

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST:)	
FOR REVIEW BY:)	CHARGE NO.: 2008CF3096
)	EEOC NO.: 21BA81896
VIOLETA ROMERO,)	HUD NO.: N/A
)	ALS NO.: 09-0094
Complainant.)	

ORDER

This matter coming before the Commission by a panel of three, Commissioners Sakhawat Hussain, M.D., Spencer Leak, Sr., and Rozanne Ronen presiding, upon Complainant's Request for Review ("Request") of the Notice of Dismissal issued by the Department of Human Rights ("Department") of Charge No. 2008CF3096, Violeta Romero, Complainant, and International Paper Company, Respondent; and the Commission having reviewed *de novo* the Department's investigation file, including the Investigation Report and the Complainant's Request, and the Department's response to the Complainant's Request; and the Commission being fully advised of the premises;

NOW, THEREFORE, it is hereby **ORDERED** that the Department's dismissal of the Complainant's charge is **SUSTAINED** on the following ground:

LACK OF SUBSTANTIAL EVIDENCE

In support of which determination the Commission states the following findings of fact and reasons:

1. On May 1, 2008, the Complainant filed a charge of discrimination with the Department, in which she alleged that the Respondent subjected her to sexual harassment, in violation of § 2-102(D) of the Illinois Human Rights Act ("Act"). On January 26, 2009, the Department dismissed the Complainant's charge for lack of substantial evidence. On February 27, 2009, the Complainant filed a timely request for review.

2. The Department's investigation revealed that the Complainant is the only female Machine Operator at the Respondent, a producer of paper and packaging products. The Complainant was hired by the Respondent in October 1994.

3. During the Department's investigation, the Complainant alleged three incidents of sexual harassment: (a) in February 2008, Gregory Muscari ("Muscari"), a co-worker, placed sexually suggestive photographs in a work area; (b) in February/March

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2008, the Complainant's desk calendar was torn and an inappropriate picture was placed on top of the torn pieces; and (3) in April 2008, the Complainant's co-worker found a sexually suggestive photograph on the Complainant's computer monitor.

4. The Department's investigation showed that the Respondent has an Equal Employment Opportunity Policy Against Harassment, which prohibits harassing conduct, including visual harassment, even if the actions prohibited do not rise to a level of legally actionable conduct.

5. The Department's investigation also revealed that the Respondent was notified of the first February 2008 incident and removed the pictures. Further, the Respondent addressed inappropriate pictures with its supervisors in a memorandum, stating that such material was unacceptable and would not be tolerated. Additionally, the Respondent conducted a meeting with the Complainant, two union representatives, and Muscari to discuss the Respondent's Anti-Harassment policy and the inappropriate pictures.

6. In her Request, the Complainant alleges that she has endured harassment for the past seven years and argues that the Department's dismissal of her charge should be vacated.

7. The Commission's review of the investigation file leads it to conclude that the Department properly dismissed the Complainant's charge because the Complainant did not provide evidence that the Respondent failed to take reasonable corrective action after learning of the Complainant's allegations. If no substantial evidence of discrimination exists after the Department's investigation of a charge, the charge must be dismissed. See 775 ILCS 5/7A-102(D)(2008).

8. An employer may be held liable for the sexual harassment of its employee by a co-worker only if the employer becomes aware of the conduct and thereafter fails to take reasonable corrective measures. 775 ILCS 5/2-102(D). The investigation file shows that once the Complainant informed the Respondent of Muscari's alleged sexually harassing behavior, the Respondent took reasonable corrective measures in promptly issuing a memo addressing inappropriate pictures at the workplace and holding a meeting with the Complainant and Muscari. There is no evidence in the investigation file that the Respondent was made aware of the subsequent two alleged incidents of sexual harassment.

9. While it appears to the Commission that the Complainant has unfortunately endured unpleasant working conditions with her co-workers, the facts present in this charge of discrimination do not present substantial evidence of sexual harassment since the Respondent took reasonable corrective measures promptly after becoming aware of the alleged sexual harassment.

10. Accordingly, it is the Commission's decision that the Complainant has not presented any evidence to show that the Department's dismissal of her charge was not in accordance with the Act. The Complainant's Request is not persuasive.

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THEREFORE, IT IS HEREBY ORDERED THAT:

The dismissal of the Complainant's charge is hereby **SUSTAINED**.

This is a final Order. A final Order may be appealed to the Appellate Court by filing a petition for review, naming the Illinois Human Rights Commission, the Illinois Department of Human Rights, and Respondent, International Paper Company, as appellees, with the Clerk of the Appellate Court within 35 days after the date of service of this order.

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Entered this 20th day of May 2009.

Commissioner Sakhawat Hussain

Commissioner Spencer Leak, Sr.

Commissioner Rozanne Ronen