

COOK COUNTY COMMISSION ON HUMAN RIGHTS

69 West Washington, Suite 3040

Chicago, Illinois 60602

Terra J. SINKEVICIUS, Complainant)	Case No. 2009E006
v.)	Entered: December 6, 2013
DEPAUL UNIVERSITY, Respondent)	

ORDER

Approximately ten months after filing her complaint in *Sinkevicius v. DePaul University*, 2008E011 (CCHRC Feb. 20, 2008), Complainant Terra J. Sinkevicius (“Sinkevicius”) filed a second complaint with the Cook County Commission on Human Rights (“Commission”), against her former employer, Respondent DePaul University (“DePaul” or “Respondent”). This December 29, 2008 complaint also alleges that DePaul unlawfully retaliated against Sinkevicius in violation of Section 42-41(a) of the Cook County Code of Ordinances (“County Code”). However, it broadens Sinkevicius’s protected conduct under the Cook County Human Rights Ordinance (“Human Rights Ordinance”) from a single complaint to the U.S. Equal Opportunity Commission (“EEOC”) to a host of unspecified internal and external complaints beginning in 2007. Compl. ¶¶ II.A-B. Sinkevicius also now alleges that she was terminated from employment as a result of this protected conduct. *Id.* at ¶ I. Despite these new allegations, the Commission’s investigation continues to find no substantial evidence of a causal relationship between Sinkevicius’s protected conduct and the adverse employment action. This deficiency is fatal to the continued viability of Sinkevicius’s claim before the Commission.

Background

The Commission presumes familiarity with the facts of its investigation set out in its order, *Sinkevicius v. DePaul University*, 2008E011 (CCHRC Dec. 6, 2013). To these Sinkevicius adds that she was terminated from her job at DePaul’s library on December 12, 2008, and that “[f]rom 2007 and continuing,” she “filed numerous internal discrimination complaints with either Respondent’s Human Resources or Department of Institutional Diversity” and filed numerous external discrimination complaints “with the EEOC . . . IDHR (Illinois Department of Human Rights), CCHR (Chicago Commission on Human Relations)” and the Commission. Compl. ¶¶ I, II. The Commission’s investigation finds that its counterpart agencies at the federal, state and municipal level have each rejected retaliation and/or discrimination claims filed by Sinkevicius in the years since she filed this matter with the Commission. *See In re: Sinkevicius*, Dismissal and Notice of Rights, EEOC Charge No. 21B-2008-01671 (EEOC Sept. 21, 2010); *In re: Sinkevicius*, Order, Charge No. 2008CF2822 (IDHR Mar. 10, 2010); *Sinkevicius v. DePaul University*, Order Finding No Substantial Evidence, Case No. 08-E-15 (CCHR May 19, 2011).

DePaul denies Sinkevicius's allegation of retaliatory discharge. DePaul produced documentation attendance and disciplinary issues beginning December 4, 2007, and continuing relatively consistently up to and including a written warning regarding poor attendance, unauthorized overtime and not following the chain of command on November 26, 2008.

Discussion

The Human Rights Ordinance prohibits retaliation against any person "because that person in good faith has opposed that which he or she reasonably believed to be unlawful discrimination, sexual harassment, or other violation of this Ordinance or has made a complaint, testified, assisted or participated in an investigation, proceeding, or hearing under this Ordinance." County Code, ¶ 42-41(a). In order to prevail on a claim of unlawful retaliation under the Human Rights Ordinance, a complainant must show: (1) that she sought to exercise a right protected by the Ordinance; (2) that she suffered adverse treatment that is reasonably likely to deter the complainant or others from engaging in protected activity and (3) that there is a causal connection between the protected activity and the adverse employment action. *Washington v. Cook County*, 2005E065, *4 (CCHRC Sept. 26, 2013). The Commission must dismiss a claim in its entirety where there is a lack of substantial evidence to support any element. *Id.*

As was the case in *Sinkevicius v. DePaul University*, 2008E011 (CCHRC Dec. 6, 2013), Sinkevicius's claim here fails with respect to the third element. Rather than finding substantial evidence that Sinkevicius was terminated *because* she engaged in protected activity under the Human Rights Ordinance, the Commission's investigation finds that there were documented problems with Sinkevicius's performance at work, including difficulty getting along with co-workers, attendance issues, and responses to supervisors that could reasonably be interpreted as insubordinate.

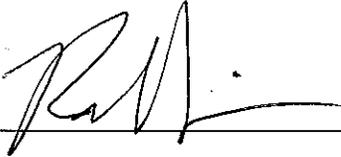
DePaul points to this unrebutted evidence as its non-discriminatory explanation for Sinkevicius's termination. Sinkevicius has not presented, and the Commission's investigation has not otherwise found, substantial evidence of a nexus between Sinkevicius's internal and external complaints and her discharge.

Conclusion

For the foregoing reasons, the Commission orders that complaint 2009E006 be DISMISSED for LACK OF SUBSTANTIAL EVIDENCE of a violation of the Human Rights Ordinance. In accordance with CCHR Pro. R. 480.100(A), either party may file a request for reconsideration with the Commission within 30 days of the date of this order.

December 6, 2013

By delegation:



Ranjit Hakim
Executive Director of the Cook County
Commission on Human Rights