



**City of Chicago**  
**COMMISSION ON HUMAN RELATIONS**  
740 N. Sedgwick, 3rd Floor, Chicago, IL 60654  
312/744-4111 (Voice), 312/744-1081 (Fax), 312/744-1088 (TDD)

**IN THE MATTER OF:**

**Arlene Harper**  
**Complainant,**  
**v.**  
**Cambridge Systematics, Inc., Kimon**  
**Proussaloglou, and Nicholas Vlahos**  
**Respondent.**

**Case No.: 04-E-86**

**Date of Ruling: February 17, 2010**

**Date Mailed: February 25, 2010**

**TO:**

**Arlene Harper**  
**441 W. 110<sup>th</sup> Street**  
**Chicago, IL 60628**

**James J. Convery**  
**Laner Muchin Dombrow Becker Levin & Tominberg, Ltd.**  
**515 N. State St., Suite 2800**  
**Chicago, IL 60654-4688**

**FINAL ORDER**

**YOU ARE HEREBY NOTIFIED** that, on February 17, 2010, the Chicago Commission on Human Relations issued a ruling in favor of Respondents in the above-captioned matter. The findings of fact and specific terms of the ruling are enclosed. Based on the ruling, this case is hereby **DISMISSED**.

Pursuant to Commission Regulations 100(15) and 250.150, Complainant may seek a review of this Order by filing a petition for a common law *writ of certiorari* with the Chancery Division of the Circuit Court of Cook County according to applicable law.

**CHICAGO COMMISSION ON HUMAN RELATIONS**  
**Dana V. Starks, Chair and Commissioner**



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## **FINAL RULING**

### **I. Claims and Procedural History**

Complainant Arlene Harper filed this Complaint on May 7, 2004, alleging that Respondents Cambridge Systematics, Kimon Proussaloglou, and Nicholas Vlahos discriminated against her due to her race and sex. Harper alleged she was harassed based on her race, sexually harassed, and denied a bonus. She filed an Amended Complaint on May 20, 2004, clarifying a sentence in her original Complaint, then filed a Second Amended Complaint on January 20, 2005, adding a claim of retaliation for having filed her earlier Complaints and naming two additional Respondents to the retaliation claim. Harper asserts that the conduct began in August 2003 and continued until she was constructively discharged on August 26, 2004, in retaliation for filing prior complaints.

After an investigation, on February 27, 2009, the Commission found substantial evidence of sexual harassment but determined that there was no substantial evidence of harassment or denial of a bonus on the basis of race or sex. The Commission also determined that there was no substantial evidence of retaliation. Those claims were dismissed and only the sexual harassment claim was advanced to the administrative hearing process.

The administrative hearing was held on July 14, 2009, with Complainant proceeding *pro se* and Respondents represented by counsel. On December 23, 2009, the hearing officer issued her Recommended Ruling, recommending a finding of no liability. No objections were filed.

### **II. Findings of Fact**

1. Arlene Harper was hired as an Administrative Assistant by Cambridge Systematics, Inc. on May 27, 2003. Complaint, par. 2.
2. During the relevant time of the Complaint, Kimon Proussaloglou served as Director of the Chicago office for Cambridge Systematics, Inc. Tr. 100. During the relevant time of the Complaint, Nicholas Vlahos was a principal in the Commercial Vehicle Operations System practice for Cambridge Systematics, Inc., Tr. 125.
3. Harper asserts that on a conference call with Proussaloglou and Andrew Witty, head of Human Resources, on March 25, 2004, she was told she could no longer raise any complaints to management. Complaint, par. 12; Tr. 9. Harper further acknowledges that

she sent an e-mail to Witty immediately following the conference call thanking him for his time addressing her concerns. Tr. 35 – 36; Respondent's Ex. 7. Harper testified that there is no documentation of this alleged directive by Witty. Tr. 95 – 96.

4. Harper asserts that twice on April 19, 2004, and once on April 20, 2004, Proussaloglou grabbed his genitals in an inappropriate and offensive way in front of Complainant. Complaint, par. 14, 15 and 16; Tr. 10, 11. Harper asserts that on April 19, 2004, at approximately 11:00 a.m., Proussaloglou was in the hallway walking from the restroom to the entrance of the reception area when he grabbed his genitals for a half a second up to two seconds. Tr. 49-50. Harper testified that she did not report this incident in light of what she considered a directive not to raise any complaints to management. Tr. 51. Harper further asserts that on the afternoon of April 19, 2004, she was assisting with a computer problem in Jan Wolf's office with Proussaloglou when Proussaloglou called her name. She looked, and as she turned he grabbed his genitals for a second or two with his legs slightly open. Tr. 58. Harper testified that she did not report this incident in light of what she considered a directive not to raise any complaints to management. Tr. 59. Harper asserts that on April 20, 2004, between 9:00 a.m. and 9:15 a.m., Proussaloglou was entering the office suite and grabbed his crotch for about a second prior to opening the door. Tr. 63.
5. Harper asserts that on April 23, 2004, Vlahos grabbed his genitals in front of Complainant in a way Harper interpreted as being inappropriate and offensive. Complaint, par. 18; Tr. 12. Harper testified that she went to deliver a message to Vlahos in the conference room and Vlahos was sitting at the table. Tr. 76-77. She testified that as she spoke to Vlahos, he leaned back and grabbed his genitals for about a second. Tr. 78, 82. Harper testified that she did not report this incident in light of what she considered a directive not to raise any complaints to management. Tr. 86.
6. Harper testified that she got along well with Proussaloglou in 2003 and signed a "Boss's Day" card expressing it was a privilege to work under his leadership. Tr. 23; Respondent's Ex. 3. Harper further acknowledged that she sent an e-mail to Proussaloglou, and copied to Vlahos, dated December 19, 2003, thanking him for his support and recognizing her hard work during her six-month review. Tr. 24; Respondent's Ex. 4.
7. Harper acknowledges that during the week of April 5, 2004, she met with Robert "Chip" Taggart, Chief Operating Officer, in Massachusetts and expressed that she felt positive about the direction of the company and had renewed energy. Tr. 37; see also, Respondent's Ex. 8 (E-mail from Taggart to Witty, dated April 7, 2004).
8. Harper testified that although there was a wood partition between the glass door and the glass panel leading towards the men's restroom, the wood partition did not obstruct her ability to see down the hall. Tr. 48, referencing Respondent's Ex. 9.
9. Harper testified that she did not report the alleged harassment to her supervisor/manager or the Human Resources Manager as outlined in the Employee Handbook (Respondent's Exhibit 2) due to the directive that she was not to raise any other complaints after March 25, 2004. Tr. 91 – 92.

10. Proussaloglou testified that there was a sexual harassment policy in effect and outlined in the Employee Handbook in 2004. Tr. 103; Respondent's Ex. 2. He testified there were also postings in the office regarding discrimination and harassment and formal training offered on the subject through Cambridge Systematics, Inc. Tr. 104. Proussaloglou testified there were also e-mails over the years concerning sexual harassment training and the zero-tolerance policy of the company. Tr. 104 – 105; Respondent's Ex. 12.
11. Proussaloglou testified that in the March 25, 2004, conference call he participated in with Harper and Witty, Witty made no statement that Harper could not raise any further complaints with management. Tr. 111.
12. Proussaloglou testified that he never grabbed or touched his genitals as alleged by Harper. Tr. 115 – 117. He testified that he never saw any of his colleagues touch their genitals in the office. Tr. 117. Proussaloglou testified that such allegations of sexual harassment were never raised to him or any member of management. Tr. 118.
13. Vlahos testified that he became aware of the company's sexual harassment policy during his orientation, through various signs posted throughout the corporate facilities, through the policy manual, and through e-mail updates. Tr. 126 – 127.
14. Vlahos testified that he was never told of any restrictions placed on Harper's ability to address matters in the workplace. Tr. 129.
15. Vlahos testified that outside of Harper's allegations, he has never been accused of sexual harassment. Tr. 129. Vlahos denies ever grabbing his genitals in Harper's presence and testifies that he first heard of such allegations when he read her Complaint. Tr. 132.
16. Yasavi Popuri testified on behalf of the Respondents and was a Senior Professional in the Chicago office of Cambridge Systematics, Inc., in 2004. Tr. 135. He testified that he was aware of the company's sexual harassment policy through both the policy manual and subsequent e-mail updates. Tr. 136 – 137.
17. Popuri testified that outside of Harper's allegations, he had never been accused of sexual harassment.<sup>1</sup> Tr. 140. He testified that he never held his genitals while having a conversation with Harper, nor did he ever observe his colleagues doing the same. Tr. 140-141.
18. Janet Wolf testified on behalf of the Respondents and stated that she has been the Director of Contracts and Corporate Counsel for Cambridge Systematics, Inc., since April 2004. Tr. 143-144. She testified that she was asked to supervise Harper in late April or early May 2004. Tr. 144. Wolf testified that the company's sexual harassment policy (Respondent's Exhibit 2) was in place in 2004 and has subsequently been updated. Tr. 145. Wolf testified that management also participates in training to prevent sexual harassment in the workplace and has policies posted in the office. Tr. 146.

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<sup>1</sup> Yasavi Popuri is not a named Respondent in Harper's Complaint, Amended Complaint, or Second Amended Complaint. However, in the particulars of her Complaint, she does assert that Yasavi Popuri also grabbed his genitals in an offensive manner. Par. 17.

19. Wolf testified that she does not recall hearing Proussaloglou call Harper's name while they were in her office and as Harper worked on her computer on April 19, 2004. Tr. 149. This is in contradiction to Harper's testimony that Proussaloglou called out to Harper to show her he was grabbing his genitals. Tr. 58. Wolf testified that she never saw Proussaloglou grab his genitals, indicating that as Corporate Counsel, she would have reported such activity as her obligation is to protect employees from sexual harassment. Tr. 149. Wolf testified that outside of Harper's allegations, there have never been any allegations in the Chicago office of sexual harassment. Tr. 151.
20. Wolf testified that Harper did, in fact, raise concerns and complaints to her after reporting to Wolf. Tr. 149. She testified that these concerns related to phone coverage during lunch hours and the length of breaks. Tr. 150. Wolf testified that she was never advised of a directive that Harper was not to raise complaints. Tr. 150. She testified that Harper never raised an issue of sexual harassment. Tr. 151.
21. The hearing officer assessed the testimony of Proussaloglou, Vlahos, Popuri, and Wolf to be more credible than the testimony of Harper. Respondents testified with clarity and specificity and much of their testimony was corroborated by other evidence. Complainant's testimony was less believable. Complainant often relied on her notes during her testimony, indicating that it had been five years and she could not always recall specific dates and certain details without referring to her notes. Complainant admitted that much has happened since these alleged incidents and it is hard for her to remember the details of what happened.

### **III. Analysis**

Section 2-160-040 of the Chicago Human Rights Ordinance ("CHRO") prohibits sexual harassment in the workplace. It states:

No employer, employee, agent of an employer, employment agency or labor organization shall engage in sexual harassment. An employer shall be liable for sexual harassment by nonemployees or nonmanagerial and nonsupervisory employees only if the employer becomes aware of the conduct and fails to take reasonable corrective measures.

Sexual harassment is defined as "any unwelcome sexual advances or requests for sexual favors or conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or (2) submission to or rejection of such conduct by an individual is used as the basis for any employment decision affecting the individual; or (3) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment." Section 2-160-020(1), Chicago. Muni. Code.

To prevail, the Commission requires Harper to first present evidence at the hearing to establish a *prima facie* case of discrimination. *Bell v. 7-Eleven Convenience Store*, CCHR No. 97-PA-68/70/72 (July 28, 1999). In a sexual harassment case, a complainant establishes a *prima facie* case by proving: (1) that she was "subjected to unwelcome conduct of a sexual nature"; and (2) that "the conduct was pervasive enough to render her working environment intimidating, hostile or offensive." *Barnes v. Page*, CCHR No. 92-E-1 (Sept. 23, 1993). The complainant's burden is to establish "by a

preponderance of the evidence that sufficient facts exist” to imply harassment in the “absence of a credible, non-discriminatory explanation for the Respondent’s actions.” *Bell v. 7-Eleven Convenience Store, supra*. Complainant has failed to meet that burden.

The Commission reviews the record as a whole and the totality of the circumstances from the perspective of a reasonable woman to determine whether conduct is sufficiently severe or pervasive to create a hostile workplace environment. Reg. 340.100. Harper testified that she was sexually harassed by Proussaloglou and Vlahos in April 2004 when they grabbed their genitals in an offensive manner in her presence. Harper further alleges she was prohibited from reporting such harassment as she had a directive from management that as of March 25, 2004, she could not raise any complaints or issues.

Much of the testimony in this case was disputed, and as such, hinged upon the credibility of the witnesses. Harper asserts that she was subjected to unwelcome conduct of a sexual nature, namely, Proussaloglou, Vlahos and Popuri grabbing their genitals in her presence for one to two seconds. Tr. 49 – 50, 58 and 63. Harper offers no witnesses or evidence to support her assertion. Further, this assertion is contradicted by each of these three witnesses, as they deny ever making such a gesture or seeing anyone else make such a gesture. Tr. 115-117, 132, 140-141. Respondent’s witnesses testified that Cambridge Systematics, Inc., made its sexual harassment policy known to all of its employees and conducted periodic training concerning same. Tr. 145-146. In addition, sexual harassment policies are posted in the corporate facilities. Tr. 146. Proussaloglou, Vlahos, and Popuri all testified that outside of Harper’s allegations, they have never been accused of sexual harassment. Tr. 118, 129, 140. Wolf testified that outside of Harper’s allegations, there have never been any allegations of sexual harassment in the Chicago office. Tr. 151. Further, Harper testified that she had a good and supportive working relationship with Proussaloglou in the months before the alleged incidents and as late as April 5, 2004, she expressed a positive outlook regarding the direction of the company and her work with the company. Tr. 23-24, 37. The hearing officer found all of Complainant’s testimony, in its totality, too implausible to support the conclusion that Respondents had sexually harassed Complainant, and the Commission finds no basis to reject the hearing officer’s finding.

Moreover, even if there was sufficient credible testimony that Respondents had, in fact, grabbed their genitals for a second or two on these instances, such conduct would not be considered sufficiently severe or pervasive to have created a hostile working environment for Harper. Harper gave no testimony to support her assertion that Respondent’s actions altered her work conditions or created an abusive environment. *Austin v. Harrington*, CCHR No. 94-E-237 (Oct. 22, 1997). In fact, Harper testified that after the alleged incident with Proussaloglou on April 19, 2004, she was disturbed but continued with her normal duties and responsibilities in the ordinary course of business. Tr. 60. Harper testified that her focus was a bit off as a result of the alleged incidents. Tr. 61. Yet, losing her focus would not give rise to the conclusion that her work conditions were altered or abusive. Harper does assert that her work conditions were altered because she stated she was prohibited from raising any complaints or issues as directed by Witty following a March 25, 2004, conference call. Tr. 9. There is no documentation offered to support this assertion, only a follow-up e-mail (Respondent’s Exhibit 7) in which Harper thanks Witty for addressing all of her concerns. Tr. 35-36. Wolf’s testimony also supports that subsequent to the March 25, 2004, conference call, Harper did not hesitate to raise various issues and concerns to Wolf concerning her lunch break and other related matters. Tr. 149-150. This would support a finding that Harper still had the ability to raise concerns with management and exercised her right to do so even after the March 25, 2004, conference call. Presumably, she could have reported any incidents of sexual harassment, yet Harper

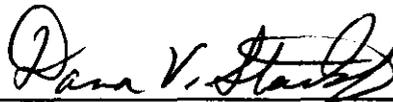
provides no evidence that she did so.

In consideration of the testimony presented, the supporting evidence, and the credibility of the witnesses, the hearing officer found that Harper was not subjected to sexual harassment by Proussaloglou or Vlahos, and the Commission adopts that finding.

#### IV. Conclusion

Accordingly, the Commission finds in favor of Respondents and specifically finds that Complainant Arlene Harper has not established a *prima facie* case of sexual harassment by Respondents Cambridge Systematics, Inc., Kimon Proussaloglou, or Nicholas Vlahos. Accordingly, this Complaint is DISMISSED.

CHICAGO COMMISSION ON HUMAN RELATIONS



By: Dana V. Starks  
Chair and Commissioner