

STATE OF ILLINOIS     )  
                                  ) ss  
COUNTY OF COOK     )

FILE NO (S) 2016CF0253

**AFFIDAVIT OF SERVICE**

Benetta M. Davies, deposes and states that she served a copy of the attached **NOTICE OF DISMISSAL FOR LACK OF SUBSTANTIAL EVIDENCE** on each person named below by depositing same this 29<sup>th</sup> day of June, 2016, in the U.S. Mail Box at 100 West Randolph Street, Chicago, Illinois, properly posted for FIRST CLASS MAIL, addresses as follows:

---

Vicki Lafer Abrahamson  
Abrahamson, Vorachek  
& Levinson  
120 N. LaSalle Street  
Suite 1050  
Chicago, IL 60602

Thomas G. Draths  
Schuyler, Roche & Crisham, PC  
Two Prudential Plaza  
180 N. Stetson Ave.  
Suite 3700  
Chicago, IL 60601

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that she verily believes the same to be true.

  
Benetta M. Davies

**PLEASE NOTE:**

The above-signed person is responsible only for mailing these documents. If you wish a review of the findings in this case you must complete the Request for Review form attached. Department staff are not permitted to discuss the investigation findings once a Notice of Dismissal has been issued.

STATE OF ILLINOIS  
DEPARTMENT OF HUMAN RIGHTS

IN THE MATTER OF:

ROBERT BREUDER, )  
)  
)  
COMPLAINANT, )  
)  
AND )  
)  
COLLEGE OF DUPAGE, )  
)  
)  
)  
RESPONDENT. )

CHARGE NO. 2016CF0253  
EEOC NO. 21BA52133

**NOTICE OF DISMISSAL  
FOR LACK OF SUBSTANTIAL EVIDENCE**

Vicki Lafer Abrahamson  
Abrahamson, Vorachek  
& Levinson  
120 N. LaSalle Street  
Suite 1050  
Chicago, IL 60602

Thomas G. Draths  
Schuyler, Roche & Crisham, PC  
Two Prudential Plaza  
180 N. Stetson Ave.  
Suite 3700  
Chicago, IL 60601

DATE OF DISMISSAL: June 29, 2016

1. YOU ARE HEREBY NOTIFIED that based upon the enclosed investigation report, the DEPARTMENT OF HUMAN RIGHTS (DHR) has determined that there is NOT substantial evidence to support the allegations of the charge(s). Accordingly, pursuant to Section 7A-102(D) of the Human Rights Act (775 ILCS 5/1-101 et. seq.) and its Rules and Regulations (56 Ill. Adm. Code. Chapter II, Section 2520.560), the charge is HEREBY DISMISSED.
2. If Complainant disagrees with this action, Complainant may:
  - a) Seek review of this dismissal before the Illinois Human Rights Commission, 100 West Randolph Street, Suite 5-100, Chicago, Illinois, 60601, by filing a "Request for Review" with the Commission by the request for review filing date below. Respondent will be notified by the Human Rights Commission if a Request for Review is filed.

**REQUEST FOR REVIEW FILING DEADLINE DATE: October 3, 2016**

Or,

- b) Commence a civil action in the appropriate state circuit court within ninety (90) days after receipt of this Notice. A complaint should be filed in the circuit court in the county where the civil rights violation was allegedly committed.

Notice of Dismissal for Lack of Substantial Evidence  
2016CF0253

If you intend to exhaust your State remedies, please notify the Equal Employment Opportunity Commission (EEOC) immediately. The EEOC generally adopts the Department's findings. The Appellate Courts in Watkins v. Office of the State Public Defender, \_\_\_ Ill.App.3d \_\_\_, 976 N.E.2d 387 (1<sup>st</sup> Dist. 2012) and Lynch v. Department of Transportation, \_\_\_ Ill.App.3d \_\_\_, 979 N.E.2d 113 (4<sup>th</sup> Dist. 2012), have held that discrimination complaints brought under the Illinois Human Rights Act ("IHRA") against the State of Illinois **in the Illinois Circuit Court** are barred by the State Lawsuit Immunity Act. (745 ILCS 5/1 et seq.). Complainants are encouraged to consult with an attorney prior to commencing a civil action in the Circuit Court against the State of Illinois.

**Please note that the Department cannot provide any legal advice or assistance. Please contact legal counsel, your city clerk, or your county clerk with any questions.**

3. Complainant is hereby notified that the charge(s) will be dismissed with prejudice and with no right to further proceed if a timely request for review is not filed with the Commission, or a written complaint with the appropriate circuit court.
  
4. If an EEOC charge number is cited above, this charge was also filed with the Equal Employment Opportunity Commission (EEOC). If this charge alleges a violation under Title VII of the Civil Rights Act of 1964, as amended, or the Age Discrimination in Employment Act of 1967, Complainant has the right to request EEOC to perform a Substantial Weight Review of this dismissal. Please note that in order to receive such a review, it must be requested in writing to EEOC within fifteen (15) days of the receipt of this notice, or if a request for review is filed with the Human Rights Commission, within fifteen days of the Human Rights Commission's final order. Any request filed prior to your receipt of a final notice WILL NOT BE HONORED. Send your request for a Substantial Weight Review to EEOC, 500 West Madison Street, Suite 2000, Chicago, Illinois 60661. Otherwise, EEOC will generally adopt the Department of Human Rights' action in this case.

**PLEASE NOTE: BUILDING SECURITY PROCEDURES PRESENTLY IN PLACE DO NOT PERMIT ACCESS TO EEOC WITHOUT AN APPOINTMENT. IF AN APPOINTMENT IS REQUIRED, CALL 312-869-8000 OR 1-800-669-4000.**

DEPARTMENT OF HUMAN RIGHTS

STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION

IN THE MATTER OF:

ROBERT BREUDER, )  
 )  
 )  
COMPLAINANT, )  
 )  
AND )  
 )  
COLLEGE OF DUPAGE, )  
 )  
 )  
RESPONDENT. )

CHARGE NO. 2016CF0253  
EEOC NO. 21BA52133

REQUEST FOR REVIEW

Vicki Lafer Abrahamson  
Abrahamson, Vorachek  
& Levinson  
120 N. LaSalle Street  
Suite 1050  
Chicago, IL 60602

Thomas G. Draths  
Schuyler, Roche & Crisham, PC  
Two Prudential Plaza  
180 N. Stetson Ave.  
Suite 3700  
Chicago, IL 60601

TO: Vicki Lafer Abrahamson

DATE: June 29, 2016

REQUEST FOR REVIEW FILING DEADLINE DATE: October 3, 2016

I hereby request that the Department of Human Rights' (DHR) dismissal of the charge be reviewed by the Illinois Human Rights Commission.

Complainant's Current Address (please print clearly):

\_\_\_\_\_ Apt/Unit # \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ Phone (\_\_\_\_) \_\_\_\_\_

**TO REQUEST INVESTIGATION FILE:**

The Department's investigation file may be reviewed or copied upon request once the Department's investigation is completed. The Department is not responsible for copy service fees. **A minimum of 3 business days' notice is required.** Call (312) 814-6262 to make arrangements.

**REQUEST FOR REVIEW INSTRUCTIONS:**

IN THE SPACE PROVIDED BELOW, YOU **MUST LIST** AND DESCRIBE THE SPECIFIC REASONS THAT THE CHARGE SHOULD NOT HAVE BEEN DISMISSED. If applicable, you may write on the back of this form or attach additional information or documents, which support your Request for Review. You may review your investigation file, to help you prepare your request by calling 312-814-6262 or 217-785-5100.

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\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

**YOU MUST ENCLOSE THE ORIGINAL AND THREE COPIES, INCLUDING SUPPORTING DOCUMENTS, OF YOUR ENTIRE REQUEST AND SIGN, DATE AND HAVE THIS FORM POSTMARKED OR HAND DELIVERED BY THE FILING DEADLINE DATE ABOVE, TO:**

Illinois Human Rights Commission, 100 West Randolph Street, Suite 5-100,  
Chicago, IL 60601.

Please note that pursuant to Section 5300.410 of the Commission's Procedural Rules, except by permission of the Commission, the request, argument and supporting materials shall not exceed 30 pages.

Further, note that pursuant to *56 Ill. Admin. Code § 5300.40(b)* of the Commission's Procedural Rules, all arguments in support of the Request for Review must be written on 8 ½ x 11 paper. Any argument submitted on non-conforming paper (such as a "post-it" note) will not be considered part of the Request for Review, and will be disregarded by the Commission.

**STATE OF ILLINOIS  
DEPARTMENT OF HUMAN RIGHTS  
INVESTIGATION REPORT**

**Complainant:** Robert Breuder  
**Respondent:** College of DuPage

**IDHR No.:** 2016CF0253  
**EEOC No.:** 21BA52133

**Investigator:** JTD

**Supervisor:** [Signature]

**Date:** 6/24/16

**Issue/Basis:**

- A. Failure to accommodate/disability,
- B. Failure to accommodate/disability,
- C. Revocation of leave/retaliation for requesting a disability accommodation

**Finding:**

- A. Lack of substantial evidence
- B. Lack of substantial evidence
- C. Lack of substantial evidence

**Jurisdiction:**

Alleged violation:

Charge filed:

Charge perfected:

Amendments:

Number of employees:

A-C. August 3, 2015, corrected to July 30, 2015  
August 7, 2015  
August 7, 2015  
None  
2,362

**Verified Response:**

Due: October 26, 2015

Received: October 29, 2015

Timely:  Untimely:

If untimely, good cause shown: Yes  No

**Group Exhibit A**

**Employment Data:**

Respondent indicated through correspondence that in 2015, they had 2,362 employees. There is one president. Respondent does not track information about employees with disabilities.

**Uncontested Facts:**

1. Respondent is a community college.
2. Complainant was employed as president and was hired on January 1, 2009.
3. On July 30, 2015, Respondent notified Complainant that he would not be permitted to take respite and renewal leave.

**Complainant's Allegations-Counts A & B:**

Complainant, a president, alleges that Respondent failed to accommodate him on August 3, 2015, because of his disability, (Count A) and disability, (Count B), when it revoked his respite and renewal leave. Complainant alleges that Respondent was aware of his condition. Complainant alleges that his condition does not preclude him from performing the essential functions of his position with or without a reasonable accommodation.

**Respondent's Defenses- Counts A & B:**

Respondent's articulated legitimate non-discriminatory reason for its actions was that Complainant was not eligible for respite and renewal leaves because he was placed on a paid administrative leave effective April 30, 2015. Respondent denied that Complainant requested any accommodation that would allow him to satisfactorily perform the essential functions of his position with or without a reasonable accommodation.

**Investigation Summary-Count A:**

**A. Complainant's Evidence.**

1. Complainant stated that he was hired at Respondent on January 1, 2009, and was employed as president. Complainant stated that his job responsibilities include the overall administration of Respondent, including preparing and recommending policies, directing the financial and physical operations of Respondent, and provide leadership to Respondent's personnel.
2. Complainant stated that he was diagnosed with \_\_\_\_\_ in March 2015, brought on by the hostile actions of Respondent's board of trustees.
3. Complainant's medical questionnaire and documentation from Dr. John T. Rafferty dated March 10, 2016, (**Exhibit J**) indicates that Complainant was diagnosed with \_\_\_\_\_. The questionnaire indicates that the condition is not minor and is not a permanent condition; however, the condition may be reactivated if Complainant returns to the site of the trauma.
4. Complainant stated that on June 22, 2010, he entered into an amended employment agreement with Respondent which indicated that he was eligible to receive 12 days of respite and renewal leave annually to be taken between the end of the spring semester and beginning of the fall semester (**Exhibit D**).
5. Complainant stated that on April 28, 2015, he went on a medical leave. Complainant stated that prior to going on medical leave; he informed Mia Igyarto (non-disabled), Director of Labor and Employee Relations, that he was going to take his twelve days of respite leave beginning July 29, 2015 (**Exhibit K**). Complainant stated that Igyarto signed a calendar he used to outline his leave request (**Exhibit L**). Complainant stated that he did not make any formal request of accommodation but Respondent was aware of his disabilities and his need for medical leave.

6. Complainant stated that the day after he applied for medical leave, he was placed on a paid administrative leave. Complainant stated that Respondent has no policy for placing employees on a paid administrative leave and he has no knowledge of any other administrator ever being placed on a paid administrative leave.
7. Complainant stated that on August 3, 2015, he received a letter dated July 30, 2015, from Katherine Hamilton (non-disabled), Chairman of Respondent's Board of Trustees, which indicated that she was not approving his respite leave (**Exhibit M**). Complainant stated that his respite leave was an accommodation necessary for him to be compensated for his time on medical leave.

B. **Respondent's Evidence.**

1. Linda Sands-Vanker (non-disabled), Vice President of Human Resources, stated that Respondent's accommodation practice indicates that Respondent will offer reasonable accommodations necessary to enable a qualified employee to perform the essential functions of their position. Sands-Vanker stated that Respondent's equal employment opportunity policy (**Exhibit B**) indicates that Respondent will provide equal employment opportunities to employees with disabilities if they are otherwise able to perform the essential functions of their jobs with reasonable accommodations.
2. Sands-Vanker stated that Complainant was hired by Respondent on January 1, 2009, and was employed as president.
3. Respondent's job description for president (**Exhibit C**) indicates that the job responsibilities include the overall administration of Respondent, including preparing and recommending policies, directing the financial and physical operations of Respondent, and provide leadership to Respondent's personnel.
4. Sands-Vanker denied that Complainant's job performance was acceptable. Sands-Vanker stated that on September 10, 2014, Respondent's faculty passed a resolution requesting that Respondent's board of trustees discharge Complainant for financial mismanagement and poor leadership (**Exhibit E**).
5. Sands-Vanker stated that in April, 2015, Respondent was placed under federal criminal investigation for allegations including unlawful administrative spending (**Group Exhibit F**).
6. Sands-Vanker stated that based upon the investigation and other issues related to Complainant's performance as president, in mid-April 2015, Respondent's board of trustees scheduled a meeting for April 30, 2015, to take a vote on placing Complainant on administrative leave (**Exhibit G**).
7. Sands-Vanker stated that on April 28, 2015, Complainant requested a medical leave. Sands-Vanker stated that the leave was approved. Sands-Vanker stated that on April 30, 2015, Respondent's board of trustees placed Complainant on a paid administrative leave (**Exhibit H**).



8. Sands-Vankerk stated that Respondent does not have a written policy for administrative leave but stated that Complainant's situation was unique and based on the seriousness of the allegations; Respondent's board believed that Complainant should be placed on administrative leave. Sands-Vankerk stated that Complainant was paid during his time off, including the period of time during which he requested respite and renewal leave<sup>1</sup>. Sands-Vankerk stated that because Complainant was on administrative leave, Respondent's board president notified him on July 30, 2015, that he would not be granted respite leave.
9. Mia Igyarto (non-disabled), Director Labor and Employee Relations, stated that on April 16, 2015, Complainant sent a letter to Respondent's board of trustees requesting that he be allowed to take his respite leave in July, 2015. Igyarto stated that Complainant met with her and discussed his available leave. Igyarto stated that she signed her name to a calendar he used to outline his requested time off. Igyarto stated that Complainant's leave time needed to be approved by Respondent's board of trustees and she had no authority to approve or deny his requested time off.
10. Sands-Vankerk stated that no other employee of Respondent was granted respite leave and no other employee had requested leave time denied by Respondent.
11. Sands-Vankerk stated that Respondent has accommodated other employees with disabilities but cannot provide documentation for privacy reasons.

**C. Complainant's Rebuttal.**

1. Complainant did not provide any additional information other than what was previously identified in the Complainant's Evidence section.

**Analysis:**

The Department's investigation did not reveal that Respondent failed to accommodate Complainant on July 30, 2015, because of his disability, **(Count A)** and disability, **(Count B)**. The investigation revealed that Respondent's practice for accommodations is that Respondent will offer reasonable accommodations necessary to enable a qualified employee to perform the essential functions of their position. The investigation revealed that Respondent's equal employment opportunity policy indicates that Respondent will provide equal employment opportunities to employees with disabilities if they are otherwise able to perform the essential functions of their jobs with reasonable accommodations. It is uncontested that Complainant was hired by Respondent on January 1, 2009, and was employed as president. The investigation revealed that Complainant is disabled according to the definition of the Illinois Human Rights Act. The investigation revealed that on June 22, 2010, Complainant entered into an amended agreement with Respondent which indicated that he was eligible to receive 12 days of respite and renewal leave annually to be taken between the end of the spring semester and beginning of the fall semester.

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<sup>1</sup> Complainant was on paid administrative leave until October, 2015.

The investigation revealed that in September, 2014, Respondent's faculty passed a resolution requesting that Respondent's board of trustees discharge Complainant for financial mismanagement and poor leadership. The investigation revealed that in April 2015, Respondent was placed under federal criminal investigation for allegations including unlawful administrative spending. The investigation revealed that on April 28, 2015, Complainant took a medical leave and on April 30, 2015, Respondent placed Complainant on paid administrative leave. The investigation revealed that on July 30, 2015, Complainant was advised that Respondent was not approving his respite leave.

A reasonable accommodation is defined as a modification or adjustment to a job, the work environment, or the way things are usually implemented that allows a qualified individual with a disability an opportunity to attain the same level of performance by enabling them to perform the essential functions of the position. There is no evidence to indicate that Complainant being denied respite leave, especially since he was already on a paid administrative leave during the period of time he requested respite leave, had an adverse impact on his opportunity to attain the same level of performance as similarly situated non-disabled employees by enabling him to perform the essential functions of his position.

**Findings and Conclusion- Counts A & B:**

A finding of **Lack of Substantial Evidence** is recommended because:

The Department's investigation did not show, nor did Complainant provide, evidence that Respondent failed to accommodate Complainant on July 30, 2015, because of his disability, **(Count A)** or disability, **(Count B)**. Evidence shows that Complainant was on a paid administrative leave on July 30, 2015. Evidence does not show that Respondent's actions had an adverse impact on his opportunity to attain the same level of performance as similarly situated non-disabled employees by enabling him to perform the essential functions of his position.

**Complainant's Allegations-Count C:**

Complainant, a president, alleges that Respondent revoked his respite and renewal leave on July 30, 2015, in retaliation for requesting a reasonable accommodation. Complainant alleges that on April 28, 2015, he requested and was granted the reasonable accommodation of a medical leave. Complainant alleges that revocation of his respite leave followed his protected activity within such a period of time as to raise an inference of retaliatory motivation.

**Respondent's Defenses-Count C:**

Respondent's articulated legitimate non-discriminatory reason for its actions was that Complainant's respite leave was revoked because he was on a paid administrative leave. Respondent denies that they engaged in any activity which raises an inference of retaliatory motivation.

**Investigation Summary-Counts C:**

**A. Complainant's Evidence.**

1. See Counts A-B, Complainant's Evidence, #1 to 7.
2. Complainant stated that on April 28, 2015, he requested a medical leave from Respondent, which was granted.
3. Complainant stated that prior to going on medical leave; he requested a respite and renewal leave to be taken from July 25, 2015, to August 17, 2015 (**Exhibit K**). Complainant stated that he never received a formal response to his request but stated that Respondent did not deny him his respite leave prior to his going on medical leave.
4. Complainant stated that on August 3, 2015, he received a letter dated July 30, 2015, from Katherine Hamilton (non-disabled), Chairman of Respondent's Board of Trustees, which indicated that she was not approving his respite leave (**Exhibit M**).
5. Complainant stated that he believes that Respondent's actions may have been retaliation for requesting reasonable accommodations.

**B. Respondent's Evidence**

1. See Counts A-B, Respondent's Evidence, #1 to 11.
2. Respondent's retaliation policy (**Exhibit D**) indicates that Respondent prohibits retaliation against any person reporting or filing a complaint of discrimination.
3. Linda Sands-Vanker denied that Respondent retaliated against Complainant. Sands-Vanker stated that Complainant was paid during his time off and since he was on administrative leave and was paid for the time he would have taken respite and renewal leave.

**C. Complainant's Rebuttal**

1. Complainant did not provide any additional information other than what was previously identified in the Complainant's Evidence section.

**Analysis:**

The Department's investigation did not reveal that Respondent revoked Complainant's respite and renewal leave in retaliation for requesting a reasonable accommodation. The investigation revealed that Complainant was on a paid administrative leave during the time period during which he requested respite and renewal leave.

Sec. 6-101 (A) of the Human Rights Act indicates that It is a civil rights violation to retaliate against a person because he or she has opposed that which he or she reasonably and in good faith believes to be unlawful discrimination, sexual harassment in employment or sexual harassment in elementary, secondary, and higher education, discrimination based on citizenship status in employment, because he or she has made a charge, filed a complaint, testified, assisted, or participated in an investigation, proceeding, or hearing under this Act, or because he or she has requested, attempted to request, used, or attempted to use a reasonable accommodation as allowed by this Act.

There is no evidence that Complainant opposed discrimination prior to being denied respite leave. Complainant's allegations that Respondent retaliated against him for requesting a disability accommodation does not fall under the definition of retaliation under the human rights act.

**Findings and Conclusion-Count C:**

A finding of **Lack of Substantial Evidence** is recommended because:

The Department's investigation did not show, nor did Complainant provide, evidence that Respondent revoked Complainant's respite leave in retaliation for requesting a reasonable accommodation. There is no evidence that Complainant opposed discrimination prior to being denied respite leave. Complainant's allegations that Respondent retaliated against him for requesting a disability accommodation does not fall under the definition of retaliation under the human rights act.

**Witness List:**

- A. Complainant (FFC)
  - c/o: Vicki Lafer Abrahamson
  - Abrahamson Vorachek & Levinson
  - 120 N. LaSalle Street
  - Suite 1050
  - Chicago, IL 60602
  - 312-263-2698
  
- B. Linda Sands-Vankerk (non-disabled), Vice President of Human Resources (FFC)
  - c/o: Thomas G. Draths
  - Schuyler Roche & Crisham, PC
  - Two Prudential Plaza
  - 180 N. Stetson Ave.
  - Suite 3700
  - Chicago, IL 60601
  - 312-565-8336

C. Mia Igyarto (non-disabled), Director Labor and Employee Relations (FFC)  
c/o: Thomas G. Draths  
Schuyler Roche & Crisham, PC  
Two Prudential Plaza  
180 N. Stetson Ave.  
Suite 3700  
Chicago, IL 60601  
312-565-8336

**Exhibits:**

- A. Verified Response good cause worksheet.
- B. Respondent's equal employment opportunity policy.
- C. Respondent's job description for president.
- D. Complainant's employment agreement dated June 22, 2010.
- E. Faculty resolution dated September 10, 2014.
- F. Federal grand jury subpoena dated April 13, 2015.
- G. Agenda for April 30, 2015, board of trustees meeting.
- H. Respondent's board of trustees resolution 15-430-2.
- I. Respondent's retaliation policy.
- J. Complainant's medical questionnaire.
- K. Email from Complainant regarding respite leave dated April 16, 2015.
- L. Complainant's leave calendar.
- M. Letter from Katherine Hamilton to Complainant dated July 30, 2015.

# CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

16W0807.01

Charge Presented To: Agency(ies) Charge No(s):

FEPA 2016CF0253  
 EEOC

and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)  
Robert Breuder

Home Phone (Incl. Area Code)

Date of Birth

Street Address

City, State and ZIP Code

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name  
College of DuPage

No. Employees, Members  
over 15

Phone No. (Include Area Code)  
630.942.2800

Street Address

City, State and ZIP Code

425 22nd Street

Glen Ellyn, IL 60137

Name  
Katherine Hamilton, Chairman  
College of DuPage Board of Trustees

No. Employees, Members  
over 15

Phone No. (Include Area Code)  
630.942.2800

Street Address

City, State and ZIP Code

425 22nd Street

Glen Ellyn, IL 60137

DISCRIMINATION BASED ON (Check appropriate box(es).)

- RACE
- COLOR
- SEX
- RELIGION
- NATIONAL ORIGIN
- RETALIATION
- AGE
- DISABILITY
- GENETIC INFORMATION
- OTHER (Specify)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

08/07/2015

CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

RECEIVED  
AUG 07 2015  
Dept. of Human Rights  
-SWITCHBOARD

I have disabilities — — and I require a reasonable accommodation.

I have been employed as the President of the College of DuPage since 2009. I performed my job satisfactorily.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.  
SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE  
(month, day, year)

8/7/2015

Date

Charging Party Signature

OFFICIAL SEAL  
JULIE C. STEVENSON  
Notary Public - State of Illinois  
My Commission Expires Mar 29, 2016

### CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

FEPA  
 EEOC

and EEOC

State or local Agency, if any

THE PARTICULARS ARE (Continued from previous page):

Page 2 of 4

3. As part of my leave of absence benefits, I am allowed to take up to twelve days of paid "Respite and Renewal" leave annually.
4. In order to take the leave, I am required to "advise and seek the approval of the Board Chairman on or before April 30th preceding the Leave."
5. On or about April 16, 2015, I advised Erin Birt, then Chairman of the College of DuPage Board of Trustees, about my intention to take leave. She did not deny my request.
6. On or about April 29, 2015, I went on medical leave, including leave under the Family & Medical Leave Act, due to my disabilities.
7. Prior to taking my medical leave, I met with Linda Sands-Vanker, Vice President of Human Resources, and Mia Igyarto, Director of Labor, Employee Relations and Benefits, and discussed all annual leave available to me should my health not permit me to return to work for several months. During the meeting, it was confirmed that my Respite Leave was available for my use during my medical leave. In fact, both women signed a calendar showing I was able to take Respite Leave as part of my medical leave.
8. The use of Respite Leave would allow me to be paid during my medical leave.
9. Several months later, on August 3, 2015, I received a letter dated July 30, 2015, from Katharine Hamilton, the current Chairman of the College of DuPage Board of Trustees, "denying" my use of Respite Leave during my medical leave. Actually, my Respite Leave began on July 29, 2015.
10. Ms. Hamilton gave no reason for her action.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

Date

Charging Party Signature

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.  
SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE,  
(month, day, year)

8/7/2015

OFFICIAL SEAL  
JULIE C. STEVENSON  
Notary Public - State of Illinois  
My Commission Expires Mar 29, 2018



# CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: \_\_\_\_\_ Agency(ies) Charge No(s): \_\_\_\_\_

- FEPA  
 EEOC

\_\_\_\_\_ and EEOC

State or local Agency, if any

THE PARTICULARS ARE (Continued from previous page):

Page 3 of 4

11. There are no provisions in the College or Board processes, rules, or procedures, or anything in my employment contract, stating that Ms. Hamilton or the College can deny me the use of the Respite Leave.

12. I have been discriminated against on the basis of my disabilities —  
 — or because I am regarded as having a disability, in violation of the Illinois Human Rights Act, in that:

a) I suffer from \_\_\_\_\_ severe enough to require the reasonable accommodation, supported by my medical doctors, of medical leave, as well as ongoing treatment.

b) I performed my job satisfactorily.

c) I was subjected to adverse treatment, including, but not limited to, the College's and Ms. Hamilton's negative reaction to my medical condition and need for time off for treatment, as evidenced by the denial of my use of Respite Leave during my medical leave.

13. I have been discriminated against on the basis of my disabilities —  
 — or because I am regarded as having a disability, in violation of the Illinois Human Rights Act, in that:

a) I requested a reasonable accommodation of medical leave per my doctor's orders.

b) I was denied a reasonable accommodation — using Respite Leave so that I could be compensated while I was on leave for my disabilities - in violation of the Act.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read \_\_\_\_\_ above charge and that it is true to the best of my knowledge in an \_\_\_\_\_

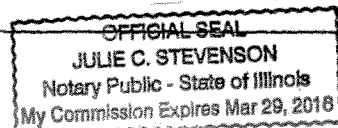
SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE \_\_\_\_\_  
 (month, day, year)

8/7/2015

Date

Charging Party Signature





# CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To:

Agency(ies) Charge No(s):

- FEPA
- EEOC

State or local Agency, if any

and EEOC

THE PARTICULARS ARE (Continued from previous page):

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c) The requested accommodation did not present an undue hardship to Respondents.

14. I have been retaliated against on the basis of my disabilities —  
— in violation of the Illinois Human Rights Act. I requested and attempted to use a reasonable accommodation as allowed by the Act; i.e., Respite Leave that would compensate me while I was on leave for my disabilities, but was denied this accommodation.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

Date

Charging Party Signature

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information  
SIGNATURE

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE  
(month, day/year)

8/7/2015

OFFICIAL SEAL  
 JULIE C. STEVENSON  
 Notary Public - State of Illinois  
 My Commission Expires Mar 29, 2018