

2026 IL App (4th) 250868

NO. 4-25-0868

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

FILED

September 10, 2026

Carla Bender

4th District Appellate
Court, IL

SOUTHWESTERN ILLINOIS COLLEGE,	)	Direct Review from the
Petitioner,	)	Illinois Educational Labor
v.	)	Relations Board
DANIEL MEHRMANN; THE ILLINOIS	)	
EDUCATIONAL LABOR RELATIONS BOARD;	)	No. 2023-CA-00004-C
LARA D. SHAYNE, in Her Official Capacity as	)	
Chairman of the Illinois Educational Labor Relations	)	
Board; STEVEN GROSSMAN, in His Official Capacity	)	
as a Member of the Illinois Educational Labor Relations	)	
Board; CHAD D. HAYS, in His Official Capacity as a	)	
Member of the Illinois Educational Labor Relations	)	
Board; MICHELLE ISHMAEL, in Her Official Capacity	)	
as a Member of the Illinois Educational Labor Relations	)	
Board; and VICTOR E. BLACKWELL, in His Official	)	
Capacity as Executive Director of the Illinois Educational	)	
Labor Relations Board,	)	
Respondents.	)	

JUSTICE LANNERD delivered the judgment of the court, with opinion.
Justices Zenoff and Doherty concurred in the judgment and opinion.

OPINION

¶ 1 Petitioner, Southwestern Illinois College (College), appeals from an order of respondent, the Illinois Educational Labor Relations Board (Board), finding the College violated section 14(a)(1) of the Illinois Educational Labor Relations Act (Act) (115 ILCS 5/14(a)(1) (West 2022)) when it terminated respondent Daniel Mehrmann’s employment. On appeal, the College asserts the Board clearly erred in finding and concluding that (1) Mehrmann’s grievance was a motivating factor for his employment dismissal and (2) there were no legitimate business reasons

to terminate Mehrmann’s employment, regardless of his grievance. Mehrmann and respondents, Chairman Lara D. Shayne, Member Steven Grossman, Member Chad D. Hays, Member Michelle Ishmael, the Board, and Executive Director Victor E. Blackwell (State Respondents) assert the Board did not clearly err in determining that the College violated section 14(a)(1) of the Act when it dismissed Mehrmann because he engaged in protected activity. We affirm.

¶ 2

I. BACKGROUND

¶ 3

A. Charge and Complaint

¶ 4

On August 12, 2022, Mehrmann filed an unfair labor practice charge with the Board pursuant to section 14 of the Act. The charge alleged violations of section 14(a)(1) of the Act arising out of the termination of Mehrmann’s employment as an adjunct professor at the College. Specifically, Mehrmann alleged the College retaliated against him by terminating his employment after he engaged in the protected activity of filing a grievance through his labor union, Southwestern Illinois College Adjunct Faculty Union, Local 6270, IFT-AFT, AFL-CIO (Union), on January 24, 2022. Mehrmann also alleged the College misclassified his employment in relation to his seniority to “terminate his employment with impunity and bypass the union contract.”

¶ 5

On November 18, 2022, following an investigation, Blackwell issued a complaint and notice of hearing related to Mehrmann’s unfair labor practice charge. The complaint alleged Mehrmann engaged in protected activity under the Act when he filed a grievance with the Union. The complaint further alleged the College violated section 14(a) of the Act when it terminated Mehrmann’s employment in retaliation for engaging in said protected activity.

¶ 6

B. Hearing

¶ 7

In May 2023, Administrative Law Judge (ALJ) Dawn Harden conducted an evidentiary hearing on the Board’s complaint. Both parties appeared at the two-day hearing, in

which seven witnesses testified: Mehrmann; Dr. Ashley Becker and Kristen Ruppert-Leach, two deans at the College; Lana Turley, a field services director at the Illinois Federation of Teachers; Chad Musgrave, president of the Union; Gina Segobiano, the College's chief academic officer; and Kim Thompson, the College's director of human resources. A summary of the evidence presented at the hearing follows.

¶ 8 Mehrmann testified he had been an adjunct professor at the College since the fall of 2003. Mehrmann is a professional audio engineer and began his career at the College by teaching one or two classes in the then-nascent music technology department. Mehrmann testified he helped “buil[d] the program from scratch all the way up until 2022.” At the time of Mehrmann's termination, the music technology department offered associate's degrees as well as certificates to its students. Mehrmann personally taught every course in the music technology program.

¶ 9 Dr. Becker testified that in late 2021 and early 2022, the College participated in several review processes to retain its accreditation with the State of Illinois. Relevant to this case, the College conducted a “program review” for the Illinois Community College Board (ICCB). The ICCB, a state agency that regulates Illinois's community colleges, requires schools to review the success of their degree and certificate programs. See 110 ILCS 805/2-4 (West 2022). During a program review, the College and the ICCB investigate “enrollment, graduation, completion, [and] retention” rates, as well as a program's finances, to ensure programs are fiscally viable. See *id.* In early December 2021, as part of her duties as interim dean of liberal arts, Dr. Becker conducted the program review for the College's music technology program. Her review revealed “diminishing enrollment” in the program. Partly due to this low enrollment, Dr. Becker recommended the College discontinue the music technology degree program and “teach out” the currently enrolled students. This meant the program would be discontinued, but the College would

devise a plan to ensure currently enrolled students could complete their degree in a timely manner. In September 2022, the College’s curriculum committee approved the teach-out plan for the music technology degree. In January 2023, the College’s personnel, programs, and services committee approved the elimination of the degree. That same month, the College’s Board of Trustees also approved the elimination of the degree. Following the elimination of the music technology degree, the College continued to offer music technology courses as part of a certificate program.

¶ 10 While developing the teach-out plan in late spring 2022, Dr. Becker required that students pursuing a music technology degree must complete the program by December 2023. To accomplish this, the College offered more music technology courses per semester than Mehrmann could teach as an adjunct professor. Therefore, Dr. Becker testified, the College sought to hire another adjunct professor to teach music technology classes. When creating the job posting for the adjunct professor and outlining the “minimum instructor requirements” for an adjunct professor, Dr. Becker discovered that Mehrmann did not have a master’s degree.

¶ 11 According to ICCB policy, instructors were expected to have “[g]raduate work through the master’s degree in the assigned field or area of responsibility *** *except in those areas in which the work experience and related training is the principal learning medium.*” (Emphasis added.) Accordingly, the ICCB expected that all faculty who taught “transfer courses” would have a master’s degree. Faculty teaching “career and technical education” courses were not required to have a master’s degree, but they were expected to have appropriate credentials in the field and significant work experience. Furthermore, “[i]n the fields of music and physical education, the ICCB attempts to provide a greater degree of flexibility given the complicated nature of assessing music faculty (*e.g.*, the performance based aspect of music).” When Dr. Becker advertised the job

for a new music technology professor, one of the requirements was that the applicant possess a master's degree. Dr. Becker hired an individual who met this requirement.

¶ 12 In late December 2021, while reviewing his upcoming course schedule, Mehrmann found that he would not be teaching Music 155 in the spring 2022 semester, which was a continuation of another course he was teaching in the fall 2021 semester. Mehrmann's supervisors advised him they were hiring an additional instructor to teach the course. He believed that he had requested to teach Music 155 on a "preference sheet" that he submitted to the College. In response to his inquiry, his superiors informed him that he had not listed Music 155 on his preference sheet, which was why they did not assign him the course. Mehrmann promptly filed a grievance on January 24, 2022. Dr. Becker, on behalf of the College, denied the grievance four days later.

¶ 13 After his grievance was denied, Mehrmann reached out to the Union for assistance. The president of the Union, Musgrave, contacted Dr. Becker to investigate the denial. His investigation included several e-mails with Dr. Becker and an in-person meeting. Ultimately, Musgrave determined Mehrmann had not requested to teach Music 155 in the spring 2022 semester, and he passed this information along to the Union's executive board. The executive board, in turn, decided not to pursue Mehrmann's grievance. During the spring 2022 semester, Mehrmann taught four courses.

¶ 14 When the spring 2022 semester concluded, Mehrmann believed he would be returning to teach in the fall 2022 semester. Mehrmann stated he received a "welcome back e-mail" in July advising him of the date for his department's first meeting of the academic year. However, on August 3, 2022, Mehrman received a memorandum notifying him that his employment was being terminated "without cause." The memorandum also stated that, under the collective bargaining agreement (CBA), Mehrmann did not have enough seniority to require the

College to pursue Union disciplinary or grievance procedures to terminate his employment, and his employment would terminate at the end of the spring 2022 semester.

¶ 15 Mehrmann contacted the College's human resources department; however, they told him they did not accept complaints. He also tried to meet with Segobiano, the College's chief academic officer, but she was unavailable. Ultimately, he e-mailed Segobiano and explained that he believed he was being terminated as "an act of direct retaliation from *** [Dr.] Becker and Kristen Ruppert-Leach," the head of his department. Mehrmann eventually received an e-mail from Segobiano, who stated that Mehrmann's termination was "due to lack of enrollment and sustainability for the music technology program." Although Segobiano was willing to meet with Mehrmann, she advised him that "scheduling a meeting with [her] would not change any outcome." Mehrmann did not meet with any member of the College after he was terminated.

¶ 16 At the hearing, Dr. Becker explained that she "would not have been able" to allow Mehrmann to continue teaching beyond his work in the spring 2022 semester because he lacked a master's degree. However, Dr. Becker admitted that she had never spoken to Mehrmann or told him that he lacked the qualifications to teach music technology courses. She testified she did not have time to have a conversation with him about his termination because she was "focused on trying to find qualified faculty" to teach out the music technology program and, "under the [CBA], [she] did not have to give him cause."

¶ 17 Mehrmann also contacted the Union regarding his termination. Musgrave informed him that due to Mehrmann's lack of seniority, the Union could not grieve his dismissal without cause under the terms of the CBA. After his dismissal, the College continued to offer the classes Mehrmann previously taught as a part of the certificate program.

¶ 18 C. ALJ Decision and Order

¶ 19 Following ALJ Harden’s departure from the agency, Mehrmann’s case was reassigned to ALJ Nick Gutierrez. ALJ Gutierrez issued a recommended decision and order finding Mehrmann’s dismissal occurred because of his protected activity, *i.e.*, filing a grievance with the Union. ALJ Gutierrez explained that hostility toward protected activity can be shown by “inconsistencies between the proffered reason for the adverse employment action and other actions of the employer,” as well as “shifting explanations for the adverse employment action.” ALJ Gutierrez determined that the College offered two different reasons for Mehrmann’s discharge. While the College initially claimed Mehrman was dismissed because the music technology degree program was ending, it later asserted it was because he lacked a master’s degree. Given these inconsistent and shifting explanations, ALJ Gutierrez concluded Mehrmann’s grievance was a motivating factor for his termination.

¶ 20 Moreover, ALJ Gutierrez also found the College’s explanations were inconsistent with other actions it took. First, terminating Mehrmann based on the elimination of the music technology degree did not make sense because “there were no plans to eliminate the Recording Technology certificate program, and many courses in that program were part of the Music Technology degree program.” Second, the rationale that Mehrmann was dismissed due to his credentials was dubious because for nearly 20 years, his lack of a master’s degree posed no barrier to being the only educator in the music technology program. It was only *after* he filed a grievance that his lack of a master’s degree became an issue.

¶ 21 In support of this finding, ALJ Gutierrez noted, “[Dr.] Becker’s testimony *** demonstrated that she had a negative impression of Mehrmann, and that her negative impression of him was based, at least in part, on the grievance.” Furthermore, Dr. Becker testified “she did not reach out to Mehrmann regarding his alleged lack of qualifications to teach Music Technology

courses because they did not have a ‘productive’ or ‘positive’ working relationship.” ALJ Gutierrez found Becker’s impression of Mehrmann was shaped in part by discussions she had with him about equipment that needed repair. However, it was also “more likely than not influenced by the grievance.” Because of “Becker’s general impression of Mehrmann, colored by his grievance, coupled with the inconsistent and shifting rationales offered for his dismissal,” ALJ Gutierrez concluded Mehrmann’s grievance was, “at least in part, the reason for his termination.”

¶ 22 Finally, ALJ Gutierrez concluded the College would not have terminated Mehrmann’s employment if not for his protected activity. First, the elimination of the music technology program was not cause for Mehrmann’s termination because many of the courses Mehrmann had taught would still be offered. Additionally, ALJ Gutierrez doubted Mehrmann’s employment was terminated because of his lack of a master’s degree, explaining,

“Rather than the College suddenly realizing after such a long period of employment that Mehrmann was not qualified for his position, the more likely scenario is that [Dr.] Becker seized an opportunity to eliminate an employee who was not to her liking, a conclusion that she arrived at in part because of his grievance.”

ALJ Gutierrez also noted that the evidence was not conclusive about whether ICCB policies actually required Mehrmann’s termination, stating, “The College does not appear to have considered whether Mehrmann’s Music Technology courses were career or technical, rather than academic, in nature before terminating him for his lack of a Master’s Degree.”

¶ 23 For those reasons, ALJ Gutierrez concluded that Mehrmann’s grievance was a motivating factor in his dismissal and there were no legitimate business reasons to terminate his employment. Accordingly, ALJ Gutierrez recommended, *inter alia*, the College be ordered to offer

Mehrmann immediate and full reinstatement to the position he previously held as adjunct professor.

¶ 24 In April 2025, the College filed exceptions and a supporting brief, requesting the Board reject or reverse ALJ Gutierrez’s recommended decision and order.

¶ 25 D. Board’s Decision and Order

¶ 26 Upon review, the Board entered a final written decision adopting, in part, ALJ Gutierrez’s recommended decision and order. The Board found the College “did not initially offer an explanation to Mehrmann for his discharge” but had since offered “two rationales.” The first rationale—the elimination of the music technology degree—was undercut by the fact that the College offered music technology courses through 2023 via the teach-out plan, as well as the fact that the College continued to offer the courses as part of the certificate program. The second rationale—Mehrmann’s lack of a master’s degree—had “weak” plausibility “considering that Mehrmann taught courses at the College, absent a master’s degree, for [20] years and this was never a problem for the College until he filed a grievance.” Furthermore, there was “no evidence” the College had considered whether the courses were “academic” rather than “technical” in nature, such that the ICCB policy did not prohibit Mehrmann from teaching without a master’s degree.

¶ 27 Additionally, the Board found insufficient evidence to show Dr. Becker’s apparent negative impression of Mehrmann was based on his grievance. Specifically, there was “no evidence” to establish her negative impression was based on the grievance, and her negative impression of Mehrmann therefore could not be the basis for finding a violation under section 14(a) of the Act. Notwithstanding this finding, and “based on the inconsistencies between the proffered reason for the adverse action and other actions of the employer and shifting explanations

for the adverse action,” the Board affirmed ALJ Gutierrez’s finding Mehrmann established a *prima facie* case of retaliation.

¶ 28 The Board then considered whether the College had demonstrated by a preponderance of the evidence it had a legitimate business reason for its termination of Mehrmann’s employment. The Board determined that the College did have a legitimate reason for dismissing Mehrmann because the College “had a contractual right per the [CBA] to terminate him without cause.” However, the Board nonetheless found the College did not show these legitimate grounds “were its determinative motivation.” Accordingly, the Board concluded the College violated the Act when it terminated Mehrmann’s employment. Chairman Shayne dissented, stating that she would have determined that Mehrmann established a *prima facie* case, but the College had shown it would have discharged Mehrmann regardless of his protected activity.

¶ 29 In August 2025, the College filed a petition in this court, requesting review of the Board’s final decision pursuant to section 16 of the Act (115 ILCS 5/16 (West 2024)), section 3-113 of the Code of Civil Procedure (735 ILCS 5/3-113 (West 2024)), and Illinois Supreme Court Rule 335 (eff. July 1, 2017).

¶ 30 II. ANALYSIS

¶ 31 In its petition for review, the College argues the Board’s final decision should be reversed on two alternative grounds. The College initially asserts Mehrmann failed to state a *prima facie* case the College retaliated against him because he filed a grievance with the Union. Alternatively, the College maintains that even if Mehrmann stated a *prima facie* retaliation claim, the record demonstrates the College would have terminated Mehrmann regardless of the grievance.

¶ 32 Mehrmann and the State Respondents separately counter that the Board did not err when it determined the College (1) violated section 14(a)(1) of the Act by dismissing Mehrmann

for engaging in protected activity and (2) failed to show that Mehrmann’s employment would have been terminated notwithstanding his protected activity under the Act.

¶ 33 We affirm the Board’s decision.

¶ 34 A. Standards of Review

¶ 35 “[J]udicial review of [a Board] decision is governed by the Administrative Review Law (735 ILCS 5/3-101 *et seq.* (West 1994)) and extends to all issues of law and fact presented by the record.” *SPEED District 802 v. Warning*, 242 Ill. 2d 92, 111 (2011). This court reviews the Board’s determination of legal issues *de novo*, and the Board’s factual findings will be deemed *prima facie* correct unless they are against the manifest weight of the evidence. *Id.* at 111-12. The Board’s “factual determinations are contrary to the manifest weight of [the] evidence where the opposite conclusion is clearly evident.” *City of Belvidere v. Illinois State Labor Relations Board*, 181 Ill. 2d 191, 204 (1998).

“[T]he clearly erroneous standard of review is proper when reviewing a decision of the [Board] because the decision represents a mixed question of fact and law. [Citation.] An agency decision will be reversed because it is clearly erroneous only if the reviewing court, based on the entirety of the record, is left with the definite and firm conviction that a mistake has been committed. [Citation.] While this standard is highly deferential, it does not relegate judicial review to mere blind deference of an agency’s order.” (Internal quotation marks omitted.) *SPEED District 802*, 242 Ill. 2d at 112.

¶ 36 B. Unfair Labor Practices

¶ 37 Under section 14(a)(1) of the Act, an educational employer commits an unfair labor practice when it interferes, restrains, or coerces employees in the exercise of rights guaranteed

under the Act. 115 ILCS 5/14(a)(1) (West 2022). To establish a *prima facie* claim under section 14(a)(1), the employee must show (1) he engaged in protected activity under the Act, (2) the employer was aware of the protected activity, and (3) the employee was subject to an adverse employment outcome for engaging in the protected activity. *Community Unit School District No. 5 v. Illinois Educational Labor Relations Board*, 2014 IL App (4th) 130294, ¶ 60. To establish the third prong of this test, the employee must establish his protected activity was “a substantial or motivating factor for the discharge or other adverse action taken against the employee.” (Internal quotation marks omitted.) *Id.* “Since motive is a question of fact, the Board may infer discriminatory motivation from either direct or circumstantial evidence, and, because motive involves a factual determination, the Board’s finding must be accepted if supported by substantial evidence.” *City of Burbank v. Illinois State Labor Relations Board*, 128 Ill. 2d 335, 345 (1989).

¶ 38

C. *Prima Facie* Retaliation Claim

¶ 39

Here, the parties do not dispute that Mehrmann’s act of filing a grievance with the Union constituted protected activity under section 14(a)(1) of the Act. See 115 ILCS 5/3(a) (West 2022) (“It shall be lawful for educational employees to *** engage in lawful concerted activities for the purpose of collective bargaining or other mutual aid and protection ***.”). The parties further agree that the College was aware of Mehrmann’s protected activity. Accordingly, the College’s claim of error concerns only the third prong: whether Mehrmann established that filing a grievance was a motivating factor in his termination.

¶ 40

In *Burbank*, 128 Ill. 2d at 346, our supreme court explained that “[a]ntiunion motivation may reasonably be inferred from a variety of factors.” Specifically, antiunion motivation may be reasonably inferred from the following: (1) “an employer’s expressed hostility towards unionization, together with knowledge of the employee’s union activities”; (2) “proximity

in time between the employees' union activities and their discharge"; (3) "disparate treatment of employees or a pattern of conduct which targets union supporters for adverse employment action"; (4) "inconsistencies between the proffered reason for discharge and other actions of the employer"; and (5) "shifting explanations for the discharge." *Id.* Each factor, on its own, is sufficient to show retaliatory motive, except for temporal proximity, which must be present with at least one other factor. See *Bloom Township High School District 206 v. Illinois Educational Labor Relations Board*, 312 Ill. App. 3d 943, 959-60 (2000).

¶ 41 Here, the Board's finding Mehrmann's filing of a grievance was a motivating factor in his termination was not against the manifest weight of the evidence. We agree with the Board that Mehrmann's claim was supported by two *Burbank* factors: (1) inconsistencies between the College's proffered reasons for Mehrmann's termination and its later actions and (2) shifting explanations for Mehrmann's termination.

¶ 42 First, the College's initial rationale for terminating Mehrmann was inconsistent with its other actions. The College's initial rationale for terminating Mehrmann was that it was eliminating the music technology program due to declining enrollment. However, the Board correctly noted that, despite this explanation, the College planned to offer the music technology degree as part of its teach-out plan through December 2023. The College even hired an additional music technology instructor because, by its own admission, the teach-out plan would necessitate offering more music technology courses per semester than Mehrmann could teach as an adjunct professor. Stated differently, at the same time the College informed Mehrmann that his area of expertise was no longer needed, it was hiring additional faculty to meet the demands of the teach-out plan. Moreover, after that date, the College also planned to continue offering the courses Mehrmann taught as part of a certificate program. Mehrmann helped develop the program, was

the only instructor in the program for many years, and had personally taught every course at least once. Accordingly, the evidence from the hearing showed the College did not need to terminate Mehrmann's employment because, although the music technology degree program would be eliminated, the College planned to continue offering the classes Mehrmann taught.

¶ 43 The College's second rationale for Mehrmann's termination was also inconsistent with its other actions. At the evidentiary hearing, Dr. Becker testified that while undergoing her review of the music technology program, she discovered Mehrmann did not have a master's degree and believed he was therefore unqualified to teach music technology courses at the College per ICCB policy. We agree with the Board the "plausibility of this rationale is weak." The record showed Mehrmann had taught courses in the music technology program at the College for almost 19 years and had essentially designed the program "from scratch." The College was ostensibly aware that Mehrmann did not possess a master's degree for the duration of his employment. The College expressed no issue with Mehrmann's credentials until the semester after he filed a grievance. The Board acknowledged the College seemingly did not even consider whether the courses Mehrmann taught could be reclassified as "career" or "technical" in nature, meaning the instructor would not be required to have a master's degree, especially given ICCB's commitment to offering some flexibility in this subject area.

¶ 44 Furthermore, the existence of the College's two different rationales for terminating Mehrmann's employment, which were offered at two different points in the proceedings, was evidence of "shifting explanations for the discharge." *Burbank*, 128 Ill. 2d at 346. When Mehrmann was first terminated from his employment, Segobiano informed him that his "specific area of expertise" was "no longer needed" because of "lack of enrollment and sustainability for the music technology program." However, it was not until *after* Mehrmann filed an unfair labor

practice charge that the College insisted Mehrmann was not qualified for his position as adjunct professor because he lacked a master's degree. The record showed no one ever notified Mehrmann he lacked the credentials necessary for the position during his employment or immediately after his termination.

¶ 45 In sum, we conclude the Board's finding Mehrmann's termination was motivated by his protected activity was not against the manifest weight of the evidence, given the presence of two *Burbank* factors. Furthermore, because each of these factors alone is sufficient to support a *prima facie* retaliation claim, we need not address the remaining *Burbank* factors identified by the College in its brief. Accordingly, the Board did not err when it concluded Mehrmann stated a *prima facie* retaliation claim under section 14(a)(1) of the Act.

¶ 46 D. Legitimate Business Reasons for Termination

¶ 47 Alternatively, the College argues that even if Mehrmann stated a *prima facie* retaliation claim under section 14(a)(1) of the Act, the College established Mehrmann would have been terminated notwithstanding his protected activity and for a legitimate business purpose. Mehrmann and the State Respondents assert the Board did not clearly err when it found that the College failed to carry its burden of showing it would have terminated Mehrmann's employment despite his grievance. We conclude no clear error occurred.

¶ 48 "Once a *prima facie* [retaliation] case has been established, the burden shifts to the employer to show by a preponderance of the evidence that it had a legitimate reason for discharging the employee and that the employee would have been fired for that reason, regardless of his union activity." *Bloom*, 312 Ill. App. 3d at 960. However, "[m]erely proffering a legitimate business reason for the adverse employment action does not end the inquiry." (Internal quotation marks omitted.) *Id.* Instead, "[i]t must then be determined if the reason offered is *bona fide* or pretextual."

Id. If the employer is found to have at least partly relied on its legitimate business reasons for terminating the employee, the Board considers the case one of “dual motive,” and the employer must then show by a preponderance of the evidence the employee would have been discharged notwithstanding his union activity. *Id.*

¶ 49 Here, the College offered a legitimate business reason for terminating Mehrmann based on the CBA, which gave the College a contractual right to terminate Mehrmann’s employment without cause based on his seniority. Accordingly, we agree with the Board this was a “dual motive” case requiring the College to show, by a preponderance of the evidence, it would have terminated Mehrmann notwithstanding his union grievance.

¶ 50 We conclude the Board did not clearly err when it found the College failed to establish Mehrmann’s employment would have been terminated notwithstanding his protected activity under the Act. The Board determined the College “ha[d] not shown that the legitimate grounds for its action were its *determinative motivation*,” and there was “no evidence in the record that its decision was not based, at least in part, on Mehrmann’s grievance filing.” (Emphasis added.) On our review of the record, we are not convinced the Board was mistaken. As discussed above (*supra* ¶¶ 41-43), the College offered inconsistent and shifting explanations for terminating Mehrmann. The College presented no internal communications wherein employees discussed the reasons for Mehrmann’s dismissal except for Segobiano’s contention it was due to a lack of enrollment in the music technology program—even though the College continued to offer those courses. The Board also reasonably rejected Dr. Becker’s claim Mehrmann was terminated based on insufficient credentials to teach music technology courses because there was no evidence the College even considered whether the courses could be reclassified as “career” or “technical” under ICCB policy. Furthermore, the College did not offer this explanation for the termination until the

commencement of the instant proceedings, meaning it could not have been the determinative factor. Moreover, the Board reasonably concluded it was unlikely Mehrmann lacked appropriate credentials after teaching at the College for nearly 20 years. Despite the College's contractual right to terminate Mehrmann without cause, the record supports the Board's conclusion the determinative motivating factor for his termination was his protected activity. Accordingly, we conclude the Board's decision was not clearly erroneous.

¶ 51

III. CONCLUSION

¶ 52 Having rejected the College's assignments of error, we affirm the Board's order sustaining the unfair labor practice charges and granting other relief against the College.

¶ 53 Affirmed.

Southwestern Illinois College v. Mehrmann, 2026 IL App (4th) 250868

Decision Under Review: Petition for Review of order of the Illinois Educational Labor Relations Board, No. 2023-CA-00004-C.

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