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CHICAGO PARK DISTRICT

OFFICE OF PREVENTION AND ACCOUNTABILITY

Annual / Fourth Quarter 2023 Report

To General Superintendent Rosa Escareño, President Myetie Hamilton and the Chicago Park District Board of Commissioners,

2023 has been a year of challenges and progress for the Office of Prevention and Accountability (OPA) and the Chicago Park District.

Since beginning its work in February 2023, OPA has taken measurable steps to raise awareness, set expectations and establish best practices related to the goals put forth by the Park District's Human Rights Ordinance. In doing so, OPA has worked closely with leadership, managers and staff throughout this organization who clearly recognize the importance of protecting the City's children and vulnerable adults, as well as ensuring that the Park District is a safe and welcoming place for all employees and patrons.

Attached please find the Annual/Fourth Quarter 2023 Report which summarizes the work OPA has done toward fulfilling the essential mission set forth in Chapter 4 of the Chicago Park District Code.

As detailed in this Report, OPA has made good progress but has also set additional goals for 2024 to continue this important mission. The OPA team looks forward to additional opportunities in the coming year to continue to serve this vital role at the Chicago Park District.

Sincerely,

Tamara B. Starks

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Director

Office of Prevention and Accountability

cc: Joan Coogan
Katie Ellis

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Mission

The Office of Prevention and Accountability (OPA) was established to ensure that the Chicago Park District actively works to provide all employees, patrons and visitors with a recreation and work environment that is free from discrimination, harassment, sexual misconduct, workplace violence, abuse and neglect of children and vulnerable adults, and retaliation.

Information regarding OPA's mission and operations is available to Park District staff and patrons online at <https://ChicagoParkDistrict.com/OPA>. Complaints related to the concerns enumerated above can be submitted to OPA in the following ways:

- By phone: 312-742-5OPA (312-742-5672)
- By email: OPA@ChicagoParkDistrict.com
- Online: Via a form linked on www.ChicagoParkDistrict.com/OPA
- In writing: Chicago Park District
Office of Prevention and Accountability
2 North LaSalle St., Suite M-550
Chicago, IL 60602

Personnel

At the conclusion of the Fourth Quarter 2023, OPA was staffed as follows: a Director, a Senior Investigator, three Investigators and a Case Intake Specialist. OPA had been operating throughout most of the second half of 2023 with a reduced staff due to the resignation of one of its two original Investigators in July but was able to fill that position in early December. Additionally, in an effort to be efficient and maximize the work Human Resources put into the hiring process, OPA was able to hire another Investigator in December from the same pool of candidates to fill a third Investigator position needed to handle the volume of inquiries and complaints being submitted to the office.

As part of its mission, OPA remains committed to conducting thorough, fair, impartial and independent investigations regarding any alleged violations of the Human Rights Ordinance. In order to accomplish that, OPA focused its hiring efforts on bringing in individuals with experience in investigations, law, Title IX and human rights issues. The OPA team continues to work to ensure that its investigations are consistent with best

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practices and that OPA works to develop and refine its procedures for handling complaints, inquiries and investigations. As part of that, OPA will identify opportunities for additional training in 2024 to allow staff to remain abreast of developments in investigatory practices and to further enhance their skills.

Emphasis on Outreach and Awareness

In 2023, OPA worked to implement updates to the four policies related to the office's work as detailed in Chapter 4 of the Park District's Code: the Sexual Harassment Prevention Policy, the Equal Employment Opportunity Policy, the Violence in the Workplace Policy and the Child Abuse and Neglect Reporting Policy. As of June 1, 2023, all four documents were revised to ensure that they complied with State, federal and local laws and that they accurately reflect the procedures for reporting complaints directly to OPA. The updated policies were shared with Park District staff, and OPA has been regularly providing trainings to ensure that employees are aware of the updates and that departmental procedural manuals are also updated accordingly. OPA also continues to participate in an internal Park District committee that is working to update and centralize all Park District policies to ensure that those policies remain current, consistent and easily accessible to staff.

In the Fourth Quarter, OPA continued to build on efforts to memorialize best practices and establish expectations by working on several additional Park District guidance documents. Drafts of the following documents have been completed, are going through the final review process with key leaders throughout the Park District and are slated to be implemented in the First Quarter 2024: Adult Protective Services (APS) Policy; Guidelines for Maintaining Professional Boundaries with Minors and Guidelines for Cooperating with Department of Children and Family Services (DCFS) Investigations.

Additionally, OPA held several training and informational sessions with staff in the Fourth Quarter to educate employees about Park District policies and to answer questions. These sessions included:

- A meeting with the staff from Special Recreation to discuss OPA's complaint process and procedures for handling issues related to complaints of abuse and neglect of disabled adults.

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- An in-person training on harassment prevention and bystander advocacy for staff in the Department of Cultural and Natural Resources;
- Numerous sessions as part of collaboration with the Park District's Policy Director to develop and gain feedback on a Gender Inclusion Policy.

OPA continues to work with Human Resources, Workforce Development, Community Rec and other Park District departments to identify training needs, create appropriate programing and act as a resource to staff who have questions.

As it has throughout 2023, OPA continues to work to raise awareness among Park District employees of the expectations and procedures that have been put in place to improve the workplace culture, with an emphasis on fostering respect and professional development. These outreach efforts have had good success in raising awareness of OPA as a resource, as evidenced by the numerous calls OPA receives each week from staff and management seeking guidance on Park District policies and best practices designed to proactively address and prevent problems. OPA has consistently communicated to Park District staff and leadership that OPA's team remains available to attend staff meetings and workshops to answer questions and provide guidance whenever needed.

OPA also continued its outreach and engagement with partners, sister agencies and stakeholders. This includes ongoing discussions with Chicago Public Schools, cultivating resources with DCFS and APS, and collaborating with the Chicago Children's Advocacy Center to develop additional trainings.

Districtwide Training Success

In 2023, OPA led the rollout of the Sexual Harassment Prevention and Bystander training that is required annually by the State of Illinois and the City of Chicago. Under State law and City ordinance, all Park District employees are required to complete one hour of Sexual Harassment Prevention training and one hour of Bystander training. Any employees who have managerial or supervisory duties also are required to complete an additional hour of Sexual Harassment Prevention training – for a total of two hours.

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The online training launched on June 30, 2023, for year-round employees.¹ By the end of 2023, more than 2,300 Park District employees had completed both trainings. OPA, Workforce Development and other Park District departments will focus on increasing that number in 2024 to work toward the goal of full compliance. Those efforts must include some additional education and outreach efforts to staff, as well as addressing some technological concerns that have hindered efforts to provide such online trainings.

In addition to the mandatory trainings, OPA has held several supplementary training sessions and has plans for additional sessions in 2024. Those include the upcoming rollout of the Park District's APS Policy, the collaboration with the Chicago Children's Advocacy Center on a revised Keeping Children Safe training, and a session on best practices for cooperating with DCFS investigations.

Complaints, Reports and Investigations

In the Fourth Quarter 2023, OPA received 81 complaints/inquiries, bringing the 2023 total to 260. The Fourth Quarter totals are compared to 17 received in the First Quarter, 41 received in the Second Quarter and 121 received in the Third Quarter. In the Fourth Quarter, OPA opened 29 investigations and closed 25 cases. At the conclusion of the Fourth Quarter, OPA had a total of 69 open investigations.

Of the complaints/inquiries received in 2023, the most common complaints/inquiries received were: 40 regarding conduct with minors; 33 related to harassment; 27 involving discrimination; 23 related to sexual harassment or misconduct; and 19 regarding workplace violence. The remaining complaints/inquiries were determined to not fall under OPA's jurisdiction, were in less common categories, or are still being investigated.

Included in the 81 complaints/inquiries OPA received in the Fourth Quarter were seven reports made to the Illinois Department of Children and Family Services or Adult Protective Services; all involved concerns of suspected abuse or neglect (not by Park District employees). In those instances, OPA provided staff with guidance regarding reporting requirements and follow-up with the agencies, as needed.

¹ As referenced in OPA's previous 2023 quarterly reports, OPA held more than a dozen in-person training sessions for seasonal employees and created a recording that was used to train seasonal workers, who do not currently have access to the Park District's online training system.

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Of the 81 complaints/inquiries received in the Fourth Quarter, OPA determined that 46 did not fall directly under OPA's jurisdiction; they included: complaints regarding job assignments, pay disputes and transfers governed by the Park District's collective bargaining agreements; complaints regarding maintenance of Park District facilities; rudeness and unsportsmanlike conduct by Park patrons; and unprofessional conduct by staff members in parks or driving Park District vehicles. While these complaints were not appropriate to be handled by OPA, many of the inquiries involved serious issues that needed to be addressed. OPA worked to ensure that those issues were properly referred to Human Resources, Community Recreation, Risk Management, the Office of the Inspector General, or other appropriate managers. In several instances, OPA conducted intake interviews with the complainants to determine if their concerns should be addressed by OPA or should more properly be referred elsewhere.

Additionally, many of the cases closed in the Fourth Quarter were complaints received by OPA that did not result in full, formal investigations and the issuance of an OPA Summary Report and Recommendation. OPA did, however, work with Park District personnel to identify specific actions needed to ensure that the concerns were promptly addressed.

Six of the 25 cases closed in the Fourth Quarter 2023 did result in the completion of formal investigations and the issuance of an OPA summary Report and Recommendation. Below are summaries of those six cases:

23-0005: No Evidence of National Origin Discrimination in Hiring

OPA received an email from a Complainant who alleged the Park District discriminated against him in its hiring practices based on his national origin.

In his complaint, Complainant stated that he was granted five interviews during the prior year and each time received a response that he was no longer being considered. Complainant alleged his failure to move forward in the process may have been due to his "Middle Eastern background" or his accent.

During the investigation, Complainant acknowledged that he has applied for various positions and been granted numerous interviews. Complainant also stated that he believed the Park District decided not to hire him because it selected internal candidates.

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Complainant also shared that he was offered the position of Physical Instructor in March 2020, but the offer was rescinded when the COVID-19 pandemic began.

OPA interviewed Complainant and the Park District staff who conducted the interviews for the positions in question. OPA also reviewed the documents and notes used in making the hiring decisions. While Complainant may have met the minimum qualifications for the positions for which he applied, that alone did not guarantee an offer of employment.

OPA's investigation ultimately found no evidence to show the Park District engaged in discriminatory practices or violated any policies and procedures related to Complainant's applications for employment.

23-0021: No Evidence of Gender Identity Discrimination in Hiring

OPA received an anonymous complaint from a Chicago Park District employee (Complainant) who alleged the Park District discriminated in its hiring practices based on gender identity. In support of this statement, Complainant said he learned from a colleague that a specific applicant was not selected for a Park District position because the candidate identifies as a Queer/Non-binary male (Candidate 1).

OPA interviewed Candidate 1, as well as the Park District staff and Human Resources personnel who participated in the interview process. OPA also reviewed the documents and notes related to the posting.

OPA's investigation found no evidence that Candidate 1 was denied employment based on his gender identity or any other discriminatory basis. OPA found the interviews for each candidate were conducted in the same manner and with the same questions asked. The scoring documents indicated the individual with the highest score during interviewing was selected for the position. OPA found that, after the highest scoring individual declined the offer of employment, the individual with the next highest score was offered and accepted the position. Candidate 1 was the third-highest scoring candidate, according to the documents reviewed.

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23-0023: Substantiated Allegation of Abuse of Minor

An OPA investigation established credible evidence that a Physical Instructor (Subject) violated Chapter 4, Section A(4)(a) of the Chicago Park District (District) Code by committing physical abuse against a minor.

During its investigation, OPA learned that the Subject holds dual employment at a school and he self-reported to his Park District supervisor that he was under investigation by DCFS for an allegation that he physically abused a minor in his role at that school. After receiving confirmation from DCFS that the Subject was under investigation, OPA recommended that he be placed on emergency suspension.

On November 16, 2023, OPA received written notification from DCFS that a hearing had upheld the indicated finding made by DCFS against the Subject for physical abuse of a minor resulting in "Cuts/Welts/Bruises/Oral Injuries."

Based on the evidence, OPA determined that the allegation that the Subject violated the Park District's Human Rights Ordinance by physically abusing a minor was substantiated. On November 11, 2023, OPA recommended termination, as well as the placement of a "Do Not Hire" designation in the Subject's personnel file. At that time, OPA requested a response from Management by December 22, 2023. On January 8, 2024, Human Resources terminated the Subject and designated him as "Do Not Hire."

23-0033: Unsubstantiated Allegation of Discriminatory Practices

OPA received a complaint from a Park District employee assigned to work at the Chicago Park District Headquarters at 4830 S. Western Avenue (Complainant). Complainant alleged the Park District was subjecting Complainant to unequal terms and conditions of employment based on color. Complainant described being uncomfortable because of how desk assignments were made when staff were moved to the new headquarters building in 2023 and stated that there appeared to be issues of favoritism in how offices were assigned and in which employees were allowed to work elsewhere.

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OPA opened an investigation and made several attempts to contact Complainant for an interview. After receiving no response, OPA ultimately sent Complainant a letter stating that the case would be closed if Complainant did not respond by the deadline specified. After not receiving a response, OPA closed the case as unsubstantiated.

23-0140: Insufficient Evidence to Support Allegation of Sexual Misconduct

In an email sent to the Superintendent's Office and forwarded to OPA, a former Park District employee (Complainant) alleged that they had been "sexually harassed" and "raped" by a current Park District employee (Subject) in December 2021.

OPA made multiple attempts, all of which were unsuccessful, to gather additional information from Complainant. OPA was able to reach Complainant by phone for an initial intake call; however, Complainant refused to provide details or additional information during the call. Complainant asked to submit a written narrative with additional information related to the allegations. Additionally, Complainant agreed to email OPA a copy of the text messages referenced in the initial complaint.

OPA attempted to contact Complainant by phone on at least five dates. Additionally, OPA followed up with the Complainant by email to request copies of the documentation referenced, to determine whether a police report had been filed, and to schedule an interview to gather additional details regarding the allegations. After no further response from Complainant, OPA emailed Complainant providing a deadline to contact OPA to schedule an interview and/or provide any additional information they wanted to have considered. To date, Complainant has not responded to OPA with any additional information.

Based on the lack of evidence and the Complainant's non-cooperation, OPA closed the investigation as unsubstantiated. Should OPA receive additional information regarding Complainant's case in the future, it may reopen this matter.

While investigating this matter, OPA identified an additional concern. OPA became aware of prior incidents in which Complainant's former spouse had made threats in-person on Park District property and by phone to Subject, Complainant, and other Park

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District affiliated individuals. OPA also reviewed the documents it received from the Park District's Human Resources Department, which indicated that Complainant had been terminated for unexcused absences and placed on the Do Not Rehire list.

OPA's review of all available records found substantial evidence to indicate that Complainant may have been in a domestic situation that involved aggressive behavior, violence and/or abuse at the time of Complainant's unexcused absences, which subsequently resulted in a disciplinary termination and Do Not Rehire designation.

OPA, therefore, recommended that Complainant be removed from the Do Not Rehire list immediately. Additionally, OPA urged the Park District to review its criteria and process for placing an individual on the Do Not Rehire list to ensure consistency and appropriate application. In issuing this recommendation on December 29, 2023, OPA requested that Management respond by January 26, 2024.

In its February 5, 2024, response, Human Resources confirmed that the Complainant was no longer designated as Do Not Rehire and would be considered for employment if the Complainant applies for a position in the future.

The response also noted that the Park District is in the process of revising its policy for using the Do Not Rehire designation to emphasize issues of equity and opportunity for re-employment for individuals like the Complainant. Human Resources stated that the updated policy, expected by the end of First Quarter 2024, will provide clear distinctions for the handling of separations based on job performance and those based on serious violations of policy and law.

23-0186: Insufficient Evidence to Support Allegation of Workplace Violence

OPA received a complaint alleging that an individual employed as a Maintenance Laborer (Subject) violated the Park District's Violence in the Workplace Policy by threatening another Park District employee (Employee A).

OPA received an email that stated the Subject was overheard making threatening comments involving a firearm while in an employee breakroom. In response to this

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report, the Park District placed the Subject on emergency suspension and OPA immediately opened an investigation.

OPA's investigation, however, ultimately found insufficient evidence to conclude that the Subject violated the Violence in the Workplace Policy. Specifically, the evidence found during OPA's investigation did not support the allegation that the Subject posed a current threat to Employee A or any other Chicago Park District staff. Rather, OPA found that the Subject made comments related to frustration and what the Subject felt was a lack of response to allegations the Subject had previously made of sexual harassment. The Subject's comments came after the Subject was incorrectly informed by a supervisor that that harassment complaint had been closed as unfounded.

The Violence in the Workplace case involving the Subject was closed as unsubstantiated, and OPA recommended no disciplinary action and that the Subject be returned to work with backpay. OPA's investigation found that the supervisor who reported the Subject's comments followed the Violence in the Workplace Policy in that he took risk reduction measures by reporting what he perceived to be a display of overt signs of stress, resentment, hostility, or anger. He also acted appropriately by offering to put the Subject in contact with the Park District's employee assistance team.

OPA's investigation, however, raised serious concerns regarding that individual's actions as a supervisor as he openly discussed the details of the sexual harassment complaint filed against Employee A and incorrectly informed the Subject that those allegations had been determined to be unfounded. Especially concerning was the supervisor's admission that he questioned the Subject about her complaint and asked if she was going to "let it go."

OPA recommended that the supervisor receive additional training regarding the proper handling of confidential information and allegations of sexual harassment. OPA also recommended that the supervisor receive counseling or discipline as deemed appropriate by Human Resources related to his breach of confidentiality and interference of an ongoing investigation.

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Finally, OPA recommended that Management follow-up with the Subject to offer information regarding the Park District's Employee Assistance Program or other resources in the event she has suffered any post-incident distress.

OPA issued its recommendations on November 17, 2023, and requested a response from Management by December 18, 2023. Upon receipt of the recommendations, Human Resources returned the Subject to work with backpay. On January 12, 2024, the supervisor received a verbal reprimand and counseling from an HR Manager; the supervisor also was assigned and completed a two-hour training designed to instruct supervisors on the Park District's policies related to preventing workplace harassment.