



CHICAGO PARK DISTRICT **POLICY ON SEXUAL HARASSMENT**

I. STATEMENT OF POLICY

A. The Chicago Park District (“the Park District”) is committed to providing a safe and positive workplace, where all individuals are treated with respect and dignity. Each employee has the right to work in an environment free of sexual harassment. No person should be required to endure sexual harassment by supervisors, coworkers, or other individuals in the workplace or work in a hostile environment as a condition of employment. Furthermore, this Park District Policy on Sexual Harassment (“Policy”) applies to all phases of employment, including but not limited to recruitment, testing, hiring, upgrading, promotion or demotion, transfer, layoff, termination, and selection for training. The Chicago Park District is also committed to preventing sexual harassment of Park patrons by Park District employees.

B. It is the policy of the Chicago Park District to prohibit sexual harassment in the workplace. Sexual harassment is a violation of the law and will not be tolerated. Employees found to be in violation of this Policy will be subject to discipline, up to and including discharge.

C. This Policy is intended to create guidelines and procedures for responding to complaints of sexual harassment and for disciplining those employees found to have violated this Policy. Nothing in this Policy is intended to nor shall be construed to create a private right of action against the Chicago Park District or any of its employees. Furthermore, no part of this Policy shall be construed to create contractual or other rights or expectations. Furthermore, nothing herein is intended to affect the right of any person to make a charge of discrimination at any state or federal agency with jurisdiction over such claims, raise a grievance under a collective bargaining agreement, or consult a private attorney.

D. A determination that sexual harassment or retaliation has occurred in violation of this Policy is not a determination of sexual harassment or retaliation under federal, state, or local law. The Park District's Policy against sexual harassment is preventative as well as corrective. Conduct that may not constitute unlawful sexual harassment under federal, state, or local law may nevertheless violate this Policy and result in disciplinary action, up to and including discharge.

II. PROHIBITED CONDUCT

A. As used in this Policy, sexual harassment includes any unwelcome sexual advance or any request for sexual favors or conduct of a sexual nature:

1. **Quid Pro Quo Conduct:**

- i. when submission to such conduct is made either explicitly or implicitly as a term or condition of an individual's employment or receipt of Park District services; or
- ii. when submission to or rejection of such conduct by an individual is used as the basis of any employment or service decision affecting the individual.

2. **Hostile Work Environment:** when such conduct has the purpose or effect of *substantially interfering* with the work performance of an employee or *creating an intimidating, hostile or offensive work environment*. An employee's work environment is not limited to the physical location where the employee performs his/her duties.

B. Examples of prohibited conduct under Section II.A. include but are not limited to the following:

1. sexually suggestive or offensive remarks, jokes, or rumors,
2. sexually suggestive pictures or graffiti,
3. sexually suggestive gestures,
4. verbal harassment or abuse of a sexual nature,
5. display of or reference to sexual objects,
6. subtle or direct requests for sexual favors,
7. stalking,
8. sexual assault,
9. touching, patting, or pinching,
10. sending sexually suggestive e-mail or text messages, and

11. accessing or sharing sexually suggestive sites on the internet.

III. COVERED PERSONS:

A. Any individual employed by the Park District (“employee”) in a paid or unpaid capacity, seasonal, part-time, and full-time, including volunteers and interns. As noted above, this Policy covers all individuals participating in all phases of employment with the Park District, including but not limited to recruitment, testing, hiring, upgrading, promotion or demotion, transfer, layoff, termination, and selection for training.

B. Any Park patron on Chicago Park District property who is subjected to sexual harassment by Park District employee(s).

IV. REPORTING PROCEDURES:

A. A good faith **verbal or written** complaint of sexual harassment (“Complaint”) may be made at any time. However, employees are encouraged to bring their complaints **as soon as possible** to help ensure an effective investigation and prompt correction of the conduct.

1. Employee Complaints may be made to the following person(s) in the preferred reporting chain as listed below. (**Note:** the preferred order of reporting begins with your supervisor and follows sequentially; however, should your supervisor or your Human Resources manager or another individual in the reporting chain be the subject of your Complaint, please feel free to submit your Complaint to the next identified person or office):

- i. Your supervisor;
- ii. Your Human Resources Manager for the Park District;
- iii. the Deputy Director of Human Resources;
- iv. the Director of Human Resources;
- v. the Park District Office of the Inspector General.

2. **Note:** If a Park patron wishes to complain about sexual harassment by a Chicago Park District employee, Complaints may be made to the Deputy Director of Human Resources.

B. Complaints should identify as much information as possible, including a full narrative of the facts to identify (1) the date(s) of incident(s), (2) approximate time of the incident(s), (3) the place(s) of incident(s), (4) the Park District employee(s)

involved, (5) any witness(es) to the incident, (6) the precise nature of harassment, and (7) any additional information or comments that you think will assist in the Park District's investigation. Missing information is not fatal to the Complaint. All good faith Complaints will be investigated.

C. Referral: Any Chicago Park District employee described in section A, who is not a member of the Department of Human Resources and receives a Complaint must refer it in writing to the Deputy Director of Human Resources as soon as possible, but no later than **five (5) business days** following receipt of the Complaint. Failure to refer such complaints may result in disciplinary action.

1. The written referral shall include the following:

- a. the name, region (if applicable), location, and phone number of the individual making the allegations ("the Complainant"), and
- b. the name, region, and phone number of the person referring the matter; and the date the Complaint was made; and
- c. additional information voluntarily provided by Complainant should be included, but no additional information need be solicited.

D. Confidentiality: To the extent possible, the reporting and investigation of all Complaints will be kept confidential. The Park District may disclose the contents of a Complaint to the extent required by lawful subpoena, court order, or law or in order to investigate the allegations.

V. INVESTIGATION AND RESOLUTION OF THE COMPLAINT

A. Communication with Complainant: Upon receipt of a Complaint, the Deputy Director of Human Resources or a designee will contact the Complainant and obtain additional information (if necessary) including a full narrative of the facts in order to identify (1) the date(s) of incident(s), (2) approximate time of the incident(s), (3) the place(s) of incident(s), (4) the Park District employee(s) involved, (5) any witness(es) to the incident, (6) the precise nature of harassment, and (7) any additional information or comments that you think will assist in the Park District's investigation.

B. Investigation/Fact-Finding: After communicating with the Complainant, the Deputy Director of Human Resources or a designee shall conduct a prompt and impartial fact-finding investigation.

a. This investigation may include, but is not limited to, collecting relevant documents and interviewing third-party witnesses and the alleged harasser(s).

b. Individuals in an employment relationship with the Park District are expected to cooperate in any fact-finding/investigatory measures, including but not limited to making themselves available for any interviews, answering questions at interviews, producing records and/or relevant documents, and testifying at administrative hearings and litigation. Failure to cooperate may subject the employee to disciplinary action under the Park District's Personnel Board's Code of Conduct.

C. Intermediate Measures: Intermediate measures may be taken before the completion of the investigation to ensure further harassment does not occur. Examples of such measures include but are not limited to: separating the parties, making scheduling changes to avoid contact between the parties, transferring the alleged harasser, or placing the alleged harasser on non-disciplinary leave.

D. Final Determination and Resulting Action: After the completion of an investigation, the Deputy Director of Human Resources or a designee will reach a determination. If the Complaint is found to be credible, the alleged harasser(s) and any other involved individuals (if applicable) will be subject to discipline under the Park District's Code of Conduct. The Deputy Director will communicate the results of the investigation to the Complainant.

E. Inconclusive Results: In some instances, the evidence gathered may be inconclusive, wherein the Park District may undertake further preventative measures including training and monitoring.

VI. EDUCATION, TRAINING, AND PREVENTION

The Department of Human Resources will conduct training in compliance with applicable state and local laws including 5 ILCS 430/5-10.5 to educate board members, officers, department heads, supervisory personnel, and employees about the Park District Sexual Harassment Policy and the creation of a harassment-free workplace. The Park District will also make efforts to publicize its Sexual Harassment Policy to Park patrons.

VII. SUPERVISOR RESPONSIBILITIES

As soon as a supervisor or manager becomes aware of a Complaint, the supervisor or manager is responsible for promptly referring the Complaint to Deputy Director of Human Resources. All supervisors who are aware of, or

reasonably should be aware of, conduct that amounts to sexual harassment, whether or not anyone complains about such harassment, but fails to report that conduct, may be subject to discipline. Even if the Complainant requests that the conduct not be investigated or be kept confidential, the supervisor or manager must still refer the Complaint to the Deputy Director of Human Resources as the Park District is under an obligation to investigate. All supervisors and managers are responsible for ensuring the Complainant is not subject to any retaliation for making a Complaint.

VIII. FALSE AND FRIVOLOUS COMPLAINTS PROHIBITED

A. The Park District's Sexual Harassment policy relies on bona fide or good faith complaints. False and frivolous charges refer to instances where the Complainant is using a sexual harassment Complaint to accomplish some end other than stopping sexual harassment.

B. Given the seriousness of the potential consequences for the accused and the waste of time and resources in investigating frivolous complaints, a false or frivolous charge is a serious offense that violates the Code of Conduct and which can result in disciplinary action, up to and including termination.

IX. RETALIATION PROHIBITED; IL WHISTLEBLOWER PROTECTIONS AVAILABLE

A. Retaliation against any person for having made a good faith Complaint or report of sexual harassment, or against any person participating in or aiding an investigation of sexual harassment, is strictly prohibited. Any person who believes that he or she has been subjected to retaliation should report the retaliatory conduct in the same manner as outlined in Section IV.A.1 (Reporting Procedures). Retaliation will be considered a serious act of misconduct that is subject to appropriate discipline, up to and including discharge.

B. Employees are also protected from retaliatory actions under Illinois law, including but not limited to Illinois Public Act 100-0554, the Illinois Human Rights Act, and the Illinois Whistleblower Act.

TO CONTACT:

Human Resources Managers: 312.742.5220

Deputy Director of Human Resources: 312.742.4642

Revised 12/14/2017

chicago park district

Sexual Harassment Policy

EMPLOYEE ACKNOWLEDGEMENT

I acknowledge that I have received and reviewed the Chicago Park District's Policy on Sexual Harassment. I have read and understand the Sexual Harassment Policy of the Chicago Park District.

Employee Signature: _____

Printed Name: _____

Region: _____

Date Signed: _____

RETURN SIGNED FORM TO THE HUMAN RESOURCES DEPARTMENT