

COOK COUNTY COMMISSION ON HUMAN RIGHTS
69 West Washington Street, Suite 3040
Chicago, Illinois 60602

Colin COLLETTE, Complainant)	
)	
)	Case No. 2015E001
v.)	
)	
Fr. Terence KEEHAN and HOLY FAMILY)	Entered: March 10, 2016
PARISH, Respondents.)	
)	

ORDER OF DISMISSAL

On December 4, 2014, Complainant Colin Collette (“Collette”) filed the above-captioned complaint with the Cook County Commission on Human Rights (“Commission”) against his former employers: Holy Family Parish (“Parish”), a Roman Catholic Church located in Inverness, Illinois, and its pastor, Father Terence Keehan (“Keehan”) (collectively “Respondents”).¹ In the pending complaint, Collette alleges that on July 27, 2014, Keehan fired Collette from his position as the Parish’s Director of Worship because Collette had become engaged to marry his long-term same-sex partner. This complaint states a claim for unlawful employment discrimination based on sexual orientation, sex and marital status under the Cook County Human Rights Ordinance (“Human Rights Ordinance”). *See* Cook County Code of Ordinances (“County Code”), § 42-35(b)(1). Respondents moved to dismiss Collette’s complaint pursuant to several theories, including the so-called “ministerial exception” – an affirmative defense that arises under the First Amendment of debatable scope, which exempts religious employers from discrimination claims by certain employees. Rp. Pos. Stmt. In response, the Commission undertook a fact-intensive investigation to determine whether the ministerial exception applied to Collette’s case.

During the pendency of this investigation, on March 7, 2016, Collette filed suit against the Parish and the Archdiocese of Chicago in federal court. *See Collette v. Holy Family Parish, et. al*, 16-CV-2912 (N.D. Ill.); *see id.* at ¶ 3 (noting that the EEOC issued a right to sue letter in a parallel federal proceeding). The Commission now dismisses Collette’s action pending here because his new complaint in the U.S. District Court for the Northern District of Illinois raises some or all of the same issues.

The County’s Human Rights Ordinance provides that:

The filing by a complainant or respondent of a complaint in any

¹ Respondents contend that Keehan was only Collette’s supervisor, not his employer. Resp. ¶ 5. If true, this might provide additional grounds for dismissing Keehan as a party, but because Keehan’s status as an employer is ultimately moot, the Commission does not reach this issue.

court based on some or all of the same issues as are raised in a complaint before the Commission shall automatically terminate the jurisdiction of the Commission over the complaint. In such a case, the Commission shall dismiss the complaint either on its own motion or on the motion of either party.

County Code, § 42-34(d)(5). One purpose of this provision is to avoid the possibility of inconsistent rulings. Such a ruling might arise if the Commission were to resolve the same question of law or fact differently than a court with concurrent jurisdiction over the parties. The County Board might have hoped to avoid this scenario by requiring the Commission to relinquish its jurisdiction under such circumstances. Whatever the County Board's rationale, application of section 42-34(d)(5) is non-discretionary.

Further, in enacting this jurisdiction-stripping provision, the County Board used the broad term "issues" to encompass both cases filed in federal court that state the same legal claims as an action before the Commission as well as cases that state different legal claims but arise out of the same set of operative facts. *See Romero v. SDH Servs. West, LLC*, 2012E021, *1 (CCHRC Sept. 26, 2013). Both Collette's complaint pending at the Commission and his newly-filed federal complaint arise out of the same set of operative facts: Collette's July 27, 2014 termination following his engagement. *Compare* Comm'n Compl., Exh. A, ¶ I with Fed. Compl. ¶¶ 8, 16-18. Moreover, Collette's federal complaint actually purports to state a claim for a violation of the County's Human Rights Ordinance for unlawful employment discrimination on the basis of sexual orientation, sex and/or marital status. *See* Fed. Compl. ¶¶ 47-58 (Count III). Collette's federal complaint is, in fact, more comprehensive than the version of the same currently pending with the Commission in that the federal complaint adds additional counts for alleged violations of federal and state antidiscrimination statutes. *Id.* at ¶¶ 25-46.

For the foregoing reasons, the Commission orders that complaint 2015E001 be DISMISSED for LACK OF JURISDICTION.

March 10, 2016

By delegation:



Ranjit Hakim
Executive Director of the Cook Commission
on Human Rights