

1996

**CHICAGO COMMISSION ON HUMAN RELATIONS
ADJUDICATION REPORT**

Richard M. Daley, Mayor

Clarence N. Wood, Chair/Commissioner

HIGHLIGHTS OF 1996 ACCOMPLISHMENTS OF COMMISSION'S ADJUDICATION UNIT

1996 was a productive year for the Adjudication Unit of the Commission on Human Relations. Below is a short summary of some of the highlights of the work we did in 1996.

* **MOST COMPLAINTS FILED IN ONE YEAR** -- We received 10% more cases than we did in 1995 -- 579 vs. 526. See Chart on page 3.

* **MOST INVESTIGATIONS CLOSED IN ONE YEAR** -- We closed over 17% more cases than we did in 1995 -- 523 vs. 446. This includes an increase of 37% in employment investigations closed (194 vs. 266). See charts on pages 3 & 4.

* **RACE STILL MOST COMMON ALLEGATION** -- This year, like the prior ones, race was the basis of discrimination most often alleged in each area -- housing, employment and public accommodations. The "second and third place" allegations were different for each type of case. In housing, parental status and source of income were tied for second highest. In employment, race was followed by sex and then disability. For public accommodations cases, disability was second most claimed and then there was a large drop-off to sex. See chart on page 5.

* **APPEALS COURT UPHOLDS CCHR DECISIONS** -- In 1996, the Appellate Court reviewed CCHR cases for the first time. In both cases, our liability decisions were upheld. Among other things, these appellate decisions: upheld CCHR's ability to award punitive damages; upheld CCHR's right to award attorney's fees; found there is no right to a jury trial at CCHR; set forth standard of review on appeal; and set forth the relevant *prima facie* case standards and burdens of proof.

* **CIRCUIT COURT RECORD CONTINUES STRONG** -- Courts considered 9 appeals of CCHR decisions. As has been true in prior years, the vast majority of our work was upheld. In 7 cases, our decisions were upheld in their entirety or the challenge to our decision was otherwise dismissed. In one disability case, the court remanded the case to the Commission, finding the Complainant had met his *prima facie* case and so asking us to review Respondents' defense. Another case was remanded only about attorneys fees paid to an attorney licensed out-of-state. No CCHR decision has ever been reversed outright.

* **TIME IN INVESTIGATIVE STAGE REFLECTS CLOSING OLDEST CASES** -- In closing more investigations than ever before, the Commission also completed some of its oldest cases, most of which were in the employment area. Unfortunately, the average time a case was in the investigative stage increased in 1996. We believe this was caused by our completion of some of our oldest cases plus the increase in complaint filings plus having one fewer Investigator for over half of 1996. The average time from complaint filing to completion of the investigation stage increased from an average of 10 months in 1995 to 11.5 months in 1996. Housing cases continue to have the fastest turn-around time -- 6.5 months -- while employment cases take the longest -- 15.6 months. Public accommodation cases closed more quickly in 1996 (8.4 months) than they did in 1995 (12.5 months) See chart on page 9.

1996
SUMMARY OF CASES FILED AND ACTIONS TAKEN

ACTIONS TAKEN	EMP	PA	HSG	CRD	TOTAL
NUMBER OF CASES FILED	297	115	166	1	579
NUMBER OF CASES DISMISSED	266	95	158	4	523
LACK OF JURISDICTION	7	7	2	0	16
FAILURE TO COOPERATE	35	6	17	0	58
LACK OF SUBSTANTIAL EVIDENCE	60	18	26	2	106
WITHDRAWN BY COMPLAINANT	26	13	3	0	47
OTHER (INCLUDES CLOSED AFTER ADM. HEARING)	6	6	9	0	21
SETTLEMENT AGREEMENTS	132	45	96	2	275
TOTAL AMOUNT SETTLED FOR ¹	A	B	C	D	E
SUBSTANTIAL EVIDENCE FOUND	33	14	24	0	71
RESPONDENT DEFAULTS	3	1	10	0	14
REQUESTS FOR REVIEW	16	4	4	1	25
REQUESTS FOR REVIEW GRANTED	0	0	1	0	1

EMP = Employment PA = Public Accommodation HSG = Housing
CRD = Credit/Bonding

A = \$348,258.52
B = 7,125.00
C = 91,113.84
D = 5,150.00

E = \$451,164.36

This figure represents settlement awards only from settlement agreements submitted to the CCHR for approval. The CCHR facilitated settlements in many cases in which the parties have agreed not to submit the agreement to the CCHR so as to keep the terms of the settlement confidential.

BASES OF CLAIMS FOR CASES FILED IN 1996

PROTECTED CLASSES	EMP		PA		HSG		CRD		TOTAL	
	Count	%	Count	%	Count	%	Count	%	Count	%
RACE	120	29%	50	38%	44	19%	1	100%	215	28%
COLOR	4	1%	0	0%	5	2%	0	0%	9	1%
SEX	89	21%	12	9%	30	13%	0	0%	131	17%
AGE (OVER 40)	40	10%	0	0%	1	.5%	0	0%	41	5%
RELIGION	10	2%	2	2%	4	2%	0	0%	16	2%
DISABILITY	48	12%	42	32%	29	13%	0	0%	119	15%
NATIONAL ORIGIN	23	6%	5	4%	6	3%	0	0%	34	4%
ANCESTRY	15	4%	9	7%	1	.5%	0	0%	26	3%
SEXUAL ORIENTATION	42	10%	9	7%	16	7%	0	0%	67	9%
MARITAL STATUS	4	1%	0	0%	24	11%	0	0%	28	4%
PARENTAL STATUS	5	1%	0	0%	34	15%	0	0%	40	5%
MILITARY DISCHARGE	0	0%	0	0%	0	0%	0	0%	0	0%
SOURCE OF INCOME	0	0%	1	1%	34	15%	0	0%	35	5%
RETALIATION	13	3%	0	0%	0	0%	0	0%	13	2%

EMP = Employment PA = Public Accommodation HSG = Housing
 CRD = Credit/Bonding

In some cases, a Complainant complains about more than one type of discrimination. Percentages are out of total claims of discrimination and so add up to 100%.

**HOUSING ACTIONS COMPLAINED OF
IN CASES FILED IN 1996**

ACTION COMPLAINED ABOUT	NUMBER	PERCENT
DISCRIMINATORY COMMUNICATION	0	0.0%
DISCRIMINATORY FINANCING	0	0.0%
NOT ACCESSIBLE TO DISABLED	4	2.3%
LEASE TERMINATION	30	17.2%
PANIC PEDDLING/BLOCKBUSTING	0	0.0%
REFUSAL TO EXAMINE LISTINGS	0	0.0%
REFUSAL TO RENT/LEASE/SELL	73	42.0%
SEXUAL HARASSMENT	11	6.3%
STEERING	0	0.0%
DISCRIMINATORY TERMS AND CONDITIONS	56	32.2%
OTHER	0	0.0%

**CREDIT/BONDING ACTIONS COMPLAINED OF
IN CASES FILED IN 1996**

ACTION COMPLAINED ABOUT	NUMBER	PERCENT
DENIAL OF BONDING	0	0.0%
IMPROPER LIMITATION OF TERMS	0	0.0%
DENIAL OF CREDIT	1	100.0%
OTHER	0	0.0%

In some cases, a Complainant complains about more than one action in a complaint. Percentages are out of all claims made and so add up to 100%.

**AVERAGE TIME TO
COMPLETE INVESTIGATIVE STAGE
IN 1996**

This chart indicates the average time it takes for a case to move from filing the complaint to the completion of the investigation (by one of: a finding substantial evidence, settlement agreement, entry of an order of default, withdrawal, failure to cooperate or other).

<u>Type of Case</u>	<u>Average Time in Investigation</u>	
	<u>1996</u>	<u>1995</u>
HOUSING	6.49 months	6.14 months
PUBLIC ACCOMMODATION	8.40 months	12.50 months
EMPLOYMENT	<u>15.65 months</u>	<u>12.00 months</u>
AVERAGE FOR ALL CASES:	11.5 months	10.00 months

**SUMMARY OF 1996
ADMINISTRATIVE HEARING ACTIONS**

RULINGS FOR RESPONDENTS	8
RULINGS FOR COMPLAINANTS	8
Damages to Complainants	\$ 71,242.42
Fines to City	\$ 3,350.00
ATTORNEY'S FEES RULINGS	8
Fees & Costs Awarded	\$424,271.46 ¹
NUMBER OF HEARINGS HELD IN 1996	21 ²

¹ Approximately 80% of all these fees and costs were awarded in one case -- Richardson v. Chicago Area Council of Boy Scouts of America, CCHR No. 92-E-80 (Nov. 20, 1996).

² Rulings on several of these cases are not due until 1997.

Stovall v. Metroplex et al., 94-H-87 (10-16-96) (where, due to credibility of witnesses, Complainant did not carry her burden to show that the conduct which allegedly created the hostile housing environment actually occurred. Respondents found not liable)

Tate v. Briciu, 94-H-46 (1-10-96) (Respondent found liable for parental status discrimination for not renting a sufficiently large apartment to Complainant because Complainant has five children: Respondent ordered to pay \$2500 damages and \$500 fine)

Public Accommodation Rulings

Macklin v. F & R Concrete et al., 95-PA-35 (11-20-96) (in default case, Respondents found liable for not doing work for black Complainant; Respondent ordered to pay \$2657.50 damages and \$500 fine)

Parker v. American Airport Limousine Corp., 93-PA-36 (2-21-96) (where complaint used a guide dog and was given a shared ride at a shared ride price, Respondent found not liable for disability discrimination; second claim found to have occurred outside of City so dismissed for no jurisdiction)

Perez v. Kmart Auto Service, et al., 95-PA-19/28 (11-20-96) (CHR ruled for Respondents where dispute between Complainants and Respondents found to be a consumer issue and not due to Complainants' Hispanic race, based in part on Complainants' lack of credibility)