

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
ILLINOIS, EASTERN DIVISION

Randall Malkowski v. Illinois Department of Corrections

Malkowski · No. 22-cv-006830 · Decided March 24, 2026

SUMMARY

The United States District Court for the Northern District of Illinois denies the Illinois Department of Corrections’ motion for summary judgment in Randall Malkowski’s Title VII retaliation action. The court holds that a reasonable jury could find the claim timely under the continuing-violation theory and could find materially adverse employment actions and a causal connection between Malkowski’s protected report of sexual harassment and subsequent workplace treatment. The opinion also addresses the admissibility of several statements offered in support of the retaliation claims.

CASE DETAILS

COURT	United States District Court for the Northern District of Illinois, Eastern Division
WRITING FOR THE COURT	Sharon Johnson Coleman
JURISDICTION	United States District Court for the Northern District of Illinois, Eastern Division
DECIDED	March 24, 2026
DOCKET	22-cv-006830
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff brought a Title VII retaliation action against the Illinois Department of Corrections. The defendant moved for summary judgment, arguing that the claim was untimely and that the evidence did not establish materially adverse action or a causal connection to protected activity.
STANDARD OF REVIEW	Summary judgment is appropriate when there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. The court views the evidence and draws reasonable inferences in the light most favorable to the nonmoving party.
PRECEDENTIAL VALUE	unpublished district court opinion

TOPICS

retaliation

title vii

hostile work environment

summary judgment

hearsay

PRACTICE AREAS

employment law

civil rights

federal employment law

evidence

civil procedure

QUESTIONS PRESENTED

1. Whether Malkowski's Title VII retaliation claim was time-barred because the alleged retaliatory acts before the 300-day filing period were discrete acts.
2. Whether a reasonable jury could find that IDOC subjected Malkowski to materially adverse actions under Title VII's antiretaliation provision.
3. Whether a reasonable jury could find a causal connection between Malkowski's protected activity and the alleged adverse employment actions.
4. Whether certain employee statements proffered by Malkowski were admissible as non-hearsay statements of an opposing party's employee.

HOLDINGS

1. The claim could not be foreclosed as untimely at summary judgment because a reasonable jury could find that at least one act within the filing period contributed to the same continuing hostile and retaliatory work environment as the earlier conduct.
2. The alleged transfer to a nonadministrative, lower-paying role, berating by supervisors, disciplinary referrals and suspensions, repeated denials of time off, and combination of those actions were sufficient to create a triable issue on materially adverse action.
3. Malkowski presented sufficient evidence to create a triable issue concerning whether his protected report of sexual harassment was a but-for cause of the alleged adverse employment actions.
4. Statements by IDOC employees concerning matters within the scope of their employment and related to the employment actions at issue were admissible as opposing-party statements and could be considered at summary judgment; an assertion based on unidentified hearsay concerning Officer Gordon was excluded.

KEY QUOTATIONS

“The Court will not foreclose Malkowski’s claims as untimely because a reasonable jury could conclude that one of the acts after the Filing Period contributed to and continued his hostile and retaliatory work environment that began prior to the Filing Period.”

“The Court believes that Malkowski has provided sufficient proof of an adverse employment action to survive summary judgment.”

“Based on the evidence before the Court, Malkowski: has, at minimum, established a triable issue of fact on the causal link between these adverse actions.”

FACTUAL BACKGROUND

Malkowski, a longtime Illinois Department of Corrections correctional officer and supervisor, alleged that Acting Warden Sherwin Miles subjected him to sexually harassing questions on June 14, 2019, threatened retaliation if he reported the conduct, and later participated in adverse employment actions against him. After Malkowski reported the incident, he alleged that he was transferred to a less desirable, lower-paying role, subjected to disciplinary referrals and suspensions, repeatedly reassigned, berated by supervisors, and denied vacation requests. He also alleged that Miles's quasi-familial relationship with supervisor Edward Jacob contributed to continuing retaliation and a hostile work environment. IDOC disputed the underlying interactions and the retaliatory inferences.

PROCEDURAL HISTORY

Malkowski filed a charge of discrimination with the Illinois Department of Human Rights on December 21, 2021, and cross-filed it with the EEOC. After the IDHR dismissed the charge and the EEOC issued a right-to-sue notice, Malkowski filed this action and later amended his complaint. The district court denied IDOC's motion for summary judgment, concluding that a reasonable jury could find the claim timely under a continuing-violation theory and could find materially adverse retaliatory actions causally connected to Malkowski's protected activity.

DISPOSITION

other

CASES CITED

- *Cairel v. Alderden*, 821 F.3d 823 (7th Cir. 2016)
- *Simple v. Walgreen Co.*, 511 F.3d 668 (7th Cir. 2007)
- *Boutros v. Avis Rent A Car System, LLC*, 802 F.3d 918 (7th Cir. 2015)
- *Spurling v. C & M Fine Pack, Inc.*, 739 F.3d 1055 (7th Cir. 2014)
- *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242 (1986)
- *Logan v. City of Chicago*, 4 F.4th 529 (7th Cir. 2021)
- *Mollet v. City of Greenfield*, 926 F.3d 894 (7th Cir. 2019)
- *Rizzo v. Sheahan*, 266 F.3d 705 (7th Cir. 2001)
- *National Railroad Passenger Corp. v. Morgan*, 536 U.S. 101 (2002)
- *Brown v. Illinois Department of Natural Resources*, 499 F.3d 675 (7th Cir. 2007)
- *Swanson v. Village of Flossmoor*, 794 F.3d 820 (7th Cir. 2015)
- *Barrett v. Illinois Department of Corrections*, 803 F.3d 893 (7th Cir. 2015)
- *Limestone Development Corp. v. Village of Lemont, Illinois*, 520 F.3d 797 (7th Cir. 2008)
- *Burlington Northern & Santa Fe Railway Co. v. White*, 548 U.S. 53 (2006)
- *Huri v. Office of the Chief Judge of the Circuit Court of Cook County*, 804 F.3d 826 (7th Cir. 2015)
- *Whittaker v. Northern Illinois University*, 424 F.3d 640 (7th Cir. 2005)
- *Carlson v. CSX Transportation, Inc.*, 758 F.3d 819 (7th Cir. 2014)
- *Coleman v. Donahoe*, 667 F.3d 835 (7th Cir. 2012)

- *Nachampassack v. Illinois State Toll Highway Authority*, 2022 WL 952356 (N.D. Ill. Mar. 30, 2022)
- *Sanders v. Chicago Transit Authority*, 2020 WL 5253867 (N.D. Ill. Sept. 3, 2020)

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