

# 1997 ADJUDICATION REPORT

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## Discrimination in Chicago

Housing

Employment

Credit

Bonding

Public Accommodation

CITY OF CHICAGO  
COMMISSION ON HUMAN RELATIONS

Richard M. Daley  
Mayor



Clarence N. Wood  
Chairman

# **CITY OF CHICAGO**

## **COMMISSION ON HUMAN RELATIONS**

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**The Chicago Commission on Human Relations was established to eradicate discrimination, bigotry and prejudice in the City of Chicago. Since May 6, 1990, the Commission has been charged with administering and enforcing the Chicago Human Rights Ordinance and the Chicago Fair Housing Ordinance, and their provisions guaranteeing that all persons be free from discrimination in the areas of housing, employment, credit and bonding, and access to public places. The Commission investigates, mediates and adjudicates such discrimination based on race, color, sex, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military discharge status and source of income.**

**The Commission also assists victims of bias crimes, and helps them and their communities respond to such acts of hatred. An Education, Outreach and Inter-Group Relations Unit assists governmental agencies and community groups in developing effective fair housing and human relations programs, and is at the forefront of community crisis intervention. This unit works to improve intergroup relations through the provision of educational workshops, tension reduction and mediation. The Commission is also empowered to hold public hearings, conduct research, issue publications, and make recommendations to the Mayor and City Council on the state of human relations in Chicago. The Commission has eight Councils that act as advisors to the Commission regarding the special needs and concerns of the Refugee and Immigrant, Veteran, Gay and Lesbian, Asian-American, African-American, Arab-American, Latino and Women's communities.**

**1997**  
**City of Chicago**  
**Commission on Human Relations**  
**Adjudication Report**

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## Introduction

**Clarence N. Wood**  
**Chairman**  
**Chicago Commission on Human Relations**

Issues involving discrimination are all around us:

- \* In 1997, Reynolds Farley issued a study finding Chicago the third most segregated city in the nation after Gary and Detroit;
- \* Sexual harassment continues to be acceptable behavior in too many of our businesses, agencies and institutions;
- \* People with disabilities continue to be denied equal access to restaurants, theatres, and other places of public accommodation due to the accessibility of these facilities;
- \* The fight for equal rights for gay men and lesbians is in the military, the marriage arena, board rooms, and neighborhoods.
- \* African Americans, Hispanics, Asians, and others continue to be confronted with discrimination even after the passage of substantial laws.

This is the context in which the Commission's Adjudication Unit operates. Emotions run high in dealing with these problems. People who file discrimination complaints at the Commission are often angry and upset. They feel that the experiences of which they are complaining reflect treatment inconsistent with the "content of their character," as though they are less than human and unworthy of equal protection under the law.

We also work with people who are angry and upset that they have been charged with discriminating against or harassing others. Employers, landlords, and operators of public accommodations have strong feelings when they are accused of violating a person's civil rights.

As a neutral body, the Adjudication Unit of the Commission works with both sides. In many cases, it is able to help parties mediate their disputes in an amicable way. The high rate of settlement of these cases, however, does not reflect the work it can take to resolve a conflict between two parties who may be antagonistic.

To complete a full investigation, we must interview the parties and other people with knowledge of the issues. These people may be cooperative, scared, forthcoming, passionate, evasive, articulate, confused, savvy or simple. Determining their stories is one of the challenges of these cases.

We must also analyze documents and information to understand what occurred. We focus on comparative information to determine how people who may be similar to the complainant were treated. Some of this information is quite straightforward; some is more complex.

The following Report provides statistics about the work of the City of Chicago Commission on Human Relations Adjudication Unit. It reveals, for example, that in 1997, we received more complaints than ever before and also completed investigations in more cases than ever before. It also demonstrates, among other things, the types of claims made in complaints, how cases are closed, and what sorts of results occur after administrative hearings. The Report cannot, however, reflect the people and emotions involved in these cases.

The Adjudication Unit's charge is to determine whether or not discrimination occurred. When the evidence does not indicate that discrimination was involved, the case is closed. And, when discrimination is found, there is a full panoply of relief available to a complainant.

Finding justice is our goal, and it is what the City of Chicago Commission on Human Relations seeks to accomplish every day. This is our report to the people of Chicago to update the progress achieved toward our mandate of creating a bias-free city.

The full Report of the Unit follows. As Chairman, I offer my sincere thanks and congratulations to the Adjudication staff for their efficient yet caring work in attending to the record-high 605 complaints which the Commission received last year.

A summary of some highlights of the Adjudication Unit's work during 1997 follows (many of the statistics discussed below are set forth in more detail inside):

\* **MOST COMPLAINTS FILED IN ONE YEAR** -- We received 605 complaints in 1997. That is a 4.5% percent increase from 1996, when we received 579 complaints. This is the first time that we have received over 600 complaints in one year.

\* **MOST HOUSING COMPLAINTS EVER FILED** -- We had a very high increase in Housing complaints filed in 1997. We had 217 new Housing complaints filed in 1997; that is 31% more than in 1996 when 166 were filed.

\* **CLOSED MORE CASES THAN EVER BEFORE** -- In 1997, we closed 565 cases, the most we have ever closed in one year. 565 is an 8% increase over 1996, when we closed 523 cases.

\* **CLOSED MORE EMPLOYMENT CASES THAN WE RECEIVED** -- For the first time, the Adjudication Unit closed more Employment cases than were filed. We received 295 new Employment cases and we closed 304 Employment cases. This means that our overall Employment case load decreased slightly.

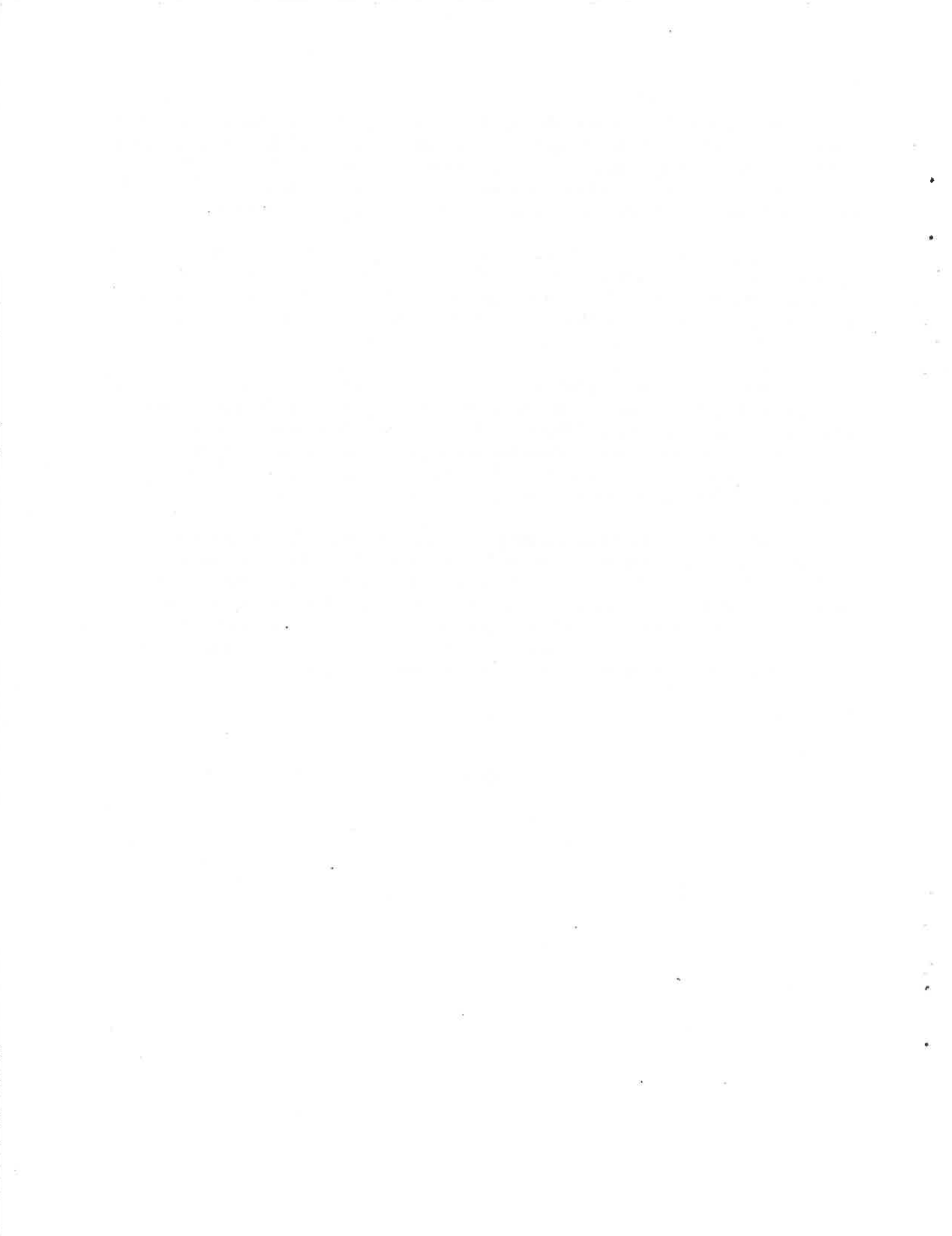
\* **RECORD IN STATE COURT REMAINS STRONG** -- In 1997, the state Circuit Courts continued to uphold our decisions as did the Appellate Courts. As of the end of 1997, the Commission has not had a circuit court or an appellate court reverse a liability finding. We suffered one setback when the Illinois Supreme Court declared one case not to be a "case or controversy" and so vacated the decisions of both lower courts and the Commission.

\* **OVERALL SUBSTANTIAL EVIDENCE RATE DROPS SLIGHTLY** -- In 1997, we found substantial evidence ("SE") of a violation in 30% of the cases that came before us for such a decision. In the year before, we found SE in 40% of such cases. This year's rate primarily reflects a decrease in the rate at which we found SE in Employment cases. At this time, we do not know whether this is a one-time dip or the beginning of a trend.

\* **AWARDED THE HIGHEST AMOUNT OF EMOTIONAL DISTRESS DAMAGES** -- In *Sheppard v. Jacobs*, the Commission awarded the complainant \$50,000 in emotional distress damages, the highest amount for such damages (although total damage awards have been higher before). The Commission found that the respondent evicted the complainant, an African-American nun, once they learned that she was African-American. Among other things, the discrimination caused her to lose much of her hair permanently, and that was a major reason for the high award.

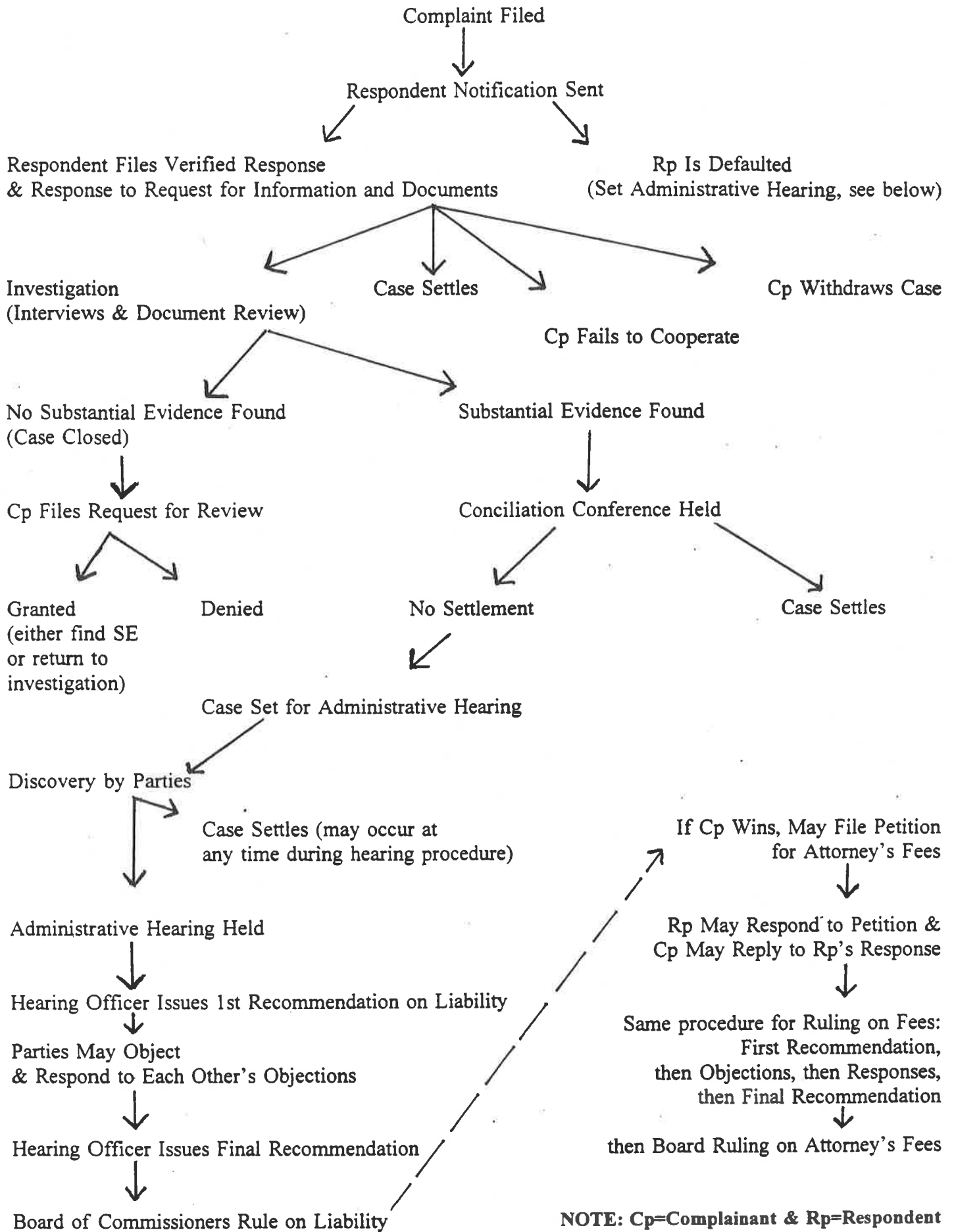
\* **FRONT PAY AWARDED BY COMMISSION FOR FIRST TIME** -- In *Steward v. Campbell's Cleaning Service*, the Commission awarded the complainant front pay. Front pay awards an employee the pay he would have received for a period in the future when it is shown that he or she will have difficulty finding comparable employment. Here, the complainant was a person with a mental disability who was verbally and physically abused by his employer. Because reinstatement was obviously not an option and because this complainant showed he was unable to find comparable employment, he was awarded one year of front pay.

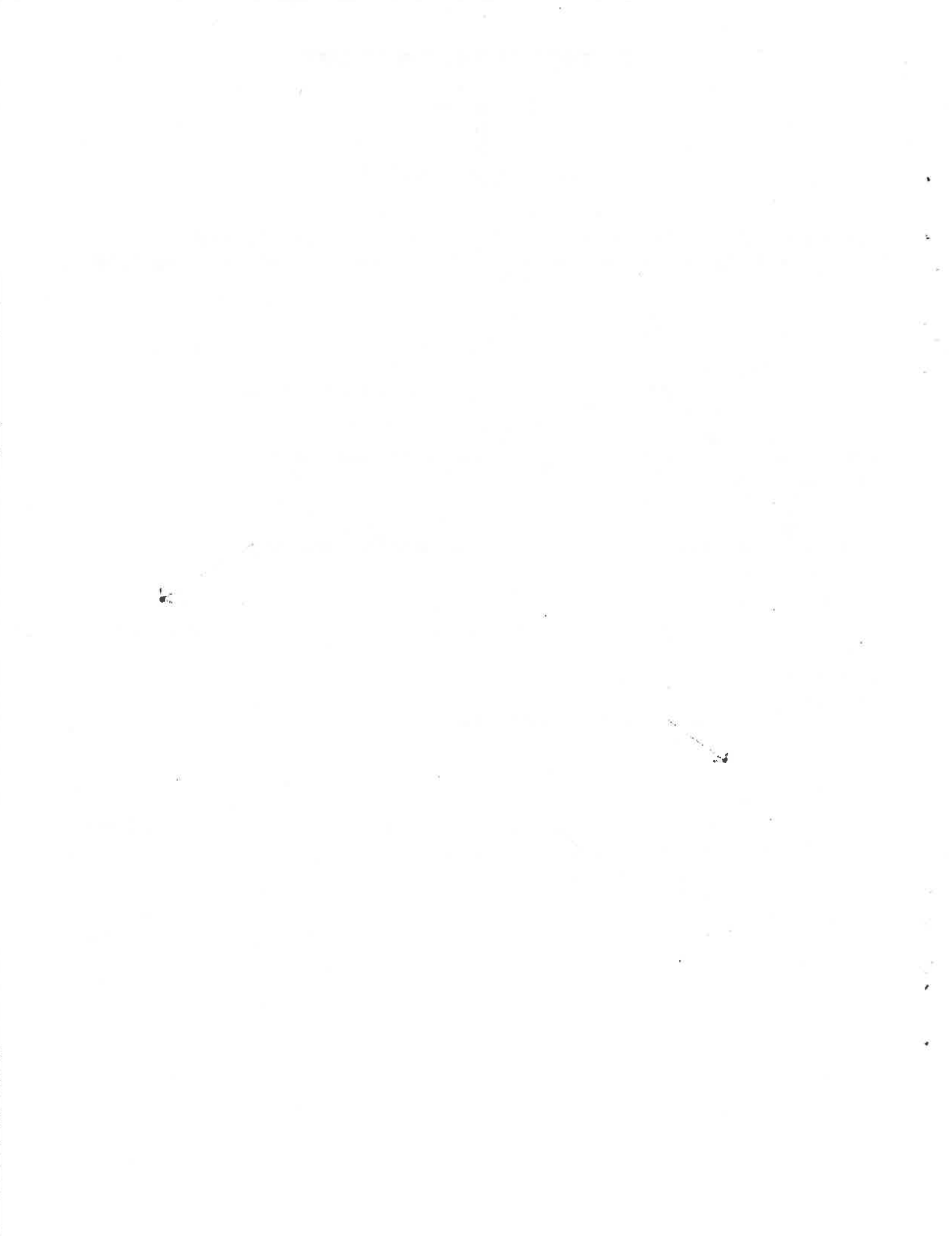
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# ADJUDICATION FLOW CHART





## SUMMARY OF CASES FILED AND ACTIONS TAKEN

ACTIONS TAKEN	EMP	PA	HSG	CRD	TOTAL
NUMBER OF CASES FILED	295	90	217	3	605
NUMBER OF CASES DISMISSED	304	105	154	2	565
LACK OF SUBSTANTIAL EVIDENCE	81	26	24	1	132
SETTLEMENT AGREEMENTS	136	55	98	1	290
WITHDRAWN BY COMPLAINANT	39	3	13	0	55
FAILURE TO COOPERATE BY Cp	39	19	10	0	68
LACK OF JURISDICTION	1	1	1	0	3
OTHER (INC. RULING AFTER HEARING)	9	1	9	0	19
SUBSTANTIAL EVIDENCE FOUND	22	11	24	0	57
RESPONDENTS DEFAULTED	6	5	5	0	16
REQUESTS FOR REVIEW SOUGHT	11	2	7	0	20
REQUESTS FOR REVIEW GRANTED	2	2	2	0	6

## BASES OF CLAIMS FOR CASES FILED

PROTECTED CLASSES	EMP		PA		HSG		CRD		TOTAL	
	Count	Percentage	Count	Percentage	Count	Percentage	Count	Percentage	Count	Percentage
RACE	145	35%	53	49%	60	22%	3	75%	261	32.5%
COLOR	4	1%	0	0	7	2.5%	1	25%	12	1.5%
SEX	97	23%	9	8%	12	4.5%	0	0	118	15%
AGE (OVER 40)	32	8%	2	2%	3	1%	0	0	37	4.5%
RELIGION	9	2%	1	1%	3	1%	0	0	13	1.5%
DISABILITY	52	12%	29	27%	31	11.5%	0	0	112	14%
NATIONAL ORIGIN	23	5.5%	7	6%	12	4.5%	0	0	42	5%
ANCESTRY	9	2%	1	1%	6	2%	0	0	16	2%
SEXUAL ORIENTATION	34	8%	6	5.5%	6	2%	0	0	46	6%
MARITAL STATUS	1	.2%	0	0	12	4.5%	0	0	13	1.5%
PARENTAL STATUS	3	1%	0	0	28	10%	0	0	31	4%
MILITARY DISCHARGE STATUS	1	.2%	0	0	0	0	0	0	1	.1%
SOURCE OF INCOME	0	0	1	1%	90	33%	0	0	91	11%
RETALIATION	8	2%	0	0	0	0	0	0	8	1%

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%.

## EMPLOYMENT CLAIMS

CLAIMS MADE	NUMBER	PERCENT
FAILURE TO HIRE	21	6%
PROMOTION DENIED	19	5%
DEMOTION	7	2%
WAGE DIFFERENTIAL	13	3.5%
DISCRIMINATORY BENEFITS	1	.3%
SEXUAL HARASSMENT	27	7%
HARASSMENT (OTHER THAN SEXUAL) <sup>1</sup>	70	19%
TERMINATION/LAYOFF	173	47%
FAILURE TO RECALL	3	1%
RETALIATION FOR FILING COMPLAINT	8	2%
FAILURE TO ACCOMMODATE A DISABILITY	28	7.5%
OTHER	0	0

## PUBLIC ACCOMMODATION CLAIMS

CLAIMS MADE	NUMBER	PERCENT
ACCOMMODATION NOT ACCESSIBLE	28	31%
MISTREATMENT	55	60%
REFUSAL OF ENTRY	1	1%
OTHER	7	8%

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%.

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<sup>1</sup> Due to problems with our database, claims of different terms and conditions were listed as Harassment (Other than Sexual).

## HOUSING CLAIMS

CLAIMS MADE	NUMBER	PERCENT
DISCRIMINATORY COMMUNICATION	0	0
DISCRIMINATORY FINANCING	0	0
NOT ACCESSIBLE TO DISABLED	8	3.5%
LEASE TERMINATION	45	20%
PANIC PEDDLING/BLOCKBUSTING	0	0
REFUSAL TO EXAMINE LISTINGS	2	1%
REFUSAL TO RENT/LEASE/SELL	132	58%
SEXUAL HARASSMENT	7	3%
STEERING	0	0
DISCRIMINATORY TERMS AND CONDITIONS	34	15%
OTHER	0	0

## CREDIT CLAIMS

CLAIMS MADE	NUMBER	PERCENT
DENIAL OF BONDING	0	0
IMPROPER LIMITATION OF TERMS	0	0
DENIAL OF CREDIT	3	100%
OTHER	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%.

## TIME CASES SPEND IN THE INVESTIGATIVE STAGE

	EMP	HSG	PA	TOTAL
<b>Average Time</b> (the average case takes this long to complete)	17.4 mos.	5.1 mos.	9.8 mos.	12.7 mos.
<b>Median Time</b> (half the cases are completed in this time or less)	14 mos.	3 mos.	5 mos.	7 mos.

This chart indicates the time it takes for a case to move from the filing of the complaint to the completion of the investigation. The investigative stage ends by one of the following: a finding of substantial evidence; settlement agreement; withdrawal; entry of an order of default; failure to cooperate; or other. This does not consider the time a case is open after a substantial evidence finding (in the Conciliation and Administrative Hearing stages).

## SUBSTANTIAL EVIDENCE DETERMINATIONS

The percentages below are measured from only those cases in which a No Substantial Evidence ("NSE") or a Substantial Evidence ("SE") finding was made. They are **not** percentages from all cases in which the Commission took any action in 1997. For example, the percentages do not consider the cases that were settled or withdrawn before an NSE or SE finding could be made.

	EMP	HSG	PA	CRD	TOTAL
No Subst Evid	81 (79%)	24 (50%)	26 (70%)	1 (100%)	132 (70%)
Subst Evid Found	22 (21%)	24 (50%)	11 (30%)	0 (0%)	57 (30%)

## SUMMARY OF ADMINISTRATIVE HEARINGS

Rulings for Respondents	6
Rulings for Complainants	9
Damages Awarded to Cp	\$166,695.94
Fines Awarded to City	\$ 4,350.00
Attorney's Fees Rulings	
Fees & Costs Awarded to Cp	\$ 86,680.71
Number of Hearings Held in 1997	11
(Rulings on several of these cases are not due until 1998.)	



## SUMMARY OF LIABILITY RULINGS MADE AFTER ADMINISTRATIVE HEARINGS

### EMPLOYMENT

GREEN V. ALTHEIMER & GRAY, 94-E-57 (1-29-97) (black male evening/weekend secretary did not show that Respondent's lack of a good ID policy had a disparate impact on black men as, among other things, evidence did not show that black men were stopped more often than white or female employees; he also did not show that his confrontation with a partner of the firm was due to his race and/or sex)

SCADRON/ZUBERBIER V. MARTINI'S OF CHICAGO & JONES, 94-E-195/196 (2-19-97) (where Complainants' stories had inconsistencies and Respondent's denials were forthright, Complainants found not to have carried their burden that they were sexually harassed)

STEWART V. CAMPBELL'S CLEANING SVCS. & CAMPBELL, 96-E-170 (6-18-97) (in default case, Respondent company and its owner found liable for physically beating, humiliating as well as discharging Complainant who has a mental disability; Respondents ordered to pay Complainant \$39,138 in damages and to pay a \$1000 fine)

AUSTIN V. HARRINGTON, 94-E-237 (10-22-97) (Respondent found liable for sex discrimination where she made anti-male comments to Complainant and discharged him for work violations but did not discharge female employee with similar violations; sexual harassment not found; Respondent ordered to pay Complainant \$16,000 in damages plus costs and to pay a \$100 fine)

MALLY V. ALZHEIMER'S ASSOCIATION, 96-E-41 (9-17-97) (Respondent found not liable where, in response to Complainant's complaint of harassment by a volunteer board member, it took action reasonably calculated to prevent future harassment and where it appeared that Complainant did not inform Respondent that the harassment was related to his sexual orientation)

BOSH V. CNA, 92-E-83 (10-22-97) (upon judicial remand, CHR found that Respondent did not discriminate against Complainant, a mentally retarded man, as Complainant never sought an accommodation related to sudden outbursts and the need for such accommodation was not evident; also there was no evidence that non-disabled employees were treated better)

### HOUSING

JACKSON V. MIDLAND MGT. ET AL., 95-H-49 (1-29-97) (Respondents found not liable for sexual harassment where one incident was found not to be sexual and where Complainant did not carry her burden with respect to the second)

WRIGHT V. MIMS, 95-H-12 (3-19-97) (defaulted Respondent found liable for parental status discrimination and ordered to pay out-of-pocket, emotional distress, and punitive damages where he failed to rent to Complainant once he learned that Complainant's teenage foster grandchild was to live with her; Respondent ordered to pay Complainant \$20,934.13 in damages and to pay a \$500 fine)

BUCKNER V. VERBON, 94-H-82 (5-21-97) (Respondent who refused to rent to Complainant on eve of move-in once she learned he was Black found to have violated CFHO; decision rested on testimony of neutral apartment broker to whom explicit racist comments were made; Respondent ordered to pay Complainant \$19,060 in damages and to pay a \$500 fine as well as attorney's fees)

CRENSHAW V. HARVEY, 95-H-82 (5-21-97) (where Complainant's original allegations proved untrue and where landlord charged additional fee for additional occupants whether child or adult, Respondent found not to have discriminated concerning parental status when she asked for \$25 more per month for Complainant's foster children who moved in)

WILLIAMS V. O'NEAL, 96-H-73 (6-18-97) (in default case, landlords found liable for failing to make repairs to Complainant's apartment over several years due to her sex; Respondent ordered to pay Complainant \$2,590 in damages and to pay a \$500 fine)

METROPOLITAN TENANTS' ORGANIZATION V. LOONEY, 96-H-16 (6-18-97) (in default case, landlord who posted sign limiting tenants to "adults only" found to have discriminated based on parental status; Respondent ordered to pay Complainant \$1,000 in damages and a \$500 fine)

SHEPPARD V. JACOBS, 94-H-162 (7-16-97) (Respondents found liable for race discrimination where, once they learned that the new co-tenant who moved in with their long-standing white tenant/nun was Black, they evicted both of them; Respondents' defenses found pretextual; Respondents ordered to pay Complainant \$50,000 in damages and to pay a \$500 fine)

SHONTZ V. MILOSAVLJEVIC, 94-H-1 (9-17-97) (Respondent found liable for creating different terms and conditions for white tenant/Complainant who had a Black boyfriend by, among other things, not allowing her to entertain him without intrusive questioning and by not allowing her to add him to her lease, in contrast to his treatment of non-Black guests; Respondent ordered to pay Complainant \$15,000 in damages and to pay a \$250 fine)

NOVAK V. PADLAN, 96-H-133 (11-19-97)(defaulted landlord found liable for parental status discrimination when he told Complainant that he was refusing to rent to him because of the number of children in his family -- four; Respondent ordered to pay Complainant \$21,033.81 in damages and to pay a \$500 fine)

#### **PUBLIC ACCOMMODATION**

EFSTATHIOU V. CAFE KALLISTO, 95-PA-1 (5-21-97) (restaurant found liable for not allowing Complainant to enter because he had Black companions; defense of violation of dress code found pretextual due to direct evidence and credibility of witnesses; Respondent ordered to pay Complainant \$1,000 in damages and attorney's fees and to pay a \$500 fine)

# 1997 ADJUDICATION PERSONNEL

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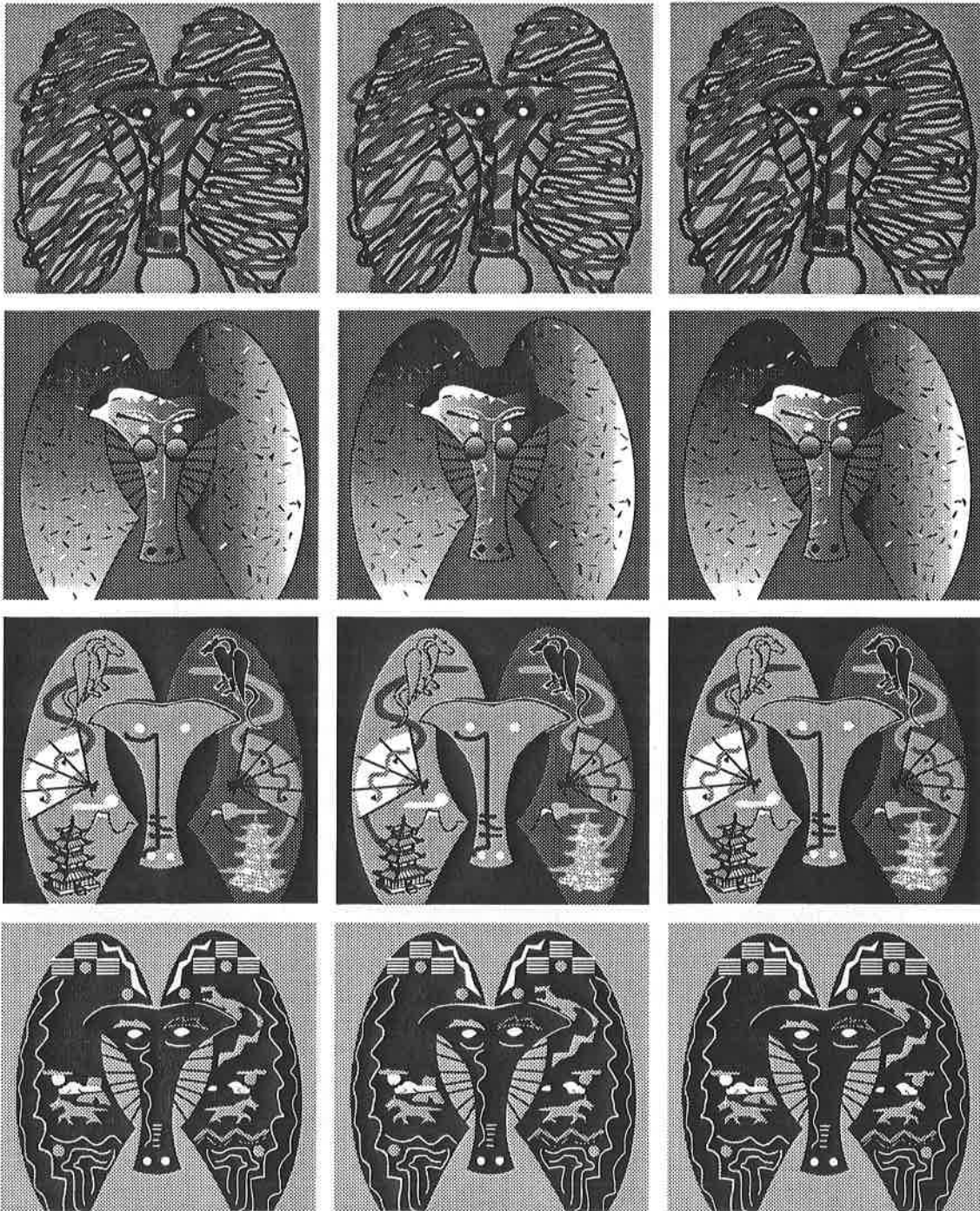
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**Our differences are what make us unique.  
And our differences also are what make us a family  
called "Americans." Let us all get along together.**



**CHICAGOANS WORKING TOGETHER TO CREATE A BIAS FREE CITY.**

**Chicago Commission on Human Relations**

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Richard M. Daley, Mayor**



**Clarence N. Wood  
Chair / Commissioner**

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