / 2	136 / 134
Self-Prepared	30 / 45	27 / 29	53 / 52	0 / 1	110 / 127
CASES FORWARDED TO HEARING STAGE	16 / 13	11 / 3	37 / 11	0 / 0	64 / 27
Substantial Evidence	16 / 13	11 / 4	34 / 11	0 / 0	61 / 28
Default (investigation stage)	0 / 0	0 / 1	3 / 0	0 / 0	3 / 1
CASES CLOSED	105 / 104	75 / 114	89 / 76	0 / 3	269 / 294
Settled	26 / 31	7 / 21	26 / 13	0 / 0	59 / 65
Complainant Withdrew Complaint	18 / 28	15 / 27	12 / 18	0 / 1	45 / 77
Complainant Failed to Cooperate	2 / 11	2 / 12	3 / 6	0 / 0	7 / 30
Lack of Jurisdiction	1 / 3	5 / 0	3 / 9	0 / 2	9 / 12
No Substantial Evidence	58 / 31	43 / 53	37 / 30	0 / 0	138 / 114
Ruling After Hearing	0 / 0	3 / 1	8 / 0	0 / 0	11 / 1
REQUESTS FOR REVIEW after involuntary dismissal	8 / 6	7 / 12	4 / 0	0 / 0	19 / 18
Denied	6 / 6	7 / 11	4 / 0	0 / 0	17 / 17
Granted	2 / 0	0 / 1	0 / 0	0 / 0	2 / 1

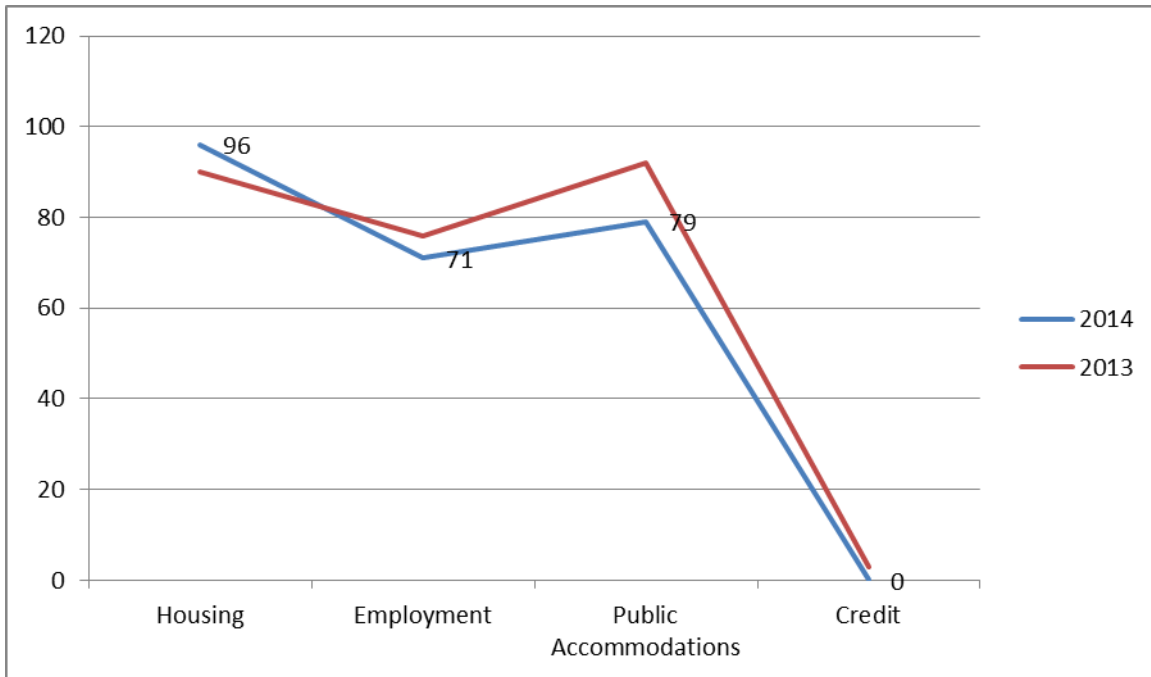
Discrimination Claimed

in New Complaints

The percentage figures in the table below show the percentage of *complaints* filed in 2014 which contained a *claim* of discrimination on the basis named. A complaint may claim discrimination on more than one basis (e.g. sex and age) arising out of the facts alleged. Thus the number of claims usually exceeds the number of complaints.

PROTECTED CLASS	Housing	%	Employment	%	Public Accom.	%	Credit	%	Total Claims	%
Race	19	20%	21	30%	13	16%	0		53	21%
Color	5	5%	2	3%	3	4%	0		10	4%
National Origin	4	4%	7	10%	2	3%	0		13	5%
Ancestry	5	5%	3	4%	0	0	0		8	3%
Religion	4	4%	3	4%	1	1%	0		8	3%
Sex	2	2%	21	30%	3	4%	0		25	10%
Sexual Orientation	1	1%	8	11%	3	4%	0		12	5%
Gender Identity	2	2%	3	4%	7	9%	0		12	5%
Marital Status	2	2%	1	1%	0	0	0		3	1%
Parental Status	4	4%	6	8%	0	0	0		10	4%
Age	3	3%	11	15%	6	8%	0		20	8%
Disability	10	10%	13	18%	57	73%	0		80	33%
Source of Income	65	68%	1	1%	1	1%	0		67	27%
Military Discharge Status	1	1%	0	0	0	0	0		1	.4%
Credit History	0		0		N/A		N/A		0	
TOTAL BASES CLAIMED	125		100		91		0		316	

Number of Complaints Received by Type



Trends in Discrimination Claims

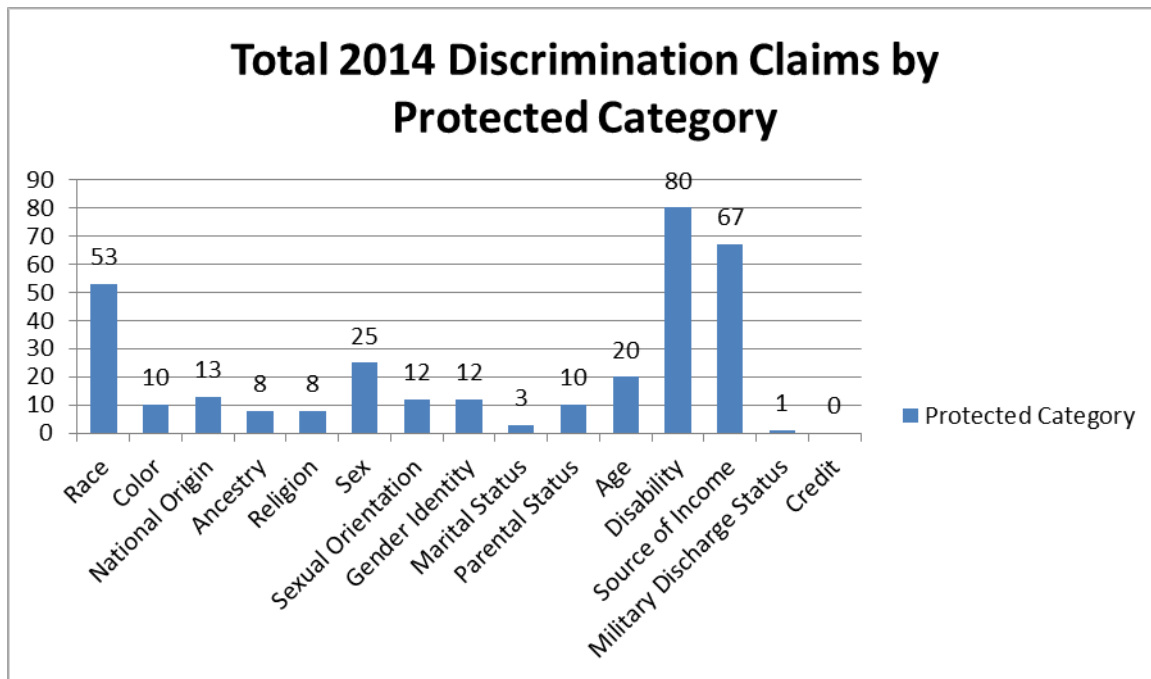
In total, 246 new discrimination complaints were filed in 2014, compared to 261 in 2013. Notably, the number of housing discrimination complaints outnumbered any other category of complaints received at the Commission. The 96 housing discrimination complaints filed in 2014 represent the second largest number of housing discrimination complaints filed in a single year since 2003, with a 6% increase from the 90 filed in 2013. On the other hand, the number of complaints received concerning public accommodations and employment saw a decrease in 2014, as compared to 2013. In the employment context, there were 71 complaints filed in 2014, as compared to the 76 filed in 2013, a 7% decrease. In public accommodations, the number of complaints dropped from 92 in 2013 to 79 in 2014, a 15% decrease. In sum, the largest proportion of new discrimination complaints in 2014 concerned housing, at 40%, while 32% concerned public accommodations, 29% concerned employment, and 0% concerned credit transactions.

The decrease in complaints received at the Commission is consistent with a downward trend exhibited by other governmental agencies receiving discrimination complaints. The Equal Employment Opportunity Commission, for example, experienced a decrease of 6% in discrimination charges received at their agency in 2014 as compared to 2013.¹ Similar to the EEOC, which has seen a downward trend in the number of charges filed since 2011, the total number of complaints filed at the Commission also began decreasing in 2011 when the Commission saw an 11% decrease as compared to 2010. Nevertheless, while the Commission has yet to surpass the 299 complaints filed in 2010, it only saw a 6% decrease in complaints between 2013 and 2014. Notably, the largest decrease in complaints occurred during the first quarter of 2014, when the City of Chicago was subjected to record-low temperatures as a result of “the Polar Vortex” and people were less likely to

1. “<http://www.eeoc.gov/eeoc/plan/upload/2014par.pdf>”

make the trip to the Commission to file a complaint. Although complainants have the option of filing their complaints via mail, electronic mail, or facsimile, about half of the Commission's complaints are received from individuals who walk into our office during business hours.

Despite the decrease in new complaints during the first quarter, the Adjudication Division capitalized on this time to make headway in the completion of older investigations, closing 20 of the 37 old investigation files that had carried over from 2013.



Trends by Complaint Type

HOUSING

Not surprisingly, the bulk of the 96 housing discrimination complaints, or 68%, alleged source of income discrimination involving Housing Choice Vouchers, also known as Section 8 Vouchers. Discrimination against low income households who receive these federal subsidies (administered in Chicago through the Chicago Housing Authority) thus continues as a significant fair housing issue. While the Fair Housing Ordinance enforced by the Commission has been recognizing Housing Choice Vouchers as a source of income since 1999, the uptick in housing complaints, both in 2013 and 2014 may be partially due to the media blitz surrounding the May 2013 recognition of Housing Choice Vouchers as a source of income under the Cook County Human Rights Ordinance. Given the intergovernmental agreement executed between the County and Commission, which requires that conduct regulated by both the County and the City, which occurred in the City, be adjudicated by the City, all discrimination involving Housing Choice Vouchers occurring in Chicago is streamlined to the Commission and not the Cook County Commission on Human Rights. In light of the October 2014 reopening of the Chicago Housing Authority's wait list lottery, the Commission expects that the increase in the amount of people eligible for Housing Choice Vouchers will contribute to an increase

in housing source of income complaints in 2015.

Beyond source of income, race discrimination was the next most frequent claim in the housing area, asserted in 20% of the housing complaints. Next was disability discrimination, claimed in 10% of the housing complaints, followed by color and ancestry discrimination, each comprising 5% of the housing complaints. Other types of discrimination were claimed in 4% or fewer of new housing discrimination complaints.

PUBLIC ACCOMMODATIONS

Seventy-three percent of the 79 public accommodations complaints filed in 2014 alleged disability discrimination; specifically, the denial of full use of a business establishment. Beyond its skyscrapers, the City of Chicago also boasts historical architecture and street grading that is not always conducive to accessibility, particularly for wheelchair-bound individuals. The Commission on Human Relations, along with other City departments, is committed to assisting businesses in making their services accessible to everyone, including those with disabilities. Accordingly, over the course of several years, Commission legal staff worked with the Mayor's Office for People with Disabilities (MOPD) to align the Commission's accessibility standards more closely to the well-publicized standards imposed by the Americans with Disabilities Act. The revised accessibility regulations were passed by the Board of Commissioners in September 2014. These will go into effect on January 1, 2016 and will likely facilitate business compliance by making the standard for accessibility consistent with nationally-recognized guidelines under the Americans with Disability Act.

After complaints based on disability discrimination, race was the next largest discrimination basis claimed in public accommodation complaints, at 16%. The next most frequent type of claims in the public accommodation area was gender identity discrimination at 9% of new complaints. Other types of discrimination were claimed in 8% or fewer of the public accommodation complaints.

EMPLOYMENT

Of the 71 employment discrimination complaints filed in 2014, sex and race were the most frequently alleged discrimination bases, each representing 30% of new employment complaints. Disability was the second-most alleged discrimination basis at 18%, followed by age (15%), sexual orientation (11%), and national origin (10%). Claims based on the remaining protected classes appeared in 9% or fewer of new employment discrimination complaints.

CREDIT OR BONDING TRANSACTIONS

Discrimination in credit transactions and bonding has never been the subject of many complaints. In 2014, there were no such complaints, compared to three in 2013.

Evaluating Complaint Data

In considering the meaning of the data on discrimination complaints presented in this report, a few points should be kept in mind:

- The value of Chicago’s enforcement structure is in making a *fair, neutral complaint and adjudication process readily available to anyone* who believes he or she has been subjected to discrimination in violation of Chicago’s ordinances.
 - Every properly-filed complaint which a complainant chooses to pursue will be investigated and ruled upon according to established procedures and legal standards.
 - Businesses and individuals accused of discrimination have the opportunity to present their defenses under the same neutral process.
 - Although the Commission implements City policy which strongly opposes discrimination, it is careful to impose the City’s powerful remedies only when justified by the evidence and applicable law.
 - At the same time, the Commission encourages utilization of its complaint filing and adjudication system so that accusations of discrimination can be resolved fairly according to the law and discriminatory conduct can be remedied and deterred.

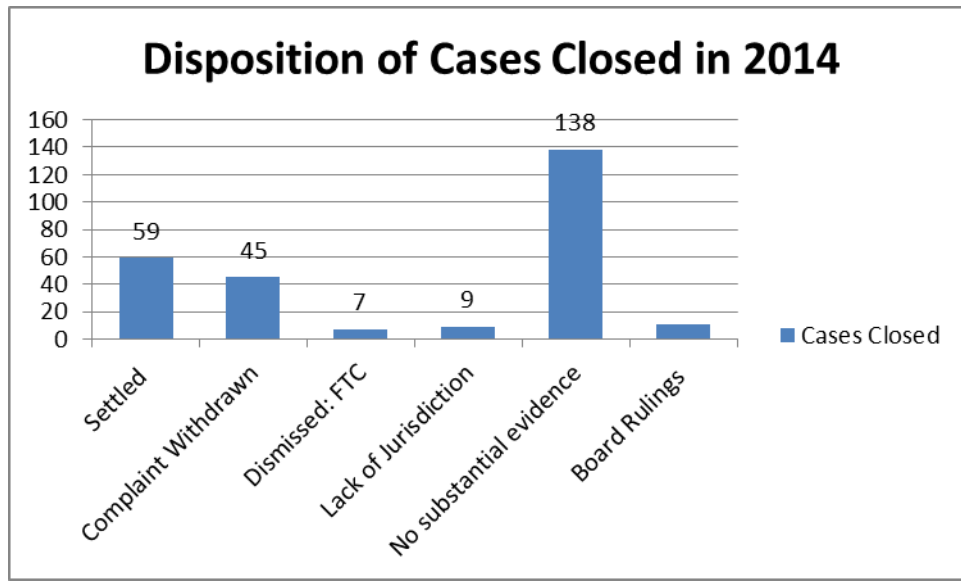
- Complaint-filing data does not measure the amount of discrimination that actually occurs in Chicago, for several reasons:
 - There can be many reasons victims of discrimination may not pursue a legal remedy, including lack of knowledge of the laws and remedies, inability to devote time and resources to pursuing a case, and concern about the public nature of the process.
 - At the time a complaint is filed, the Commission has made no decision about whether the facts alleged are true or whether the claims have legal merit. The investigation and adjudication process is the way the Commission reaches such decisions.
 - Many types of discrimination violate federal and state anti-discrimination laws as well as Chicago’s ordinances. People can choose to file claims under one or more of the available laws, which may vary in their coverage as well as their procedures. Thus the Commission’s filing data reflects only a portion of the legal claims alleging that discrimination occurred in Chicago.

- Nevertheless, complaint-filing data can offer insight into what types of discrimination people believe they are experiencing as well as what types of claims people bring to the Commission on Human Relations.

- Chicago’s ordinances and enforcement mechanisms offer (1) some unique coverage not available under federal or state laws, and (2) an enforcement system that is Chicago-focused, highly accessible, and linked to other City government initiatives.

- For example, a strength of local anti-discrimination ordinances has been the ability to fill gaps in state and federal laws and to take the lead in addressing additional types of discrimination.
 - Only the Chicago and Cook County ordinances cover all employers and housing providers regardless of size.

- State and local definitions of disability remain more inclusive than the federal definition.
- Federal anti-discrimination laws still do not explicitly cover sexual orientation or gender identity discrimination, an area in which Chicago was a leader when it enacted the present Human Rights and Fair Housing Ordinances and later amended them.



Substantial Evidence Findings

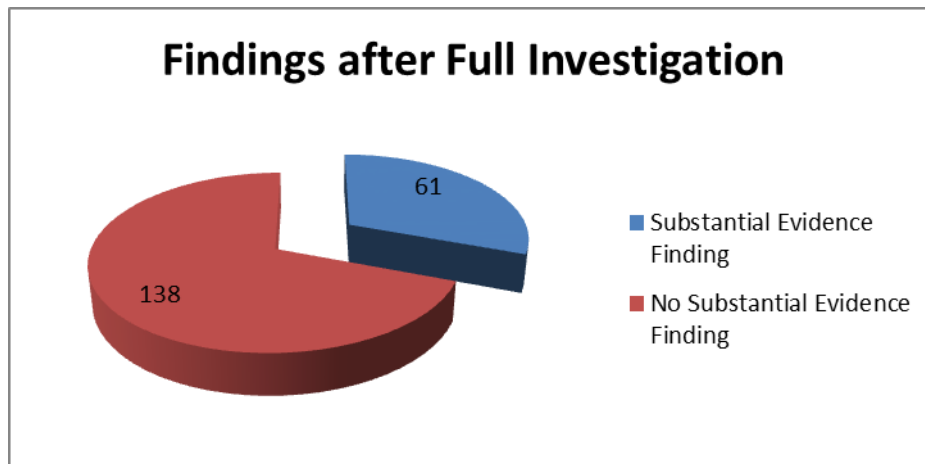
During 2014, 64 complaints advanced to the administrative hearing stage; 61 after a finding of substantial evidence that an ordinance violation had occurred, and three following an order of default. This represents 22% of the 289 dispositions of cases at the investigation stage.

A finding of substantial evidence is a preliminary legal ruling which means there is sufficient evidence, if believed, to support a final ruling that an ordinance violation occurred. A substantial evidence finding allows a case to advance to the administrative hearing process and a Board of Commissioners ruling on liability and relief. To obtain relief, it remains the responsibility of the complainant to prove the case at a public administrative hearing, where any respondent not held in default is allowed to present a defense.

The breakdown of completed full investigations by case type and result appears in the table below, with the 2013 figures presented for comparison:

Findings after Full Investigations	Housing 2014 / 2013	Employment 2014 / 2013	Public Accommodation 2014 / 2013	TOTAL 2014 / 2013

Substantial Evidence	16	15	11	6	34	12	61	33
No Substantial Evidence	58	30	43	51	34	29	138	110
TOTAL COMPLETED FULL INVESTIGATIONS	66	45	54	56	67	40	199	141



The table below illustrates the flow of complaints from the investigation stage to the hearing stage in recent years. It also illustrates the proportion of pending cases in each stage of adjudication at the end of each year. Between 2006 and 2009, a relatively high number of cases proceeded to the hearing and final ruling process after investigation. As the number of cases advancing to the hearing stage fell back to more typical levels, the number pending in the hearing stage soon dropped accordingly. These levels can vary because it is difficult to predict how many complaints will be filed or how many cases will be active in the hearing stage during a given period of time.

Stages of Complaints	2006	2007	2008	2009	2010	2011	2012	2013	2014
Pending Complaints (at year-end)	514	356	284	259	256	240	259	225	202
In Investigation Stage	464	303	224	209	220	217	238	206	164
In Hearing Stage	50	53	60	50	36	23	21	19	38
New Complaints	220	272	247	259	299	267	249	261	246
Complaints Forwarded to Hearing	67	56	73	62	37	28	29	33	64

With respect to investigator performance, despite the decrease in closures completed within 180 days when compared to 2013, the closures completed within 1 year increased by 20%. This shows a consistent positive trend in investigations completed within one year since the performance standards for investigators were increased in 2013 from 38 cases a year to 48 cases a year, per investigator (125 in 2012, 161 in 2013, 194 in 2014).

Finally, the Commission experienced close to 100% increase in the number of cases which advanced to administrative hearing in 2014, as compared to 2013. (33 in 2013, 64 in 2014). Not surprisingly, the number of rulings issued by the Board of Commissioners also increased accordingly, going from zero in 2013 to 11 in 2014.

Hearing Stage Activity

During 2014, the Commission advanced 64 cases to the hearing stage from the investigation stage following a finding of substantial evidence or default. Thirty-seven of those cases were scheduled for administrative hearing; however, thirteen actually went to hearing in 2014. Eleven of those 37 cases closed before the administrative hearing was held, either by settlement or dismissal. The remaining cases carried over into the following year.

The remaining 26 cases that were forwarded to the hearing process were scheduled for settlement conferences before one of the Commission's independent mediators. During 2014, 16 of those cases either settled or were dismissed based on the complainant's failure to cooperate with the process. The remaining case carried over to the following year.

Settlement of Complaints

A substantial number of discrimination cases closed due to settlement between the parties. The Commission values settlement of discrimination complaints consistent with its larger strategy to encourage the voluntary resolution of differences where possible. Settlement may occur either prior to completion of a full investigation or after a case has advanced to the hearing process. In 2014, a total of 59 out of 269 closed cases were resolved by settlement, equating to the same percentage as in 2013, 22%.

Settlement is voluntary between the parties. When cases settle, the respondents do not admit liability and the Commission does not decide whether a violation actually occurred. The Commission is not a party to the settlement and does not require or advocate particular settlement terms. However, Commission staff, independent mediators, and hearing officers do encourage parties to try to settle their disputes and may facilitate the process. The Commission is authorized to order parties to participate in a confidential settlement conference conducted by one of its independent mediators. The Commission typically does this after a substantial evidence finding but before appointment of a hearing officer, if there appears to be settlement potential. In 2014, the Commission held 19 such settlement conferences, compared to 9 held in 2013.

Settlement terms vary, and because the majority of settlements are concluded as private agreements between the parties, the Commission often does not know the terms including the monetary value to complainants. To encourage settlement in the future, the Commission does not announce the terms of particular settlements, although parties may choose to do so if they have not agreed among themselves to keep the terms confidential.

Board Rulings

Administrative hearings are held before independent hearing officers appointed by the Commission

from a pre-selected roster of attorneys with expertise in civil rights law and litigation. The hearing officer manages the pre-hearing process, assesses credibility, makes findings of fact, and issues a recommended decision which the Board considers as the basis for its final ruling on liability and relief. If a prevailing complainant was represented by an attorney, a second recommended and final ruling determines the amount of the attorney fees and related costs the respondent will be ordered to pay.

Board rulings are written legal opinions which explain the basis for the decision. They are available to the public and establish precedents for future Commission decisions. The *Board Rulings Digest* is a Commission publication listing all Board rulings entered after administrative hearings. The latest update of the *Board Rulings Digest* is available on the Commission's website or on request from the office.

As previously stated, there were 13 administrative hearings held in 2014. The Board of Commissioners ruled on the following 10 cases and 1 ruling regarding attorney fees:

- 1) *Collins v. Five Star Food and Liquor et al.*, CCHR No. 11-E-68 (Jan. 15, 2014) The Board found race discrimination when a store security guard was repeatedly subjected to racially derogatory comments from the store owner throughout his employment. Respondents were fined \$1,000 each and ordered to pay compensatory damages of \$119,405, emotional distress damages of \$50,000, punitive damages of \$358,215, and attorney fees in an amount to be determined in a follow-up fee petition process.
- 2) *Nemby v. Chicago Transit Authority et al.*, CCHR No. 09-P-10 (Feb. 19, 2014) The Board found no discrimination based on gender identity where Complainant alleged that she was subjected to harassment by a CTA passenger and several CTA and security employees. Based on credibility determinations by the hearing officer as to conflicting testimony at the administrative hearing, the Board found that Complaint had not proved that the incidents occurred as alleged.
- 3) *Wallace v. Tong Tong Bae Bar and Restaurant*, CCHR No. 12-E-04 (March 18, 2014) The Board found race and age discrimination when a restaurant owner refused to hire a job applicant after asking the applicant's age and race. Respondent was issued a fine of \$1,000 and ordered to pay \$1,000 in emotional distress damages.
- 4) *Mahmoud v. Chipotle Mexican Grill Service Co., LLC*, CCHR No. 12-P-25 (June 18, 2014) The Board found that Respondent Chipotle had failed to provide Complainant, who uses a wheelchair for mobility, full use of its facility in that the entry door is too heavy for a wheelchair user to open on his or her own. Because the Complainant requested no monetary damages, none were awarded. The Board did order injunctive relief: Chipotle must provide full use of its facility, including the entry door, to all of its patrons, including those who use wheelchairs.
- 5) *Hamilton & Hamilton v. Café Descartes Acquisitions LLC*, CCHR No. 13-P-05/06 (June 18, 2014) The Board ruled that Respondent Café Descartes employees first denied Complainants access to their facility, and then restricted that access because of a service animal. The Board awarded Complainants \$5,500 in emotional distress damages, and \$6,000 in punitive damages. The Board also ordered the following injunctive relief: Café Descartes is to develop a written policy which provides that the use of a service animal should not be used as a basis for denying admittance to a patron, and distribute that policy to all employees and management;

post notices in the café that service animals are welcome; and, all staff and management are to attend mandatory anti-discrimination training.

- 6) *DeHoyos v. LaRabida Children's Hospital, et al.*, CCHR No. 10-E-102 (June 18, 2014) The Board found no evidence of discrimination based on sex where Complainant alleged that her supervisor had subjected her to sexual harassment and retaliation in the workplace. The Board accepted the administrative hearing officer's recommended ruling of no liability, finding the Complainant not credible.
- 7) *Shipp v. Wagner*, CCHR No. 12-H-19 (July 16, 2014) The Board found that the Respondent directly discriminated against the Complainant when he told her he would not accept her Housing Choice Voucher to rent an available apartment, and when he posted an advertisement for the apartment in which he commented, "Not Section 8 Approved." The Board awarded the Complainant \$3,000 in emotional distress damages and \$2,500 in punitive damages. It also imposed a fine on the Respondent of \$500, to be paid to the City.
- 8) *Cotten v. Taj Mahal Restaurant*, CCHR No. 13-P-42 (Oct. 15, 2014) After an order of default, the Board found disability discrimination where a wheelchair user was unable to enter a restaurant due to steps at the entrance. The Board awarded Complainant \$500 in emotional distress damages and \$500 in punitive damages, and ordered the business to take steps to become accessible to wheelchair users and to document any undue hardship if unable to make restaurant fully accessible. The Board also imposed the maximum fine of \$1,000 due to the Respondent's total disregard of the proceedings before the Commission.
- 9) *Hamilton & Hamilton v. Café Descartes Acquisitions LLC*, CCHR No. 13-P-05/06 (Dec. 17, 2014) The Board awarded attorney fees of \$14,730, and costs of \$30.25.
- 10) *Cotten v. Ochoa Sporting Goods*, CCHR No. 14-P-15 (Dec. 17, 2014) After an order of default, the Board found that Complainant, a wheelchair user, proved a *prima facie* case of disability discrimination where he was unable to enter Respondent's facility due to stairs at the entrance. The Board ordered payment of emotional distress damage in the amount of \$500 and imposed a fine of \$1,000 due to Respondent's failure to participate in the Commission's proceedings. The Board also ordered the business to become accessible to wheelchair users and to document an undue hardship if unable to be fully accessible.
- 11) *Cotton v. Pizzeria Milan*, CCHR No. 13-P-70 (Dec. 17, 2014) After an order of default, the Board found that Complainant, a wheelchair user, proved a *prima facie* case of disability discrimination where he was unable to enter Respondent's restaurant due to stairs at the entrance and Respondent's employees refused to provide Complainant any assistance to enter. The Board ordered payment of actual damages to Complainant in the amount of \$500, punitive damages to Complainant in the amount of \$100, and imposed a fine of \$100. The Board also ordered the business to become accessible to wheelchair users and to document an undue hardship if unable to be fully accessible.

Ordinance and CCHR Regulations Amendments

In November 2013, the Commission's statutory authority was strengthened through the

following amendments which 1) increased the fine for violating the ordinance from \$500 to \$1,000; 2) allowed the assessment of fines for the filing of frivolous complaints; and 3) specifically gave the Board of Commissioners the authority to awarding of punitive damages when the board has determined that a respondent's conduct displayed a wanton disregard of the complainant's rights.

Since the implementation of these new provisions, the Board of Commissioners has imposed the maximum fine of \$1,000 in 4 cases. Although the Commission has not issued any fines for filing frivolous complaints in 2014, the possibility of such a penalty has possibly had a deterrent effect on complaining parties. Lastly, the Board of Commissioners has awarded punitive damages in 4 separate cases.

One year later, in November 2014, the Human Rights Ordinance was amended again. This time, a new protected class of "criminal history" was added, although its provisions circumscribed its application to an employment context and solely with respect to an employer's untimely inquiry into a job applicant's criminal history. Different from most other protected classes recognized by the Ordinance, the relief available for discriminating against a job applicant on the basis of his criminal history is limited to a fine payable to the City, without any remedy for the complaining party. The Commission has partnered with the Department of Business Affairs and Consumer Protection (BACP) to alert numerous organizations, including diverse chambers of commerce in the City about these new obligations. Contemporaneous with these criminal history amendments, the penalty provision of the Ordinance was also amended to include the possibility of business license discipline for businesses in violation of the Ordinance. We have begun working with BACP to define the type of cases for which we will be seeking this type of penalty in 2015.

In September 2014, the Board of Commissioners approved changes to the regulations regarding disability discrimination in places of public accommodation, slated to go into effect in 2016. One of the significant changes was the expansion of the Commission's jurisdiction in "special status" cases. In complaints involving professional service providers such as physicians, lawyers, and educational institutions, the Commission has exercised its jurisdiction very narrowly, limiting our review of the policies and practices of public accommodations only to the extent that a particular facility or function is open to the general public. Under this interpretation, once a professional relationship was established between parties, the Commission determined that a "special status" existed, and there was no public accommodation involved. Under the new regulations, the definition of public accommodation will expand to include complaints of discrimination involving incidents that occur after a professional relationship is established between professional service providers and clients, but only to determine whether the professional's conduct toward the complainant is coextensive with the service he would provide for a non-disabled client. However, under the new regulations, the Commission will still not consider matters that involve professional decision making.

Lastly, another change to the regulations approved by the Board modifies the way the Commission evaluates accessibility under the public accommodation context with respect to a private entity and commercial facilities. In order to facilitate compliance by the business community, the Board agreed to replace the "full use" standard with the "readily achievable" barrier removal standard used pursuant to the Americans with Disabilities Act. Therefore, businesses will be required to do what is "readily achievable" to remove barriers to make their services and facilities accessible to individuals with disabilities.

In order to proactively raise awareness in the business community about these new obligations, the Commission has, among other initiatives, partnered with the Chicago Community

Trust in their ADA25 year-long commemoration of the passage of the Americans with Disabilities Act to conduct an educational campaign for the business community about the change in the applicable accessibility regulations. These trainings will take place throughout 2015, and will include outreach efforts to members of chambers of commerce as well as disability community advocate groups.

Language Line

Chicago is a diverse City with people from various countries whose first language is not always English. Although CCHR has Spanish-speaking staff, we previously did not have the ability to communicate with the public in languages other than English or Spanish. This year, the Commission contracted with a company called Language Line to provide translation services for callers to the Commission who speak Polish, Mandarin, Arabic, and Hindi. In addition to facilitating telephone communication, Language Line and the Commission's Advisory Council on Equity also translated several publications for distribution about the Commission generally and announcing the Commission's ability to receive calls in these additional languages. Out of the calls received in languages other than Spanish or English, the overwhelming majority, 84%, are from Polish-speaking callers. The ability to service a more ethnically diverse contingency of the City's resident base is an important Commission initiative that we continue to strive toward. All of the calls are being captured in the City's Customer Service Request System (CSR) and the Commission continues to monitor the usage of this service to better determine its effectiveness.

Fine Collection Efforts

In consultation with the Department of Business Affairs and Consumer Protection, Administrative Hearings, and the Law Department, the Commission developed a process by which, upon the Commission's written request, the Law Department will initiate legal proceedings to collect outstanding fines through the city's administrative hearings process. The fines included in this process include fines ordered in administrative hearings before the Commission as well as fines imposed for failing to comply with Commission procedures, such as failing to appear for mandatory settlement conferences.

In 2014, the Commission imposed a total of \$7,200 in fines to the City. In collaboration with the Law Department, the Commission has begun collecting these monies and will continue to work with the Law Department in 2015 to collect the outstanding balance.