

# **Annual Report**

#### July 1, 2022 - June 30, 2023



#### FREEDOM FROM UNLAWFUL DISCRIMINATION

dhr.illinois.gov



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### **Message from the Director**



At the <u>Illinois Department of Human Rights (IDHR)</u>, we have worked to secure freedom from unlawful discrimination and promote equal opportunity and affirmative action since the agency was created in 1979. And yet our work continues to be as relevant as it was forty-four years ago. Illinois is a national leader in expanding protections for persons with disabilities, LGBTQ+ individuals, women, immigrants and others often beyond existing federal protections.

As the Director of IDHR and a lifelong civil rights champion, I am proud to work alongside my colleagues to enforce the Act. With over 22 protected classes, including Race, Mental and Physical Disability, Pregnancy, Sexual Orientation (Gender Identity), and our newest additions to the list – Source of Income and Immigration Status in Housing – IDHR enforces one of the most comprehensive and robust sets of civil rights protections in the country. In a time when the federal judiciary is in flux and federal courts differ in their interpretation of

established and new civil rights issues, our sister agency—the <u>Illinois Human Rights Commission</u> (<u>IHRC</u>)—also play a vital role in interpreting the Illinois Human Rights Act.

We are incredibly proud to lead statewide anti-discrimination work with the Commission, who serves as the state's forum for litigating discrimination complaints. The Commission holds public hearings to decide discrimination cases and issues orders granting relief to parties harmed by discrimination.

I extend my heartfelt gratitude to our partners, stakeholders, and allies who have collaborated with us to advance our shared vision of a society where everyone is respected and valued. In the years ahead, I am confident that IDHR will continue to catalyze positive change, where we celebrate diversity, vanquish discrimination and uphold human rights with unwavering resolve.

In accordance with **20 ILCS 5/5-650**, I am pleased to present the *IDHR 2023 Annual Report*. This report reflects our unyielding commitment to advancing human rights for Illinoisans at every stage in life. Let us build upon the achievements documented in this report and advance our shared commitment to justice, equity, and human dignity. Together, we can create a fair and just society for all.

Sincerely,

Jim Benett

Jim Bennett

Director Illinois Department of Human Rights

Chair Illinois Commission on Discrimination and Hate Crimes

### **Our Mission, History, & Role**

# Mission

- To secure for all individuals within the State of Illinois freedom from unlawful discrimination, and;
- To establish and promote equal opportunity and affirmative action as the policy of this state for all its residents.

# History

On December 6, 1979, Governor James R. Thompson signed the <u>Illinois</u> <u>Human Rights Act</u>, also known as Public Act 81-1216. This Act created the <u>Illinois Department of Human Rights (IDHR)</u> and the <u>Illinois Human Rights</u> <u>Commission (IHRC)</u> as two separate administrative agencies charged with the mission of enforcing the newly established civil rights law.

The Act also repealed and replaced the state laws administered by predecessor agencies and some other Illinois statutes addressing civil rights issues. It is vital to have a Department that enforces and investigates allegations of discrimination, and a Commission that adjudicates our civil rights. Together, these agencies, advocates, and stakeholders a stable and growing body of state civil rights law.

# Role

While IDHR is often perceived as a social service, it is a law enforcement agency. Where traditional law enforcement acts to ensure the safety of physical property and the public, IDHR works to ensure equal application of rules, policies, and procedures in the Act's covered areas of Employment, Fair Housing, Financial

Credit, Public Accommodations, and Education. IDHR provides a unique service to Illinois residents, and plays a critical role in preventing discrimination and enforcing anti-discrimination laws in Illinois. **Under our mandate, we:** 

- Protect More Groups. While federal laws cover certain categories, the coverage is not as broad as Illinois law. Categories that are expressly covered under state law, but not federal law include: military status, sexual orientation, gender identity, order of protection status, arrest record and reasonable accommodation of pregnancy. Also, the Illinois definition of "disability" may be broader than the federal definition. For local communities within Illinois, the Human Rights Act grants authority for municipalities and counties to establish a department or commission to address discrimination. However, not every community has the resources, expertise or the categories of protection covered by IDHR.
- Assist Vulnerable Communities. We have gone to great lengths to protect vulnerable people from discrimination. We provide assistance to anyone who needs help accessing our services, including those with a disability or limited English proficiency. We also do not charge for our services nor do we require attorney representation.
- Partner with the Federal Government. IDHR partners with federal anti-discrimination agencies, including the U.S. Equal Employment Opportunity Commission (EEOC) and the U.S. Department of Housing and Urban Development (HUD), to enforce anti-discrimination protections and resources for Illinoisans. Through this partnership, we are able to provide for operational costs and enhance investigations, training, and outreach efforts without duplicating services.
- Conduct Outreach and Education. IDHR conducts training for government entities and the public and interacts with numerous community organizations to educate the public concerning their rights and responsibilities. Indirect training through investigations also serves to educate the public and promotes anti-discrimination activities.

### **Office of Legislative Affairs**

The Office of Legislative Affairs (OLA) works principally to bring IDHR's expertise to bear on all legislation impacting the <u>Illinois Human Rights Act</u> and other laws administered by the <u>Illinois</u> <u>Department of Human Rights (IDHR)</u> as well as the work of the <u>Illinois Commission on Discrimination</u> <u>and Hate Crimes (CDHC)</u>. OLA leads the development and implementation of strategies to advance IDHR's legislative initiatives and other interests relating to the Illinois General Assembly.

OLA also works with he General Assembly to articulate the IDHR's position on proposed legislation that may impact the Act or interconnected laws. This is a delicate balance that requires continued refinement and collaboration from multiple stakeholders.

### FY 2023 Milestones

#### Legislative and Policy Contributions

- **Public Act 103-0232.** IHRA Housing Amendments Bill, <u>SB1817</u> (<u>Sen. Ann Gillespie</u> and <u>Rep. Jennifer Gong-Gershowitz</u>). Makes two amendments to the housing article of the Illinois Human Rights Act, adding protection for immigration status in housing and removing an exemption for room rental providers (e.g., Airbnb) so that they must observe the same restrictions on discriminatory statements and marketing as other housing and hospitality providers. **Effective Date: Jan 1, 2024**.
- Public Act 103-0335. IHRA Technical Improvements Bill, <u>HB3135</u> (<u>Rep. Ann Williams</u> and <u>Sen. Laura Fine</u>). Four technical amendments to the Illinois Human Rights Act. 1) Intervention: gives IDHR the power to intervene as a third party on behalf of public interest in certain cases.
   2) Temporary Judicial Relief (TRO): (clarifying parameters under which TRO is available during active cases). 3) Tolling: correcting a flaw in the way tolling of case timelines (the statutory clock) have been counted. 4) Complaint Notification: requiring that IDHR be notified when complainants file charges with IHRC or circuit court. Effective Date: Jan 1, 2024.
- Public Act 103-0326. <u>Illinois Human Rights Commission (IHRC)</u> Amendments, <u>HB2829</u> (<u>Rep. Eva-Dina Delgado</u> and <u>Sen. Ram Villivalam</u>). Provides for the IHRC to appoint and pay for interpreters for anyone appearing as a party or witness in IHRC proceedings. Also removes an unused and no-longer-needed provision allowing for the use of special temporary panels. Effective Date: Jan 1, 2024.
- Public Act 103-0472. Racism-Free Schools Act, <u>SB90</u> (<u>Sen. Laura Murphy</u> and <u>Rep. Maurice West</u>, II). IDHR devoted substantial resources over many months to working with the proponents of the bill and a variety of government and non-governmental stakeholders to improve the original proposal. Amends the school code with new policies and requirements on schools related to race-related harassment in schools, including new reporting requirements and new race-related harassment policy requirements for schools. Also amends the IHRA to 1) Add language to Article 5A about harassment protections in schools, 2) Requires IDHR to develop training for schools about IHRA protections, with emphasis on race, 3) Gives IDHR enforcement power when the Illinois State Board of Education (ISBE)</u> refers schools for non-compliance with the new act. Exempts religious schools but the new training requirement will apply to them.

# **Office of Legislative Affairs**

### Table 1.1

#### **Evolution of the Illinois Human Rights Act**

Year	Legislative Changes					
1979	Illinois Human Rights Act (IHRA) is enacted.					
1980-1990	<ul> <li>Additional bases added to include Familial Status, Citizenship Status (employment), Arrest Record (employment), Military Status</li> </ul>					
2006	<ul> <li>Included Sexual Orientation (Gender Identity) and Veteran Status and protected bases</li> </ul>					
2009	<ul> <li>Mandated Higher Education Institutions to post Sexual Harassment Laws and Policies</li> </ul>					
2010	Expanded Sexual Harassment in Higher Education to include ALL school levels					
2011	Additional bases added to include Pregnancy					
2015	Included employment protections for Interns & Pregnant Individuals					
2017	Removed domestic worker exemption, and established the Sexual Harassment and Discrimination Hotline and Website					
2020	<ul> <li>Expanded Employment Protections to include employers with one or more employees (previously 15)</li> </ul>					
	<ul> <li>Added Conviction Record employment protections and association with a disability added to definition of disability</li> </ul>					
2021	<ul> <li>Defined Work Authorization Status and added protections</li> </ul>					
	<ul> <li>Clarified Fair Housing protections from discrimination by third party loan modification providers</li> </ul>					
2022	<ul> <li>Plaintiff or defendant can demand a trial by jury for specified civil actions for employment or housing discrimination cases</li> </ul>					
2022	<ul> <li>Added source of income as a protected category in housing/real estate transactions</li> </ul>					
2023	<ul> <li>CROWN Act: Added Hair texture and protective hairstyles to the definition of race</li> </ul>					

The Office of Public Affairs (OPA) plays a critical role in keeping the public informed about the activities, services, priorities, and publications offered by <u>IDHR</u>, the <u>Illinois Commission on Discrimination and</u> <u>Hate Crimes (CDHC)</u>, and the <u>Interagency Committee on Employees with Disabilities (ICED)</u>.

The IDHR made significant strides in FY 2022 by hiring a public affairs director and a coordinator to establish the OPA, and In FY 2023 they implemented a hybrid community engagement strategy. The OPA was able to reach a large number of individuals in FY 2023, but new changes to the law and initiatives like the Hate Crimes Helpline calls for a more extensive outreach to diverse and rural communities across the state. With this goal in mind, the OPA has successfully championed for the employment of two more communication and outreach experts to better serve the public in FY 2024.

### FY 2023 Milestones

#### Hybrid Community Engagement Activities

- Publications. During FY 2023, OPA released the <u>Fair Housing Implications of Nuisance and</u> <u>Crime-Free Ordinances: A Guide for Units of Local Governments</u> in partnership with the UIC Law School Fair Housing Legal Support Center and Clinic. In accordance with the Federal Fair Housing Act and the Illinois Human Rights Act, this first-of-its-kind Guidebook helps local governments, public officials, housing providers, and others ensure that nuisance and crimefree ordinances in their community do not cause unlawful discrimination.
- Cross-Functional Collaboration. The OPA works with public-facing departments to develop marketing materials that promote the agency's activities, services, and resources. In partnership with the Management Operations and Information Systems (MOIS) division (on page 31), OPA re-issued three publications in Fiscal Year (FY) 2023 that are mobile-friendly, compatible with screen readers, and translatable in over 100 languages: <u>Reasonable Accommodations and Modifications</u>, <u>Pregnancy Rights in Illinois</u>, and <u>Guidance and Protections of Student in Illinois</u>. This is a glimpse of how the OPA intends to distribute digital content in the future.
- Community Engagement. In FY 2023, OPA launched a multi-year public relations strategy. During this period, the team attended a total of 74 community events and reached 10,862 people – a 285% increase from FY 2022. Figure 2.3 depicts the areas of the state we visited during this period and Figure 1.4 showcases the activity.

Through OPA's community engagement strategy, the social media presence for IDHR and CDHC grew by 72% and 163%, respectively. Digital platforms have been instrumental in cultivating sustainable relationships and establishing trust in underrepresented communities across the state. As such, we remain committed to creating informative and engaging content for our constituents.

 Media Relations. OPA is responsible for managing all aspects of communication, including media inquiries, press conferences, interviews, press releases, statements, branding, and digital content. FY 2023, saw increased media placements for IDHR by 80% and CDHC by 75%.

### Figure 1.1

### **Online Publications**



The Herald Bulletin

First significant snowfall of season arrives in Madison Coun...

TOPICAL

Black families to benefit, eventually, from income

discrimination ban in Illinois

Carson Gerber CNHI State Reporter May 11, 2023

NEXT UP

### Figure 1.2

Screenshots of Media Coverage

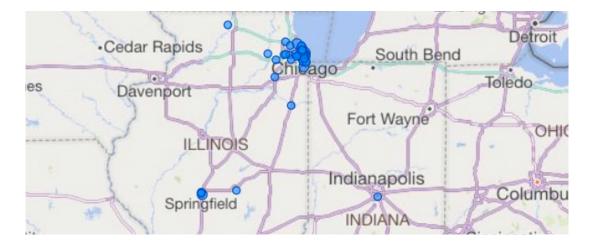


#### Local officials call Supreme Court ruling 'dangerous precedent' for LGBTQ rights, vow to defend Illinois protections

By Lizzle Kane Chicago Tribune • Published: Jun 30, 2023 at 3:49 pm

### Figure 1.3

#### Map of In-Person Events Attended



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Figure 1.4 Map of In-Person Events Attended







IDHR Representatives at the IDHR State Fair Table, inside Governor JB Pritzker's Tent.



IDHR Representatives attended HUD's Seeking Equity in Property Assessment, Appraisal & Valuation: A Fair Housing Month Event.



IDHR Representatives participated in several panels during HUD's Fair Housing Month Event.



IDHR Representatives attended the HOPE for Housing: Meeting the Moment in Housing Justice Conference.



IDHR Representatives joined the HOPE Fair Housing Staff for a photo after attending their annual Housing Justice Conference.



IDHR and IDHC Representatives presented a workshop about the Illinois Human Rights Act to pre-law students



IDHR and IDHC Representatives enjoyed the engaging questions during the workshop session.



IDHR Representatives attended DCEO's The State of Black Businesses event during Black History Month

DCEO Representative spoke on the State of Black businesses in Illinois.



IDHR Representatives participated an event for Women's History Month.



IDHR Representative joined fellow panelists after the event for a photo.



IDHR Representatives participated an event for Muhammad Ali Day.



IDHR Representatives watched "Ali's Comeback: The Untold Story.



IDHR Representatives participated in the 40th Annual Lunar New Year Celebration.



IDHR Representative attended the 2023 APAHM Community Kickoff and Networking Event



IDHR Representatives attended the 2023 ICRC Annual Conference in Indianapolis.



IDHR Representatives presented a workshop at the 2023 ICRC Annual Conference.



IDHR Representatives participated an event for the Illinois Immigrant Impact Task Force Report.



IDHR Representatives celebrated the Illinois Immigrant Impact Task Force Report.



IDHR Representative participated an event for Veteran of Foreign Wars.



IDHR Representative participated an event for Veteran of Foreign Wars.



IDHR Representative spoke during the Consulate General of Mexico in Chicago's convening on Deferred Action for Labor Enforcement (DALE.)



IDHR Representatives joined the Consulate General of Mexico in Chicago's in Rockford, IL.



IDHR Representative attended the Holiday CONNECT: Networking & Resources for AAPI/Minority Small Businesses.



IDHR Representatives engaged with small business owners at The Exchange Business Expo.



IDHR Representatives participated at an event for the Inaugural Mexico Week Celebration.



Governor JB Pritzker gave opening remarks during the Inaugural Mexico Week Celebration.



IDHR Representatives celebrated Jewish Heritage Month.



IDHR Representative joined the Jewish Heritage Month Press Conference



IDHR Representatives gave out postcards during the Springfield Pride Parade.



IDHR Representatives marched in the Springfield Pride Parade.



IDHR Representatives marched in the Chicago Pride Parade.



IDHR Representative celebrated with Chicago Pride Parade participants.



IDHR Representatives attended the Equality Illinois' 2023 Pride Brunch.



IDHR Representatives celebrated Pride Month at Equality Illinois' 2023 Pride Brunch.

### **Institute for Training & Development**

The Institute for Training and Development was established in FY 1999. In its first full year of operation, FY 2000, the Institute trained audiences in the areas of Diversity Awareness, Sexual Harassment Prevention, Americans with Disabilities Act Laws, Conflict Resolution, and Interpersonal Communication Skills.

The Institute continues to offer training modules to public and private organizations and companies throughout Illinois. The Institute's courses provide accurate and timely information on a range of subjects to support individual and organizational learning and growth. The training courses are designed to build knowledge, skills, and abilities of employers to support the development and promotion of safe, diverse, and inclusive work environments.

FY 2023 brought new opportunities for growth related to state of Illinois training mandates and for our monthly public course offerings.

### FY 2023 Milestones

#### Statewide Training Activities

- DEIA Across State Government. The Institute partnered with the Governor's Equity Office to update and release the Diversity, Equity, Inclusion, and Accessibility (DEIA) 2023 training on July 1, 2023, to all State of Illinois employees. Additionally, the Training Institute developed in partnership with the Equity Office, an Inclusive Leadership training expected to be released in January 2024 for all levels of leadership for the state of Illinois employees.
- Sexual Harassment Prevention (SHP) Materials. IDHR continues to provide mandated training materials to employers of all sizes. <u>The Sexual Harassment Prevention Compliance</u> <u>Training</u> content may be accessed by using downloadable PowerPoint, PDF documents, and Video presentations in both English and Spanish to support employer training deliveries for both General employers as well as Restaurants and Bars.
- Tracking Employer Compliance. The Institute continues to support the Illinois mandate to
  provide annual sexual harassment compliance training to employers. The Institute received
  more than 7,000 website requests to date for SHP materials, representing several hundred
  thousand covered employees across multiple employment sectors. Additionally, the Training
  team responded to more than 500 direct inquiries and training requests from nonprofits,
  private corporations, and state agencies.
- Professional License Renewals. The public continues to access the Sexual Harassment Prevention Compliance Training content for the 1 CEU credit needed for Illinois professional license holders. Individuals can meet both the annual employer mandate and a have access to a "no cost" option for meeting professional license renewal mandates as approved.

### **Institute for Training & Development**

### Figure 2.1

#### Training By the Numbers

In 2023, the Institute provided direct training to diverse audiences across a broad range of public and private sectors. The Institute used a combination of departmental newsletters and the CMS platform to market its public courses and promote the Institute's new and existing course offerings.

The Institute provided direct training to 2,880 participants, and has trained 77,546 individuals and organizations since its inception.



### Figure 2.2

Overall Customer Satisfaction Rate in FY 2023



### **Sexual Harassment & Discrimination Helpline**

In the Fall of 2017, sexual harassment allegations against public figures in Hollywood, media, politics, and other industries began to make headlines and America saw the emergence of the #MeToo movement. Women, strong in unity, and no longer silenced, were raising their voices against decades of sexual harassment and abuse in the workplace.

The State of Illinois has taken steps to address such forms of sexual harassment and workplace abuses from occurring at both the state and local levels. One such remedy is the Illinois Sexual Harassment and Discrimination Helpline and Website (Helpline/Website). The Helpline provides a means through which persons may anonymously report sexual harassment and/or discrimination in both public and private places of employment.

Public Act 100-0588 required that IDHR develop and implement the Illinois Sexual Harassment & Discrimination Helpline and Website. The Helpline and Website were established by the Illinois legislature to provide a centralized resource for all Illinoisans to obtain necessary information and assistance in the filing of sexual harassment and discrimination complaints. Information provided to the Helpline and Website is confidential and not subject to disclosure through the Freedom of Information Act (FOIA).

IDHR annually evaluates the Helpline and reports the following information to the General Assembly: (i) the total number of calls received, including messages left during nonbusiness hours; (ii) the number of calls reporting sexual discrimination claims; (iii) the number of calls reporting harassment claims; (iv) the number of calls reporting sexual harassment claims; (v) the number of calls that were referred to each Executive Inspector General; and (vi) the number of calls that were referred to the Legislative Inspector General.

### FY 2023 Milestones

#### The Number of Calls By Category

- Total Number of Calls Received Including Messages Left After Hours: 722
- Number of calls reporting discrimination based on sex: 19
- Number of calls reporting harassment: 106
- Number of calls reporting sexual harassment: 201
- Number of calls there were referred to each Executive Inspector General: 3
- Number of calls that were referred to the Legislative Inspector General: 0

The Illinois Department of Human Rights' (IDHR) is responsible for investigating claims of unlawful discrimination, determining whether sufficient evidence exists to support those claims, and filing cases with the Illinois Human Rights Commission (IHRC).

IDHR's role is to conduct a neutral investigation of the allegations in the charge. The Investigator assigned to the case may contact and interview relevant witnesses and may obtain pertinent documents from both parties. Respondents are required to preserve any records pertinent to the charge. In addition, Respondents are prohibited from retaliating against any person who has filed or otherwise participated in the investigation of a charge. A person who believes they has been retaliated against may file a retaliation charge with IDHR.

# Employment, Public Accommodations, Financial Credit, & Education

#### **Charge Processing Division**

The Charge Processing Division is responsible for investigating charges of unlawful discrimination in the following areas:

- Employment (E). IDHR investigates charges of Employment discrimination filed against a private employer, state or local government, union, or staffing agency. Individuals can also be charged in some cases.
- **Public Accommodations (PA).** IDHR investigate charges of Public Accommodation discrimination filed against a business, recreation, lodging, entertainment, or transportation facility; a public official; and education institutions.
- Financial Credit (FC). All financial institutions doing business in Illinois are prohibited from discriminating in the granting of commercial or personal loans, and credit cards. IDHR can investigate charges of Financial Credit discrimination filed against any bank, credit union, insurance company, mortgage banking company or savings and loan association.
- Educational Institutions (EI). IDHR investigates charges of Sexual Harassment in institutions of elementary, secondary, or higher education. School representatives such as an executive, faculty member, administrative staff, or teaching assistant may also be charged.

### Charge Processing for Employment, Public Accommodations, Financial Credit, & Education

#### Units Within the Charge Processing Division

- Intake. IDHR's Intake Unit can assist you in preparing a charge of discrimination. A charge of discrimination must be filed within 300 days after the alleged discriminatory action, or one year for a Housing case.
- Mediation. Mediation is an informal, no-cost process in which the Complainant and Respondent meet voluntarily with a trained and certified IDHR Mediator, who helps them explore possible resolution of the charge. The mediation process is confidential and is available for all non-housing cases.
- Investigation. The case moves to the investigation stage if the parties do not participate in mediation or if the mediation is unsuccessful. Complainants and Respondents have a responsibility to cooperate with IDHR's investigation. IDHR also has the power to subpoena relevant documents and persons. IDHR's role is to conduct a neutral investigation of the allegations in the charge. The investigator assigned to the case may contact and interview relevant witnesses and may obtain pertinent documents from both parties. Respondents are required to preserve any records pertinent to the charge. In addition, Respondents are prohibited from retaliating against any person because he/she has filed or has otherwise participated in the investigation of a charge. A person who believes he/she has been retaliated against may file a retaliation charge with IDHR.
- Findings & Results. After the investigation, a written report is prepared recommending whether or not there is "substantial evidence" of a violation of the Act. A finding of substantial evidence means that there is enough evidence for the Complainant to take the case either before an administrative law judge at the IHRC or an appropriate state circuit court. That forum—either the Commission or the circuit court—will hear testimony, receive evidence and determine whether unlawful discrimination occurred.
- Public Hearing or Request for Review. If there is substantial evidence to support a claim, complainants have the right to request that IDHR files a complaint with the IHRC or submit a lawsuit in a state circuit court. In the event that complainants decide to file a complaint with the IHRC, IDHR will offer a final opportunity to reach a settlement through conciliation with a staff attorney or mediator. If a settlement cannot be reached, IDHR will take the legal step of filing a Complaint of Civil Rights Violation with the IHRC on behalf of the complainant. It is important to note that housing cases are automatically handled and prosecuted by IDHR.

In order for a state or local governmental agency to be qualified as a FEPA, EEOC must certify that the agency's laws prohibiting employment discrimination are substantially equivalent to federal laws, in regard to the substantive rights protected by the agency, the procedures followed by the agency, the remedies available to the agency, and the availability of judicial review of the agency's actions.

FEPA contracts undergo periodic performance reviews by EEOC and must be renewed every three years, with the two intervening years as extensions. IDHR began contracting with EEOC as a FEPA partner in 1974 (as the Fair Employment Practices Commission). During Fiscal Year 2023, the EEOC approved IDHR's certification for another three-year term, and the next review is scheduled for Fiscal Year 2026.

Substantial Equivalency in the Law & Process. To ensure that IDHR can maintain its eligibility as a FEPA agency under the contract with EEOC, IDHR must ensure that Illinois' laws prohibiting employment discrimination remain substantially equivalent with the federal equal employment laws. IDHR therefore reviews pending legislation to evaluate the impact the legislation may have on the substantial equivalency of Illinois' employment anti-discrimination laws. IDHR also recommends legislation that may be beneficial to maintaining the substantial equivalency of Illinois' employment anti-discrimination

Similarly, the Charge Processing Division will recommend changes to IDHR's administrative rules and regulations which are necessary to maintain the substantial equivalency of Illinois' law. IDHR also monitors and, if necessary, intervenes, in litigation that may impact the interpretation of the Illinois Human Rights Act or IDHR's ability to enforce Illinois' laws in a manner that is substantially equivalent to the federal laws.

### Table 2.1

#### Inquiries, Charges Filed, and Completed Investigations

Processing of <i>E-PA-FC-EI</i> Inquiries & Charges	FY 2022	FY 2023
Inquiries:	9,013	11,163
E-PA-FC-EI Charges Filed:	1,652	1,929
Completed Investigations:	2,280	2,152
Average Time to Complete Investigation (in days):	135.9	122.9

### Table 2.2

**Charges By Jurisdiction** 

E-PA-FC-EI Charges By Jurisdiction	FY 2022	Percentage	FY 2023	Percentage
Employment (E)	1514	91.65%	1,775	91.0%
Public Accommodations (PA)	136	8.23%	171	8.9%
Financial Credit (FC)	1	0.06%	1	0.1%
Educational Institutions (EI)	1	0.06%	2	0.1%
Total Charges	1,652	100%	1,929	100%

### Table 2.3

#### **Employment Charges By Bases of Discrimination**

Protected Bases	FY 2023	Percentage
Age	212	6.1%
Arrest Record	40	1.2%
Citizenship	12	0.3%
Color	71	2.1%
Marital Status	11	0.3%
Mental Disability	136	3.9%
Military Status	6	0.2%
National Origin	115	3.3%
Order of Protection	2	0.1%
Other	30	0.9%
Physical Disability	324	9.4%
Race	377	10.9%
Religion	81	2.3%
Sex Discrimination	660	19.1%
Retaliation	933	26.9%
Sexual Harassment	390	11.3%
Sexual Orientation (Gender Identity)	60	1.7%
Total Charges	3,460	100%

### Table 2.4

Public Accommodations Charges By Bases of Discrimination

Protected Bases	FY 2023	Percentage
Age	11	4.11%
Citizenship	6	2.3%
Color	15	5.6%
Mental Disability	38	14.3%
Military Status	4	1.5%
National Origin	14	5.3%
Other	3	1.1%
Physical Disability	65	24.4%
Race	53	19.9%
Religion	7	2.6%
Sex Discrimination	13	4.9%
Retaliation	21	7.9%
Sexual Orientation (Gender Identity)	16	6.0%
Total Charges Filed	266	100%

### Table 2.5

#### Investigation Findings for E-PA-FC-EI

Investigation Findings	FY 2022	Percentage	FY 2023	Percentage
Lack of Substantial Evidence	1,076	47.1%	987	45.8%
Settlements	356	15.6%	309	14.4%
Failure to Proceed	177	7.8%	175	8.1%
Withdrawn by Complaint	129	5.7%	109	5.1%
Substantial Evidence	144	6.3%	157	7.3%
Lack of Jurisdiction	170	7.5%	226	10.5%
Administrative Closure	107	4.7%	52	2.4%
Opt Outs	121	5.3%	137	6.4%
Total Investigations	2,280	100%	2,152	100%

### **Housing & Real Estate Transactions**

#### Fair Housing Division

The Fair Housing Division is responsible for investigating charges of unlawful discrimination involving real estate transactions for residential (housing) or commercial property.

It receives and investigates charges of discrimination involving residential and commercial real estate transactions on the bases of race, color, religion, sex (including sexual harassment), national origin, familial status (children under 18), pregnancy, ancestry, age (40 and over), marital status, physical and mental disability, sexual orientation (including gender related identity), military status, unfavorable discharge from military service, arrest record, and order of protection status. IDHR also investigates charges of discrimination involving retaliation, interference, or coercion in connection to a person's enjoyment of any of the protected housing rights.

### FY 2023 Milestones

To promote and further fair housing in Illinois, IDHR maintains close working relationships with various stakeholders:

- Federal Partnership. IDHR partners with the <u>U.S. Department of Housing and Urban Development (HUD)</u> through HUD's Fair Housing Assistance Program (FHAP). Under the Fair Housing Assistance Program, HUD enters into cooperative agreements with state or local governmental agencies, under which HUD refers housing discrimination charges to the FHAP agency for investigation. For a state or local agency to participate in the Fair Housing Assistance Program, HUD must certify that the agency's laws are substantially equivalent to the federal Fair Housing Act. Substantial equivalency means that the agency is essentially like HUD regarding the substantive rights protected by the agency, the procedures followed by the agency, the remedies available to the agency, and the availability of judicial review of the agency's actions. IDHR was recognized as a FHAP agency on an interim basis in 2002 and was fully certified in 2006. IDHR's certification was first renewed in 2012. IDHR's certification was renewed in 2012 and again in 2018 for another five years.
- Fair Housing Affiliations. IDHR collaborates with fair housing organizations (including the <u>Chicago Area Fair Housing Alliance</u>), municipalities, and other stakeholders. IDHR is also a member of the Illinois Housing Task Force on Affordable Housing, which coordinates strategies to meet the goals and objective identified to increase affordable housing for Illinois residents.

### Table 3.1

Fair Housing Inquiries, Charges Filed, and Completed Investigations

Processing of Housing Inquiries & Charges	FY 2022	FY 2023
Inquiries:	2,581	3,812
Charges Filed (Housing):	310	323
Completed Investigations:	237	275
Investigations Completed within 100 days:1	55 (23%)	51 (18%)
Average Time to Complete Investigation (in days):	207	272

1. HUD's goal for FHAP agencies in FY 2023 is to complete at least 50% of its investigations within 100 days. In FY 2023, IDHR completed 18% of its investigations (51 out of 275) within 100 days.

### Table 3.2

#### Fair Housing Charges By Bases of Discrimination

Protected Bases	FY 2023	Percentage
Age	8	2%
Arrest Record	1	0%
Color	2	1%
Family Status	20	5%
Marital Status	1	0%
Mental Disability	102	23%
Military Status	1	0%
National Origin	28	6%
Order of Protection	1	0%
Other	3	1%
Physical Disability	87	20%
Race	97	22%
Religion	3	1%
Sex Discrimination	31	7%
Retaliation	43	10%
Sexual Orientation / Gender Identity	6	1%
Total Charges	438	100%

### Table 3.3

#### Fair Housing Investigation Findings

Investigation Findings	FY 2022	Percentage	FY 2023	Percentage
Lack of Substantial Evidence	126	44%	119	43.3%
Settlements	62	22%	53	19.3%
Failure to Proceed	60	21%	52	18.9%
Withdrawn by Complaint	20	7%	22	8.0%
Substantial Evidence	13	5%	23	8.4%
Lack of Jurisdiction	5	2%	6	2%
Administrative Closure	2	1%	0	0%
Total Investigations	288	100%	275	100%

### Table 4.1

#### All Charges Filed By County

	Jurisdiction							
County	Employment	Financial Credit	Housing	Public Accommodations	Education	Total		
Adams	9	0	1	1	0	11		
Bond	2	0	0	0	0	2		
Boone	7	0	0	1	0	8		
Brown	1	0	0	0	0	1		
Bureau	2	0	0	0	0	2		
Cass	3	0	0	0	0	3		
Champaign	41	0	8	7	0	56		
Christian	1	0	1	0	0	2		
Clay	3	0	0	0	0	3		
Clinton	3	0	0	0	0	3		
Coles	6	0	4	0	0	10		
Cook	811	1	181	93	0	1086		
Crawford	8	0	0	0	0	8		
DeKalb	14	0	3	1	0	18		
Dewitt	1	0	0	0	0	1		
DuPage	152	0	23	7	0	182		
Edgar	3	0	0	0	0	3		

	Jurisdiction					
County	Employment	Financial Credit	Housing	Public Accommodations	Education	Total
Effingham	6	0	0	0	0	6
Franklin	2	0	2	0	0	4
Fulton	1	0	1	0	0	2
Gallatin	1	0	0	0	0	1
Grundy	10	0	1	0	0	11
Hamilton	3	0	0	0	0	3
Hancock	2	0	0	0	0	2
Henry	3	0	0	0	0	3
Jackson	2	0	2	1	0	5
Jefferson	1	0	1	0	0	2
Jersey	1	0	0	0	0	1
Jo Daviess	2	0	2	0	0	4
Johnson	2	0	0	0	0	2
Kane	46	0	9	2	0	57
Kankakee	12	0	2	1	0	15
Kendall	7	0	1	0	0	8
Knox	2	0	0	2	0	4
Lake	86	0	16	7	0	109
LaSalle	13	0	2	1	0	16
Lawrence	0	0	0	2	0	2
Lee	5	0	3	0	0	8
Livingston	3	0	0	0	0	3
Logan	4	0	0	1	0	5
Macon	27	0	2	0	0	29
Macoupin	1	0	0	0	0	1
Madison	40	0	7	5	2	54
Marion	5	0	3	0	0	8
Mason	2	0	0	0	0	2
McDonough	1	0	1	0	0	2
McHenry	41	0	4	0	0	45
McLean	30	0	1	3	0	34
Monroe	1	0	2	0	0	3
Montgomery	3	0	0	0	0	3
Morgan	1	0	1	0	0	2

	Jurisdiction						
County	Employment	Financial Credit	Housing	Public Accommodations	Education	Total	
Ogle	2	0	0	0	0	2	
Peoria	34	0	4	4	0	42	
Perry	1	0	0	0	0	1	
Piatt	0	0	0	1	0	1	
Pulaski	3	0	0	0	0	3	
Randolph	3	0	1	0	0	4	
Richland	0	0	1	1	0	2	
Rock island	30	0	7	1	0	38	
Saline	2	0	0	0	0	2	
Sangamon	78	0	2	13	0	93	
Shelby	2	0	0	0	0	2	
St Clair	38	0	5	5	0	48	
Stark	1	0	0	0	0	1	
Stephenson	4	0	0	1	0	5	
Tazewell	12	0	3	5	0	20	
Union	4	0	0	1	0	5	
Vermillion	10	0	1	2	0	13	
Warren	2	0	1	0	0	3	
Washington	0	0	1	0	0	1	
Wayne	2	0	0	0	0	2	
White	3	0	0	0	0	3	
Whiteside	1	0	0	0	0	1	
Will	62	0	9	1	0	72	
Williamson	6	0	1	0	0	7	
Winnebago	21	0	3	1	0	25	
Woodford	1	0	0	0	0	1	
Grand Total	1,755	1	323	171	2	2,252	

### **Mediation Services**

#### **Mediation Unit**

IDHR's Mediation Program offers opposing parties the opportunity to negotiate a settlement of charges of discrimination rather than go through a full, time-consuming investigation. Mediation is a form of <u>Alternative Dispute Resolution (ADR)</u> and is conducted by a trained and experienced Mediator. Mediators facilitate communication and help to ensure that both parties are satisfied with the resolution. It is an informal process that gives both parties the opportunity to hear each other's concerns, address misunderstandings and work towards a resolution.

Since its inception as a pilot program in July 1994, IDHR's Mediation Unit has provided parties of alleged discrimination in the areas of employment, sexual harassment and public accommodations, the opportunity to settle cases prior to an investigation. The parties meet with an IDHR Human Rights Mediator in a confidential and non-confrontational atmosphere to discuss settlement options. Mediation provides opposing parties an opportunity to reach a voluntary negotiated resolution of a charge of discrimination. The Mediator helps facilitate communication between the parties as they explore terms of settlement to resolve the charge and eliminate the need for an investigation. If the parties fail to reach a resolution, the case is returned to the Investigations Unit. If there is no settlement, Mediation does not affect the investigative process.

### FY 2023 Milestones

- Mediation Conferences. The Mediation Unit held 156 mediation conferences and resolved 119 cases. As a result, both Complainants and Respondents saved a significant amount of time and resources. Participants in the Mediation Program have consistently shared they were very satisfied with all aspects of the mediation process.
- Local Partnership. The IDHR Mediation Team also partners with Loyola University Mediation Program to provide law students the opportunity to work alongside skilled and highly trained Mediators. Law students gain real-world experience and support by mediating cases for Complainants and Respondents who do not have legal representation.
- Professional Development. IDHR Mediators participated in hours of continuous learning, professional development, and growth opportunities to expand skills and knowledge in delivering high quality Mediation services. Trainings included Certification in Conflict Resolution for Mediators, HUD National Fair Housing Certification-Basics of Fair Housing, and the EEOC FEPA Annual Conference.

### Table 5.1

Mediation Activities	FY 2022	FY 2023	
Mediation Conferences Held:	176	156	
Conferences w/ Resolution:	106	119	
<b>Resolution Success Rate:</b>	60.2%	76%	
Monetary Settlements:	\$2,296,426	\$1,985,046	

### **Office of the Chief Legal Counsel**

### Legal Division

The Legal Division reviews the investigative work of the Illinois Department of Human Rights (IDHR), manages the Liaison Unit and oversees IDHR's ethics program. Additionally, Legal enforces the equal employment opportunity and affirmative action programs under the Illinois Human Rights Act and the Department Rules and Regulations, reviews legislation and proposed legislation, represents the Department in responding to U-Visa Certification requests, and represents IDHR on panels and workshops and other public speaking engagements.

 Legal Support for Investigations. Attorneys in the Legal Division are assigned to the Fair Housing and Employment Units. Both units review substantial evidence determinations, conciliate cases, draft, and file complaints with the Commission, respond to Requests for Review, respond to motions filed with the Commission and Orders issued by the Commission and Administrative Law Judges, conduct legal research, and provide advice to Department staff. The Fair Housing attorneys also litigate cases before the Commission, respond to Freedom of Information Act requests, and subpoenas issued by parties before the Commission, Illinois Circuit Court, and Federal District Court.

### Table 6.1

Substantial Evidence Reviews	FY 2022	FY 2023
Employment/Other Cases:	147	155
Fair Housing Cases:	20	20
Complaints	FY 2022	FY 2023
Employment/Other Cases:	50	64
Fair Housing Cases:	15	11
Responses to Requests for Review	FY 2022	FY 2023
Employment/Other Cases:	222	202
Fair Housing Cases:	28	33

### Liaison Unit: EEO/AA

IDHR administers and enforces the Equal Employment Opportunity and Affirmative Action provisions of the Act and Department Rules and Regulations through the State Agency Liaison Unit (Liaison Unit) The Liaison Unit ensures compliance by state executive departments, state agencies, boards, commissions, and instrumentalities (collectively, state entities). All state entities are required to submit affirmative action plans, quarterly reports, and layoff reports to the Department.

The Liaison Unit reviews the reports for conformance with the Act and Department Rules and Regulations. Additionally, the Liaison Unit monitors each state entity to ensure compliance with goals established in the state entity's affirmative action plan. The Liaison Unit provides ongoing technical assistance and training to Equal Employment Opportunity/ Affirmative Action (EEO/AA) Officers of state entities on the requirements of the Act and Department Rules and Regulations. State entities that fail to meet their EEO/AA goals are required to establish training programs with the Illinois Department of Central Management Services.

### **Office of the Chief Legal Counsel**

Further, IDHR is required to report the identity of any State agency that fails to comply with the requirements of the Act and the circumstances surrounding such violation. In FY2023, no agencies were recommended to establish training with the Department of Central Management Services in accordance with Section 7-105 (H) of the Human rights Act.

### FY 2023 Milestones

To ensure state entities were meeting the minimum compliance criteria, the Liaison Unit:

- Responded to 729 technical assistance inquiries from state agencies.
- Approved 71 affirmative action plans submitted by state agencies.
- Met with EEO/AA Officers regarding their agencies' affirmative action performance.
- Conducted an analysis of executive State Agencies' underutilization for each of the affirmative action groups.
- Provided numerous documents, publications, announcements and information to agency EEO/ AA Officers and ADA Coordinators to assist recruitment efforts and give them updated, relevant information.
- Provided individual training sessions for new EEO/ AA Officers on the development of affirmative action plans and quarterly reports.
- Revised the hire and promotion monitors.
- Revised the civilian labor force data for FY23.
- Met with the Department of Employment Security's Manager of Labor Analysis to review the U. S. Census, Department of Justice, U. S. Department of Labor data reports and the EEOC data reports that is used for the availability analysis for the affirmative action plan.
- Attended the U. S. Census Bureau's meeting on the race and ethnic standards regarding adding the Middle Eastern or North African category.
- Attended a meeting on the disability survey which included Department of Central Management Services, Department of Human Services, Department of Employment Security and Department of Innovation & Technology. Research the public acts regarding the disability survey.
- Participated on the Interagency Committee on Employees with Disabilities (ICED) reasonable accommodation committee to create interagency equipment and accommodations transference process for employees with a disability.
- Granted extensions to submit their affirmative action plans to the following agencies and commissions: Deaf and Hard of Hearing Commission, Educational Labor Relations Board, Executive Ethics Commission, Department of Financial & Professional Regulation, Department of Military Affairs, Department of Natural Resources, Power Agency, and Treasurer's Office.
- Sent Affirmative Action Plan Late Notice to: Emergency Management Agency.
- Granted extensions to submit their quarterly report to the following agencies: Attorney General's Office, Department of Financial & Professional Regulation, Department of Natural Resources and Department of Transportation.
- Approved layoff reports for the following agencies: Department of Corrections, Department of Human Services and Department of Public Health.

### Management Operations & Information Systems (MOIS)

The Management Operations and Information Systems division of IDHR (MOIS) supports general office operations, facilities and equipment, and the core information systems that enable the IDHR to serve people from across the State. IDHR works in concert with the State of Illinois Department of Innovation and Technology (DoIT) and Central Management Services (CMS) to ensure all employees have the tools and resources to uphold IDHR's mission. This division also supports strategic planning and technological advancements at IDHR, to enhance efficiency and help broaden access to IDHR services.

### FY 2023 Milestones

- **Support Requests**. MOIS serviced IDHR employee and contractor needs, addressing more than 3,400 internal support requests, in addition to regular operational and IT support activities.
- Website Management. MOIS completed IDHR's participation in the state-wide Website Modernization Project, migrating IDHR's four administered sites to a new platform with greater accessibility, more features, and enhanced navigation options – enabling more than 174,000 site visitors to experience a more accessible IDHR in this new platform in FY 2023.
- Accessibility. MOIS implemented new ways for customers and constituents to reach IDHR more efficiently, including advanced online contact forms as well as online requests of the Department's Institute for Training and Development. More than 9,400 website visitors utilized enhanced contact and request forms in FY 2023 alone.
- **Remote Work.** MOIS enhanced equipment provisioning standards and remote work protocols for more than 150 employees and contract support specialists.
- Innovation. MOIS advanced IDHR's multi-year project to upgrade its core electronic case management system to a modern platform – furthering the vision to provide constituents expanded online access to IDHR's investigations services.

### **Fiscal Administration**

Funds were appropriated for IDHR in the amount of \$30,813,200 during FY 2023, reflecting an original appropriation of \$20,813,200 plus \$5,000,000 that was initially deposited into the Hate Crimes and Bias incident and Prevention Fund within the General Revenue Fund and \$5,000,000 for the creation of the Eradication of Hate Crimes Fund that authorized expenditures from that fund. General Revenue Funds totaled \$15,418,400. Other State Funds were \$600,000. Special Projects Funds or federal dollars appropriated were \$4,794,800 in contracts with:

- The U.S. Equal Employment Opportunity Commission (EEOC) to investigate dual-filed employment discrimination charges (\$675,571).
- The U. S. Department of Housing and Urban Development (HUD) to process dual-filed housing discrimination complaints and conduct special projects (\$609,187).

Expenditures for FY 2023 totaled \$19,052,458, of which \$17,705,095 derived from General Revenue Funds, \$1,284,758 derived from Special Projects Funds, and \$62,606 derived from Other State Funds.

### FY 2023 Milestones

During FY 2023, IDHR had the following accomplishments:

- Awarded a federal grant from The Department of Justice to establish a Hate Crimes Reporting Helpline totaling \$1,116,000.
- Appropriated \$5,000,000 for the Commission on Hate Crimes and Discrimination for eradication of hate crimes.
- Granted oversight of a \$1,000,000 grant for the Mobile Museum of Tolerance (MMOT) administered by the Simon Wiesenthal Center. The MMOT relationship with IDHR begins in FY 2024.

#### End-of-the-Year Headcount

- FY 2021: 129
- FY 2022: 118
- FY 2023: 124

### **Fiscal Administration**

### Figure 7.1

Expenditure Statement

Category	Amount
Personnel Services	10,745,929
Interfund Cash Transfers	5,000,000
Information Technology	898,938
State Contributions to Social Security	760,961
Contractual Services	275,742
State Contributions to State Employees Retirement System	224,792
Rent	680,673
Telecommunications Services	163,326
Rental of office equipment	522
Repairs and maintenance	5,750
Operation of automotive equipment	30,254
Commodities	18,794
Printing	8,033
Travel	138,761
Group Insurance	13,440
Other	23,858
Educational and Instructional supplies	15,052
Furniture and equipment	39,275
Software	1,295
Office supplies	7,065
Grand Total	\$19,052,458

### **Fiscal Administration**

### **Public Contracts Unit**

When the Illinois Human Rights Act merged the Fair Employment Practices Commission (FEPC) into the new <u>Illinois Department of Human Rights</u>, the Public Contracts Unit (PCU) was established and functions that had been handled by the FEPC were taken over by IDHR.

The Public Contracts Unit (PCU) was created to enforce provisions of the Illinois Human Rights Act and the Department's Administrative Rules that apply to public contractors and eligible bidders who wish to do business with they state. They are require them to refrain from unlawful discrimination, undertake affirmative action in employment, and develop a written sexual harassment policy policies, procedures, and efforts expended by the contractor toward meeting its EEO/AA obligations.

### FY 2023 Milestones

- **Employer Report Forms.** Received a combination of 1,931 Employer Report Forms submitted by potential bidders, public contractors and eligible bidders seeking to establish state eligibility status to competitively bid on state contracts. This is a 21.60% increase from FY2022.
- Initial Registrants. Processed 611 Employer Report Forms from initial registrants applying for an IDHR Eligibility number.
- **Renewals.** Processed 1,169 Employer Report Forms from public contractors and eligible bidders seeking to renew their existing eligibility status.
- Inquiries. Responded to 6,539 inquiries from government and non-government contracting entities, eligible bidders reinstating their eligibility status, potential bidders applying for a new IDHR number, and other interested parties. Additionally, addressed EEO/AA questions relating to requirements for sexual harassment policies, contractor's EEO/AA obligations, audit questions, PCU registration process, procedures for monitoring a workforce as well as filled numerous requests for how to obtain an Employer Report Form (PC-1).
- Renewal Notifications. Sent renewal notifications to 1,077 public contractors and eligible bidders reminding them that their IDHR Public Contracts Number was about to expire or had expired.
- Community Engagement. In alignment with the PCU DEIA plan, the Unit participated in several outreach events including the Illinois Legislative Black Caucus Foundation's Business Exchange Forum educating participants about the registration, compliance, and enforcement components of the PCU.
- **Outstanding Audits.** Cleared all the outstanding audits, better positioning IDHR to improve audit processes under a new system effective January 2024.

### Table 8.1

IDHR Eligibility Number Status	FY 2022	FY 2023
Active:	8,850	9,948
Canceled:	719	752
Inactive:	150	586
Revoked:	60	67
Suspended:	0	3
Total	9,779	11,356

# HumanRights

#### In Chicago:

555 West Monroe Street 7th Floor Chicago, IL 60661 (312) 814-6200 (800) 662-3942 (Voice) (866) 740-3953 (TTY)

#### In Springfield:

524 S. Second Street 3rd Floor Springfield, IL 62701 (217) 785-5100 (Voice) (866) 740-3953 (TTY)

#### **Online:**

dhr.illinois.gov

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