



COMMISSION ON HUMAN RELATIONS
CITY OF CHICAGO

STATEMENT BY MONA NORIEGA, CHAIR AND COMMISSIONER

CHICAGO COMMISSION ON HUMAN RELATIONS

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Good morning House Sexual Discrimination and Harassment Task Force and Chairperson Leader Barbara Flynn Currie. My name is Mona Noriega, and I have served as the Chair and Commissioner of the Chicago Commission on Human Relations (CCHR) since 2011. The Commission is the civil rights agency for the City of Chicago. We enforce the Chicago Human Rights and Fair Housing Ordinances and its protections against discrimination in employment, housing, public accommodations, credit and bonding. We investigate and adjudicate complaints of discrimination based on 16 protected classes such as race, ancestry, national origin, and religion. The Commission also assists victims of hate crimes, mediates community tensions, and delivers educational workshops on a variety of human relations topics including bullying, prejudice reduction, and conflict resolution.

In response to your committee's inquiries regarding the City of Chicago's sexual harassment policies and procedures, I will share with you the Commission's work in enforcing the City of Chicago's anti-discrimination ordinances and describe the complaint and hearing process.

The Chicago Human Rights Ordinance (CHRO) prohibits sexual harassment in employment and in public accommodations. Under the CHRO, sexual harassment is a form of sex discrimination. A sexual harassment victim can be of the opposite sex or the same sex as the harasser. Workplaces of all sizes in Chicago, from businesses with a single employee to large corporations, are covered under the CHRO.

The CHRO also covers employment discrimination claims against other City of Chicago departments, as well as the City's sister agencies such as the CTA, the Chicago Park District, and Chicago Public Schools. City employees are free to file a claim of discrimination with the CCHR, and their complaints are investigated and evaluated under the same standards and criteria as employees who work for private employers.

Sexual harassment in the workplace is not always easy to spot. In employment, 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; or (3) such conduct substantially interferes with an individual's work performance or creates an intimidating, hostile or offensive working environment.

The following is an overview of the CCHR's investigation and hearing process:

Description of the Complaint and Hearing Process

Individuals who believe they have been subjected to discrimination as defined in the anti-discrimination ordinances may file written complaints with the Commission. 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.

Although settlement is not an option for everyone, where the parties are amenable to it, the Commission can facilitate settlement discussions regarding a pending complaint. Settlement is voluntary. The Commission does not propose or advocate particular settlement terms, but staff may assist in the drafting of 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. The investigation of claims 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.

Once an investigator has gathered all of the evidence relevant to a particular claim, s/he compiles this material for consideration by a Compliance Committee of Commission senior staff who determine 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. The parties have the option of settling the case prior to the hearing.

The administrative hearing is less formal than a court proceeding. A hearing officer is appointed by the Commission from a pre-selected panel of experienced, civil rights attorneys. 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 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 and related costs. 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.

I am happy to answer any questions this committee may have.

