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CHICAGO PARK DISTRICT

OFFICE OF PREVENTION AND ACCOUNTABILITY

Third Quarter 2024 Report

To General Superintendent Rosa Escareño, President Marlon Everett and the Chicago Park District Board of Commissioners,

The Office of Prevention and Accountability (OPA) continues working to ensure that the Park District remains a recreation and work environment that is welcoming, safe and inclusive for all Chicagoans.

As we all focus on that important mission, OPA has continued to emphasize the importance of training employees and modernizing Park District policies to provide guidance and set expectations. Additionally, OPA has continued its efforts to increase accountability by conducting fair and impartial investigations into the complaints received.

Attached please find the Third Quarter 2024 Report, which summarizes the most recent work OPA has done to fulfill the goals established in Chapter 4 of the Chicago Park District Code. OPA remains focused on building on the efforts outlined in this Report throughout 2024 and is making plans to continue this vital work in 2025.

Please let me know if you have any questions.

Sincerely,

Tamara B. Starks

Tamara B. Starks
Director
Office of Prevention and Accountability

cc: Joan Coogan
Heather Keil
Katie Ellis

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Mission

The Office of Prevention and Accountability (OPA) works to ensure that the Chicago Park District provides 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
4830 S. Western Avenue
Chicago, IL 60609

Personnel

Throughout Third Quarter 2024, OPA remained staffed as follows: a Director, a Senior Investigator, three Investigators and a Case Intake Specialist. With those personnel, OPA is fully staffed in accordance with the Chicago Park District's 2024 Budget for this Office.

OPA is committed to conducting thorough, fair, impartial and independent investigations regarding any alleged violations of the Human Rights Ordinance. To accomplish that, OPA has assembled a team of individuals with experience in investigations, law, Title IX, Title VII, child protection and human rights issues. The OPA team works to ensure that its investigations are consistent with best practices and takes steps to refine and improve its procedures for handling complaints, inquiries and investigations.

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Focus on Training as a Prevention Tool

During the Third Quarter, OPA wrapped up its main push to ensure the Park District remains in compliance with the state of Illinois and City of Chicago requirements for Harassment Prevention and Bystander training for 2024. Per those requirements, the Park District provides one hour of Harassment Prevention and one hour of Bystander training to all employees. Anyone in a managerial or supervisory position is also required to complete a second hour of Harassment Prevention training. The Harassment training teaches staff how to recognize sexual harassment, as well as harassment and discrimination based on other protected categories, while the Bystander training teaches employees how to recognize situations in which they can act as an upstander/ally and provided staff with tools designed to make them more comfortable with intervening when they witness wrongdoing. Both trainings are designed to educate Park District employees on how to seek assistance if they experience harassment and how to report such misconduct to OPA.

By the end of the Third Quarter, more than 2,700 year-round employees had completed both the Harassment Prevention and Bystander trainings. The majority of the year-round staff completed the trainings online via the Success Center, the Park District's online learning management system.¹ As these trainings are assigned to new employees in the Success Center upon hiring, efforts to ensure compliance continue on a rolling basis as new staff join the Park District.

For seasonal staff, the 2024 summer season concluded with roughly 2,800 employees receiving both Harassment Prevention and Bystander trainings. OPA completed the last of 17 in-person training sessions on July 9, 2024. Those sessions – held at Park District locations throughout the City – reached roughly 1,300 seasonal employees in the Department of Cultural and Natural Resources, Aquatics, Gymnastics, Special Rec, Wellness and Outdoor and Environmental Education. Additionally, OPA produced recorded versions of both trainings, which were played for approximately 1,500 seasonal employees during orientation sessions held District-wide.

By the end of the Third Quarter, OPA began planning for 2025 and expects to roll out next year's mandatory Harassment Prevention and Bystander trainings in January as part of its work to continue to build on this year's successful compliance efforts. That planning is part of a bigger collaboration between OPA, Workforce Development and Policy to create a schedule of future trainings for Park District staff.

¹ Two in-person trainings were provided to roughly 300 year-round employees in the Department of Cultural and Natural Resources on February 27-28, 2024, to make the training more accessible for laborers and other staff who do not traditionally have regular access to computers.

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Such collaboration efforts also resulted in a Lunch & Learn session held via Teams on September 18, 2024 on “Reporting Workplace Concerns.” That training was presented by representatives from OPA, the Office of Inspector General, Risk Management and Human Resources and highlighted the different jurisdictions of each office. It provided participants with an outline of the Park District’s process for submitting complaints and with insight into how such concerns are addressed, as well as an opportunity to ask questions. An additional Lunch & Learn session on this topic is planned early in 2025 as part of a regular series of trainings designed to keep the Park District’s workforce well informed.

Policy and Guidance

OPA continues to work closely with the Policy Director and the Law Department on efforts to consolidate, update and supplement Park District policy and guidance documents to better reflect best practices and set clear expectations for all Park District employees.

In the Third Quarter, those efforts resulted in the release of the “Guidelines for Protecting Minors & Vulnerable Adults” on September 25, 2024. This important guidance document memorializes best practices related to maintaining professional boundaries between the Minors/Vulnerable Adults and Park District staff (also vendors, volunteers and contractors). The guidelines address a variety of issues including an outline of prohibited conduct, guidance on visibility to ensure adequate sightlines into programming areas, appropriate conduct when using social media, and strategies to ensure safety in transportation and off-property visits.

The goal in creating this document was to modernize existing Park District protocols and centralize information contained in several prior guidance documents into one, easy-to-reference set of guidelines. The guidance document was released to complement the “2024 Keeping Children Safe” training, which was updated in collaboration with the Chicago Children’s Advocacy Center. Additionally, OPA is working to schedule and complete a series of staff trainings – both in-person and via Teams – to ensure that Park District employees and partners fully understand the guidance document and to provide an opportunity for discussion to enhance that understanding.

Collaboration Efforts

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In addition to its training work with the Chicago Children's Advocacy Center, OPA has continued efforts to increase collaboration with Chicago Public Schools (CPS). To further that goal, an Intergovernmental Agreement (IGA) with CPS was approved in July 2024.²

The agreement, which covers employment candidates and/or individuals with dual Park District/CPS employment, allows for the sharing of information related to allegations of and substantiated findings involving sexual misconduct, sexual harassment, and physical abuse.

With the fully executed IGA in place, OPA has worked with CPS to establish a system and protocols to facilitate the sharing of information and to improve the partnership between the Park District and CPS as we work toward the important goal of preventing bad actors from committing any further misconduct.

Complaints, Reports and Investigations

In the Third Quarter 2024, OPA received 127 complaints/inquiries.³ In the Third Quarter, OPA opened 24 investigations and closed 16 cases. At the conclusion of the Third Quarter, OPA had a total of 93 open investigations.

Of the complaints/inquiries received in the Third Quarter 2024, the most common complaints/inquiries received were: sexual harassment/misconduct (15); harassment (13), conduct involving minors (13), workplace violence (10), and discrimination (7). The remaining complaints/inquiries were in less common categories, were determined to not fall under OPA's jurisdiction, or remain under investigation.

Included in the 127 complaints/inquiries OPA received in the Third Quarter were nine reports made to the Illinois Department of Children and Family Services or Adult Protective Services; all involved concerns of suspected abuse or neglect. In those instances, OPA provided staff with guidance regarding reporting requirements and follow-up with the agencies and investigated, as needed.

Of the 127 complaints/inquiries received in the Third Quarter, OPA determined that 59 did not fall under OPA's jurisdiction; they included: concerns regarding trash and conditions in the parks, complaints about off-leash dogs; inquiries about Park District programming; and

² The IGA was approved by the Park District Board on June 12, 2024.

³ The Q3 2024 total compares to: 87 received in Q1 2024 and 98 received in Q2 2024 (17 received in Q1 2023, 41 in Q2 2023, 121 in Q3 2023, and 81 in Q4 2023).

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complaints about gang activity, graffiti, unhoused residents, and beach safety. Other matters reported to OPA involved concerns related to employees, including reports of rudeness, questions about transfer procedures and performance/disciplinary issues. While these complaints were not determined to require investigation by OPA, many of the inquiries raised serious issues. OPA, therefore, worked to ensure that those issues were properly referred to Human Resources, the Office of the Inspector General, Community Recreation, Risk Management, Security/Chicago Police, or other appropriate Park District managers/partners. In several instances, OPA conducted intake interviews with the complainants to determine how their concerns should most appropriately be addressed and shared that information as part of OPA's referral process. In several cases, OPA's initial review of the complaints determined that an investigation was not feasible or required; those matters were administratively closed.

In the Third Quarter 2024, eight cases were closed after the completion of formal investigations and the issuance of an OPA Summary Report and Recommendation. Below are summaries of those matters:

24-0045

OPA was forwarded a complaint that an employee (Complainant) submitted to the Chicago Park District Board of Commissioners alleging racism and discrimination. Complainant alleged she was being treated unfavorably based on her race (Black) and sex (female). Specifically, she alleged she was harassed to return to work, received an unexcused absence, and had issues receiving her duty disability benefits.

During OPA's interview, Complainant said she was involved in a vehicle accident while on duty and driving a Chicago Park District vehicle. Complainant expressed she experienced several issues related to her receipt of duty disability benefits as well as Workers' Compensation benefits. Complainant said she had no knowledge of how to go about filing for benefits and alleged information was not readily available. Complainant also stated she was not trained on how to obtain disability benefits.

Complainant did eventually receive her benefits. Complainant also stated that, once she provided the proper paperwork, she was allowed to report to work on light duty. Complainant acknowledged she did not believe the receipt of her unexcused absence was due to her race or sex.

During Complainant's interview with OPA, she stated that she was aware of one similarly situated individual, working in her same title, and he was not treated more favorable than she

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was. OPA's investigation, which included a review of documents related to Complainant's accident and related medical documents, found no evidence to show Complainant was discriminated against by the Chicago Park District or any of its agents, based on her race or sex.

During Complainant's interview with OPA, she acknowledged that she reached out to the Board of Commissioners out of frustration about the handling of her request for benefits related to her accident. She acknowledged she did not know the process for obtaining Workers' Compensation and duty disability benefits. OPA found Complainant's complaints were procedural and unrelated to any discriminatory practices or protected categories.

Based on this information, OPA closed this matter as unsubstantiated

24-0057

OPA received a complaint from an employee (Complainant) alleging that another employee (Subject) was harassing and threatening him.

Specifically, Complainant alleged Subject approached him in an isolated area and started yelling expletives in a threatening manner, leaving Complainant feeling fearful and unsafe.

During an interview with OPA, Complainant also stated that he believes he should have been offered a transfer to a position that was recently open. His understanding was that the position should first be offered to people with seniority and, if they decline, the position can be opened for bids. When asked what policy he was referring to, Complainant replied, "All of the policies." When asked what specifically he was referring to in the contract, Complainant replied, "Promotions."

Complainant described two incidents involving Subject. In the first, Complainant was outside and sent a group text to his foreman and Subject asking where Subject was. Minutes later, Subject came up to Complainant and used profanity, calling Complainant a "rat" and a "tattletale." Complainant felt like Subject wanted to fight; he became uncomfortable because they were in an isolated location, and no one else was around.

Complainant described another incident involving Subject, when a table could not be located. When Complainant told Subject that the table had been borrowed and not returned, Subject cursed at Complainant and instructed Complainant to go find the table. Later the same day, Complainant found the table and brought it to Subject. Later, Subject followed Complainant and said he was trying to apologize. Complainant, however, said he felt threatened.

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When asked for examples of the racist jokes Complainant also reported to OPA, he said it is just a pervasive attitude with everyone. He could not provide any specifics.

When asked how he knows Subject views pornography on his phone, as he reported to OPA, Complainant said Subject was showing him something on this phone and it popped up. When asked what specifically popped up, Complainant said he cannot recall.

A coworker pointed out to Complainant that a driver's license and credit card that did not belong to Subject were near Subject's work cubbyhole. Complainant turned the items into Security. When asked how he knew Subject stole the items, as he reported to OPA, Complainant stated he just assumed.

At Complainant's request, managers from Complainant's department and the Park District's Director of Human Resources met with Complainant to discuss his concerns about Subject and other co-workers and Complainant's assertion that he does not feel safe. Additionally, during the 90-minute meeting, Complainant asserted that, based on his seniority, he should have automatically been promoted into an open position. The Complainant's managers and HR director provided Complainant with information about the Park District's processes for promotions and transfers, including the bidding process required by the collective bargaining agreement.

Analysis

When interviewed by OPA, Complainant could not provide any supporting evidence for the majority of the allegations he was making.

OPA's investigation found that management had taken proper steps by immediately addressing the allegation Complainant made against Subject by issuing Subject a formal verbal reprimand. As the discipline was taken before OPA began its investigation, OPA deferred to management and Human Resources in this matter.

Management has continued to offer assistance to Complainant and worked to guide him through the proper process to request a transfer or apply for a new position. In addition, management informed Complainant of the Employee Assistance Programs offered by the Park District.

Conclusion

Management took disciplinary action to address Subject's conduct, and the other concerns raised by Complainant are unsupported allegations or involve inter-personal conflicts and issues that do not fall under OPA's purview. OPA, therefore, closed its case.

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24-0098

OPA received a complaint from a manager (Manager) relating that a Program and Event Coordinator (Coordinator) had alleged discrimination based on age in an email exchange between the Manager and Coordinator. In the email, Coordinator described feeling stifled professionally while other employees, who Coordinator believed were younger, were being promoted to management titles.

During an interview with OPA, Coordinator stated that they had worked for the Park District for nearly 20 years and had been in their current position since Spring 2018. According to the Coordinator, they were doing management duties without the title or salary of a manager and should be promoted. When asked how promotions worked in Coordinator's department, Coordinator said they had "no idea." Coordinator had not applied for a promotion since 2018.

OPA conducted a review of relevant Taleo records and confirmed that there were no records of Coordinator applying for a promotion. Additionally, all of the department's internal promotions referenced by Coordinator were recorded in Taleo and appeared to follow the Park District application and hiring process. Specifically, the department's current Senior Program Specialist applied for and was offered the position in 2023; there was no evidence that Coordinator applied for that opening.

Coordinator also alleged retaliation. When questioned further, Coordinator related that a negative comment was made at a departmental meeting in 2018. In 2023, the employee who made the comment was promoted to a director position. When asked who was committing retaliation, Coordinator named a manager who was present in 2018 and had told Coordinator to work it out with the other employee.

Coordinator felt that manager was "short" and "demeaning" towards him. Additionally, due to a recent fire, Coordinator no longer had an office and questioned why the Park District did not provide another work location. Coordinator related to OPA that efforts were being made to relocate them to another location but Coordinator wanted to remain centrally located.

Finally, Coordinator reported that they did not have an Americans with Disabilities Act (ADA) Accommodation. Coordinator stated that a former supervisor knew about Coordinator's health issues and so it was "well documented" with the Park District. During OPA's investigation, Coordinator resigned, citing health reasons.

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Coordinator failed to provide any information that would indicate that they were subjected to a hostile work environment or any discriminatory or harassing behavior nor did they provide any information indicative of retaliation. Coordinator demonstrated a lack of understanding of Park District procedure regarding promotions and health-related accommodations, which likely led to Coordinator's concerns.

Based on the information OPA gathered from Coordinator and Park District records, OPA closed this case as unsubstantiated.

24-0113

An OPA investigation established that a Park Supervisor violated the Park District's Sexual Harassment Prevention Policy and Chapter 4 of the Park District Code (Code) by engaging in sexual harassment of another Park District employee.

OPA received an email from Complainant alleging she had "urgent concerns in the workplace." In the email, Complainant reported sexually harassing comments, false accusations, bullying and workplace harassment from Subject, her immediate supervisor. Complainant further alleged hearing numerous complaints from staff and patrons regarding Subject.

During an interview with OPA, Complainant alleged the following regarding her interactions with Subject:

- She accused Subject of "sexualizing her body parts to other employees."
- She stated that she received a telephone call from a non-Park District employee related to comments Subject made about her. She said the individual told her a Park District employee reported Subject said she thought Complainant had a "Brazilian Butt Lift" or some type of cosmetic surgery and that her butt was fake.
- She related Subject also made comments to others that Complainant does not have any "edges," a reference Complainant's hairline, and also said Complainant does not know how to talk. She related several individuals told her negative things Subject had said about her.
- She related that Subject would stare at her, which made her feel uncomfortable.

Complainant stated that Subject has never said anything directly to her about her body parts but that the comments were brought to her attention by others. She said it makes her feel very uncomfortable that Subject is speaking about her body to others in such a way. She related she

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has been told that Subject was referring to Complainant when making comments like “She has no home training” and “She is always in the faces of men all day.”

She also related that Subject’s minor niece visits the Park District and once asked Complainant and another employee what they did to make Subject hate them. She related Subject’s niece also repeated negative comments that Subject made about her.

Complainant also said that in May 2024 Subject attempted to change her scheduled work time. She related she felt Subject was being malicious in trying to make that change. She said Subject said the change was needed for programming but that Complainant did not work in programming, so that explanation did not make sense to her.

OPA interviewed a witness provided by Complainant, a Park District patron (Witness 1) who stated that they were aware of an ongoing issue between Complainant and Subject. Witness 1 stated they heard Subject comment that Complainant had a big butt. Witness 1 said Subject made the comment about Complainant’s butt in front of others. Witness 1 also stated that Subject talked about what different workers were doing within the Park to non-Park District employees. Witness 1 stated that Subject also made a comment to a non-Park District employee that Complainant was never doing her job duties at the park.

OPA also interviewed another witness identified by Complainant, a Park District employee (Witness 2), who stated that Subject made multiple sexual comments about Complainant’s body, on several occasions, with a group of people present. Witness 2 recalled Subject making several comments about Complainant, including: “Oh my God she looks horrible, she has a fake ass. That Bitch ass is fake.” They stated that it appeared to them that Subject was fixated on that specific part of Complainant’s body. Witness 2 also stated that Subject has made disparaging and negative comments about Complainant during work hours and in front of several Park District employees. They stated that Subject’s comments included describing Complainant as “unattractive” and “ugly” and stating that Subject “does not know who would sleep with her.” Witness 2 stated that Subject made comments that Complainant did not have any edges and that she was a “bald-headed bitch.”

Witness 2 said that they were not necessarily friends with Complainant, but the two of them would speak to each other in passing. Witness 2 said they heard Subject making comments about Complainant for months before they finally decided to tell Complainant what was being said. They recounted they told Complainant because they wanted her to know what Subject was saying about her and because it had been going on for so long and Subject was not stopping.

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OPA conducted an interview with Subject, who denied the allegations. Specifically, Subject denied:

- making any comments that Complainant had a “Brazilian Butt Lift,” some type of cosmetic surgery, or that her butt was “fake.”
- commenting that Complainant had a “big butt” in front of several individuals.
- stating “Oh my God she looks horrible, she has a fake ass. That Bitch ass is fake.”
- calling Complainant unattractive or ugly, and questioning who would sleep with her.
- commenting about Complainant’s edges or called her a “bald-headed bitch.”
- stating that Complainant did not know how to talk, had no home training, and that she was always in the faces of men all day.

Subject also denied making any negative or disparaging comments about Complainant or anyone else. Subject admitted having a minor niece who attended a Park District summer camp, but Subject denied having any conversations with the niece about any Park District employees. Subject also stated the niece does not talk to any of the staff.

Analysis

Complainant alleged Subject subjected her to sexual harassment in the workplace by making repeated comments about Complainant’s physical appearance, including discussing specific parts of her anatomy with others and discussing whether anyone would want to sleep with her. Such comments are the type of prohibited conduct enumerated in Section II.B of the Park District’s Sexual Harassment Prevention Policy, which specifically bars sexual comments about clothing, anatomy and appearance, as well as offensive remarks, jokes or rumors.

Complainant’s allegations were supported by two witnesses who appeared credible and provided consistent statements regarding the type of comments Subject is alleged to have made. Further, OPA found that Subject’s status as Complainant’s immediate supervisor created a situation where such sexually suggestive and harassing comments had more impact on Complainant’s workplace, than similar misconduct, by an individual lacking such authority would have and created a hostile and offensive work environment.

Based on the evidence detailed above, OPA found substantial, detailed, and credible evidence to support Complainant’s allegations that she was sexually harassed and subjected to a hostile work environment. The allegation that Subject engaged in sexual harassment was, therefore, substantiated.

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OPA recommended that the Park District take appropriate disciplinary action against Subject for violating the Sexual Harassment Prevention Policy and Chapter 4 of the Code. Additionally, OPA recommended that Subject be assigned to retake the annual Sexual Harassment Prevention Training required of all supervisors.

24-0112 and 24-0120

OPA received two separate complaints alleging discrimination, harassment and retaliation within a Park District administrative department.

Complainant 1 alleged inequities related to how management applied the District's Telecommute Policy amongst employees within the department. In addition, Complainant 1 alleged inequities in salaries, specifically related to salary increases within the department.

Complainant 2 alleged unfair targeting based on race. In addition, Complainant 2 also alleged inequities in salaries.

OPA's preliminary investigations did not find evidence to support these allegations. Additionally, follow-up conversations with both complainants conducted by OPA did not reveal ongoing issues and concerns related to the initial allegations had been resolved.

OPA found no further investigation was needed and therefore closed these cases.

24-0135

During the course of an unrelated investigation, OPA received information from two separate individuals who alleged that a former Chicago Park District employee (Subject) inappropriately touched and performed oral sex on an underage patron.

Individual 1 informed OPA that Individual 2 told her that when he was a 16-year-old Park District patron, Subject forced herself on him. Individual 2 told Individual 1 that Subject performed oral sex on him. Individual 2 related that Subject was a close family friend who had two sons, and Individual 2 did not want Subject to get in trouble so he never reported what happened.

OPA spoke with Individual 2, who shared that Subject started "touching on him" and performed oral sex on him when he was a teenager. Individual 2 estimated that Subject was in her mid-30s at the time. Individual 2 stated these sexual acts occurred multiple times, both inside a Park District fieldhouse and in Subject's car.

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Individual 2 did not tell his family about what happened. He stated that he felt weird bringing it up and did not want to talk about it. Individual 2 shared this information with a few friends who he thought he could trust. Individual 2 said he was angry that Individual 1 told OPA about something so personal.

Based on these interviews, OPA determined there is a credible allegation that Subject engaged in inappropriate conduct with a minor child during her duties as a Park District employee and while on Park District property. Due to the concerning nature of the allegations, OPA asked Human Resources to flag the former employee and notify OPA prior to rehiring her, if she attempts to regain employment with the Park District in the future, so that an investigation can be completed.

24-0213

OPA received a complaint from a Maintenance Laborer (Complainant) alleging retaliation by a supervisor (Subject) for Complainant's prior reports to OPA.

During an initial interview, Complainant alleged that Subject prevented Complainant's minor child (Minor) from obtaining employment as a Summer 2024 seasonal junior laborer. Complainant related that Minor was employed as such during Summer 2023 and, in early 2024, Minor had received an invitation to return for the 2024 season. According to Complainant, Minor responded to and provided all the required information by the required due dates. Minor was not hired. When Complainant inquired as to why Minor was not hired, Subject was hostile towards Complainant.

OPA reviewed Minor's Park District records, including Taleo records from 2023 and 2024. Through these records, OPA discovered that Minor had not responded to a final step of the seasonal onboarding process and Minor's application was closed as "unable to process."

Based on Taleo records, OPA referred Complainant to Human Resources, and closed the case as unsubstantiated.

23-0251

OPA received a report that a female lifeguard was subjected to sexual harassment by a superior. An OPA investigation into this complaint established sufficient, credible and corroborated evidence that a Monthly Natatorium Instructor (Subject) violated Chapter 4, Section

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A(4)(a) of the Park District Code by engaging in acts of sexual and racial harassment of Park District employees.

Through its investigation, OPA also learned that multiple employees had concerns and/or complaints regarding Subject's abilities as a supervisor, including accurate and timely completion of paperwork, telling subordinate employees to do supervisory tasks, calling off of work during his scheduled classes or otherwise having other employees cover his classes, not getting into the water while teaching classes, not cleaning up after himself in the employee and common areas, and misuse of an employee group chat for non-work related content.

Applicable Policies

The Park District's Equal Employment Opportunity (EEO) Policy specifically prohibits sexual harassment and harassment based on sex, sexual orientation, gender identity, race, color, national origin, ancestry, religion, age, marital status, military status, or disability. The EEO Policy prohibits harassment that includes any unwelcomed conduct based, in part, on sex, race, or color, and may include, but is not limited to, the use of vulgar language.

The Park District's Sexual Harassment Prevention Policy (Policy) prohibits sexual harassment in the workplace, and states that sexual harassment is a violation of the law and will not be tolerated by the Park District. Employees found to be in violation of the Policy will be subject to discipline, up to and including termination.

The Policy prohibits conduct of a sexual nature that "creates a hostile work environment, including conduct that has the purpose or effect of substantially interfering with the work performance of an employee or creating an intimidating, hostile or offensive work environment."

Examples of prohibited conduct enumerated in the Policy include, but are not limited to: sexually suggestive or offensive remarks, jokes or rumors; suggestive behavior such as elevator eyes, leering or staring; sexual comments or innuendos about clothing, anatomy, appearance or sexual jokes or stories; physically touching or hugging; repeated invitations for dates; and, discussions or inquiries about sexual fantasy, preferences, history or sex life about self or others.

Finally, Section II.C. of the Policy states that "such conduct is a violation of this policy even in instances where the offending Employee believed they were acting jokingly" and such conduct is "prohibited by the Park District whether or not other employees were offended."

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Complaint

OPA received a complaint from an Hourly Natatorium Instructor (Reporter). The complaint alleged that a Lifeguard (Complainant) disclosed to Reporter that she was uncomfortable around Subject because he made jokes about dating Complainant. The complaint further alleged that Subject told Complainant that she should come to Subject's house because he had a "bottle." According to Reporter, Complainant said that Subject's behavior was "creepy" and "annoying," and she asked Reporter for help.

During an interview with OPA, Reporter reiterated the previously summarized complaint. Additionally, Reporter related the following:

When Complainant told Reporter that Subject said that he and Complainant should go on a date, Complainant related that Subject also said that Complainant's mom would hate him if he and Complainant dated. Regarding Subject's comment that Complainant should come to his house, Reporter understood that Complainant believed that when Subject said he had a "bottle," he was referring to a bottle of alcohol.

Reporter further related that Complainant was reluctant to report Subject's behavior because of fear of retaliation. Complainant said she was afraid that if she made a report, she would be relocated to an "undesirable" location.

In an interview with OPA, Complainant related the following, in summary:

Subject had been Complainant's swim coach and she had known Subject since she was a child. Complainant expressed extreme discomfort and sadness over Subject paying a different type of attention to her since she had turned 18. Complainant related that she turned 19 this year, and Subject was at least 10 years older than her.

Complainant related that in Autumn 2023, Subject said to Complainant that he had not been out on a date in a while. When Complainant responded that she had not either, Subject said that he and Complainant should go on a date together. Then Subject laughed and said "no," Complainant's mother would "kill" him if he went on a date with Complainant. Complainant felt uncomfortable with Subject's comments.

On another occasion, also in Autumn 2023, Complainant and Subject were on the pool deck talking about their weekend plans. Subject told Complainant that she should come to his house because he had a bottle. Complainant thought that Subject was referring to a bottle of alcohol and

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that he knew Complainant was under the age of 21. Complainant believed that on that occasion, she was the only employee that Subject invited to his house.

Complainant related that on a separate occasion, Subject invited all of the employees, including Complainant, to his house for another employee's birthday.

One night after work, Subject and Complainant were talking in Subject's car, which was parked outside a Park District building. Subject asked Complainant to hang out that night and she said no, she had to go home to eat. Subject laughed and said that he was about to say something "so inappropriate." Employee felt that Subject was going to say something about eating and oral sex. The situation made Complainant feel "gross" and "disgusting."

At the end of 2024, Complainant was in a Park District employee office and Subject was behind her, sitting at the desk. Complainant bent down to get something from her bag and she heard Subject say a drawn-out "damn." Because the only other employees were two males, one of whom was on the phone, and because she was bending down when he said it, Complainant believed that Subject was commenting on her buttocks.

On other occasions, Complainant felt Subject's eyes on her, specifically her legs. Complaint caught Subject staring at her on multiple occasions. Complainant had also seen Subject stare at the hips and buttocks of another female lifeguard (Employee 4). On one occasion, Complainant over-heard Subject tell another employee that Employee 4's swimsuit fit her "good" and commented on Employee 4's hips.

On an unknown date, Complainant told another female lifeguard (Employee 1) that she could borrow Complainant's swimsuit. Employee 1 later told Complainant that when she told Subject about borrowing Complainant's swimsuit, Subject commented about the difference in Complainant and Employee 3's breast sizes and how their swimsuits fit their bodies.

Generally, Subject seemed to try to insert himself into any conversation that Complainant was engaged in. Complainant felt that he was focused on her. Complainant also said she had heard Subject tell "funny" stories about his dating and sex life but did not recall any specific examples.

Interview of Employee 1

In an interview with OPA, Employee 1 related that when she worked with Subject briefly in late Summer or early Autumn 2023, she did not want to work at that location and was anxious to leave because of Subject's conduct.

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On more than one occasion, Employee 1 forgot her Park District swimsuit and would borrow Complainant's. On one such occasion, Subject commented to Employee 1 that he was surprised that Complainant's swimsuit fit Employee 1. Subject then used his hands to make a rounded shape along his chest area, which Employee 1 described as the "big breast hand thing." On multiple occasions, Subject told Employee 1 that she had smaller breasts or a smaller chest than Complainant. Subject also told Employee 1 that she and Complainant looked like women, referring to their bodies.

Employee 1 heard Subject comment on Complainant's clothes and how she looked on multiple occasions. While Subject commented on the attire of Employee 1 and other female employees, Subject most often made comments about Complainant. Employee 1 never heard Subject make similar comments about the attire of male employees.

Subject regularly made "stupid guy jokes" about women and other topics. Employee 1 tried to ignore Subject and did not recall specific jokes. However, on a few such occasions, Employee 1 saw Complainant's face and Complainant looked as if she felt uncomfortable.

On multiple occasions, Employee 1 had seen Subject come out of the employee bathroom and do a "kind of shimmy" with a towel between his legs in an exaggerated and sexual manner. There were always other employees present. To Employee 1, Subject seemed to think that the shimmy was a joke because Subject would sometimes be laughing. While Subject's towel shimmy did not appear to be directed at a particular person, Employee 1 found Subject's towel shimmy to be uncomfortable and "weird."

When Employee 1 was sitting, Subject would approach her and look at what Employee 1 was doing. Subject would put the palm-side of his hand on Employee 1's back, between her shoulder blades, and he would quickly rub Employee 1's back. While Employee 1 did not think that the touching or rubbing was sexual, it made her feel uncomfortable. Employee 1 would try to shift her body or posture to shake Subject's hand off of her. During Summer 2023, Subject touched Employee 1 on her back approximately five or six times.

Employee 1 had also seen Subject touch Complainant, usually when all of the employees were at a picnic bench eating lunch. Subject would walk up behind Complainant and cup his hands around Complainant's shoulders and upper biceps. Employee 1 observed Subject massage Complainant's shoulders and then shake her. Employee 1 had seen Complainant's face during these interactions, and Complainant looked like she did not want Subject to touch her.

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While Employee 1 could not recall the specific situations, she had heard Subject say that he did not mean it “like that,” referring to touching employees. On another occasion, though she could not recall the exact context, Employee 1 heard Subject say, jokingly, “Don’t call OPA on me.”

Subject often spoke about his sex life and he talked about women in a demeaning way. For example, Employee 1 heard Subject refer to the women in his life as his “bitches.” Employee 1 also heard Subject talk about women he had dated. During one such conversation, Employee 3 heard Subject say that he had gone on a date with a woman and that the woman would not perform oral sex.

Subject also constantly asked Complainant, Employee 1, Employee 3, and other female employees for dating advice.

Employee 1 related that Subject had set up a work group chat. The chat was used for work announcements, such as swim meets, and the chat was necessary for work communications. In addition to work-related information, Subject and other employees sent non-work-related messages, memes, images, and the like. On February 25, 2024, Employee 1 received a non-work-related group chat message from Subject, which contained an image. Employee 1 sent OPA a screenshot of the message. OPA reviewed the image, which showed a picture of a box of Kentucky Fried Chicken, a can of Grape Crush soda, and a container of watermelon pieces. The text in the image said, “She said she ain’t [sic] never dated a black person before and didn’t know what I liked... bruh [sic] just ask next time [crying face emoji]”. Employee 1 related that Subject frequently sent similar images and jokes to the work group chat.

Interview of Employee 2

During an interview with OPA, Employee 2 described observing Subject paying more attention to Complainant than to other lifeguards. Employee 2 heard Subject comment positively and negatively about Employee 2’s clothing and physical appearance and he never heard Subject make similar comments to male employees, including Employee 2. While Employee 2 could not recall exact words, he remembered a few occasions in which Subject appeared to be flirting with Complainant.

Complainant and Employee 1 told Employee 2, separately, that they each felt uncomfortable around Subject due to his comments. Additionally, Complainant told Employee 2 that Subject had asked her to his house because he had a bottle of alcohol and that Complainant felt uncomfortable around Subject.

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In late Summer or early Autumn of 2023, Employee 2 observed Subject do a sexual dance with a towel between his legs while exaggerating drying himself. According to Employee 2, Subject was biting his lip in a sexual way. Subject was on the pool deck and multiple employees were present. Subject appeared to think it was a joke, but Employee 2 felt that it was inappropriate behavior by a supervisor.

Interview of Employee 3

During an interview with OPA, Employee 3 described Subject as outgoing and a “very touchy, feely, flirty” person. Subject would hug Employee 3 and the hugs made her feel uncomfortable. However, Employee 3 felt that she could not tell Subject that it made her feel uncomfortable because Subject was a “where’s my hug kinda guy;” meaning, people felt bad for Subject and so they let Subject hug them even if they did not want to.

Employee 3 had seen Subject touch and put his arm around female employees’ shoulders. Subject would often put a foot up on a chair, lean forward, and put his hand on the employee’s shoulder and/or shoulders.

Employee 3 also related a situation in which Subject looked her up and down, and then made a comment about her body. To the best of Employee 3’s memory, Subject said something similar to an extended “hmm” “okay.” Employee 3 was wearing a swimsuit.

In or around February 2024, Employee 3 noticed that Complainant’s behavior had changed and she seemed to have “something going on with” her. Complainant later told Employee 3 that Subject was “being weird” and talking about Complainant’s physical appearance. Employee 3 had heard Subject make positive comments about Complainant’s clothing and attire. She did not recall any specific comments.

According to Employee 3, Complainant said that Subject told her that he had not been on a date in a while and that he and Complainant should go on a date together.

Multiple male and female employees told Employee 3 that they had seen Subject do a sexual dance with a towel between his legs, near his groin. Employee 3 never witnessed this herself. Based on what other employees told her, Employee 3 believed that Subject had done this towel dance on more than one occasion.

Subject often talked about his personal and sex life at work. During one such occasion, Subject said that he had had sex with an ex-girlfriend. Employee 3 recalled that there was an unknown

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male employee present and when he heard Subject, the employee said, "I'm out," and physically left the conversation.

Subject related that it was "crazy" that his ex-girlfriend did not want to be in a relationship with him because "last time, I did her well." Employee 3 understood Subject to mean that he and his ex-girlfriend had had sex and that Subject thought he had performed well sexually. Employee 3 felt "awkward" during this and other sexual stories related by Subject.

Interview of Employee 4

During her interview with OPA, Employee 4 related the following, in summary:

Employee 4 was 16-years-old when she started with the Park District and she has worked with Subject several times over the years and at different locations. Subject would say "inappropriate things." When she first started to work with Subject, Employee 4 felt uncomfortable around Subject due to his comments and jokes.

When she was 18- or 19-years-old, Subject told Employee 4 that he had romantic feelings for her and he did not want work to be "awkward." Subject was Employee 4's superior and he knew that Employee 4 had a boyfriend. Employee 4 related that this situation made her feel uncomfortable around Subject, in part because he was approximately 10 years older.

While Employee 4 did not hear Subject make similar or inappropriate comments to Complainant, Complainant had recently told Employee 4 that she felt uncomfortable around Subject because of comments he had made to Complainant. Complainant did not elaborate. After that conversation, Employee 4 noticed that Complainant appeared to be avoiding Subject.

Employee 4 recalled that Subject would make sexual comments or jokes and comments about unknown people's bodies or body parts. Employee 4 recalled that she felt that Subject's comments were often not appropriate for the workplace.

Employee 4 heard Subject and another employee call each other a racial slur at work. Although Subject and the other employee are both the same race and seemed to be joking, Employee 4 told Subject that she did not think he should use the slur at work because anyone might hear. Subject continued to use the slur.

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Interview of Subject

OPA interviewed Subject in the presence of a SEIU Local 73 Union representative. Unless otherwise noted, Subject related the following:

Subject admitted that he made jokes at work and that his jokes may have been “inappropriate” but he could not recall saying anything “derogatory.” Initially, Subject denied that any employees had removed themselves from conversations or otherwise indicated that Subject’s comments or jokes were not appropriate. Later in the interview, Subject said that he recalled that a male lifeguard once said something while they were on the pool deck. Subject could not recall the nature of the situation.

Throughout the duration of the interview, Subject was asked to provide examples of sexual and nonsexual jokes and/or comments. Each time, Subject said that he could not recall – “I don’t remember what I think is sexual ... no one left the room.”

Subject recalled that a female lifeguard had borrowed the swimsuit of another female lifeguard. Subject admitted that he asked the lifeguard if the borrowed swimsuit would fit her. Subject stated that he did not remember commenting about the bodies or swimsuits of either of the lifeguards. Specifically, Subject did not recall comparing the breast size of the two lifeguards and he denied that he made gestures with his hands to indicate large breasts.

Subject admitted that when he saw Employee 3, he looked at her because her body looked different. Subject further related that he told Employee 3, “Hey, your suit looks smaller.” Subject did not think this comment was inappropriate or unprofessional because Employee 3 had expressed discomfort with her body and his intent was complimentary.

While he did not recall specific instances, Subject related that he “maybe” said “damn” to employees when they looked good. According to Subject, he meant, “Damn, okay, I see you,” and it was a compliment. Subject also stated that he may have made such a comment to Employee 3.

Subject denied that he ever said “damn” or anything similar about a female employee’s buttocks or back side.

Subject said he made positive comments about employees’ street clothes and that he made such comments equally to male and female employees. Subject related that he would not like it if a supervisor made a negative comment about his body or appearance. Later in the interview, Subject admitted that it was not appropriate to comment on the bodies of others.

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When asked if he ever stared at an employee or employee's body, Subject related that he had had romantic feelings for a female coworker while working at a prior Park District location. Subject admitted to staring at that employee. Subject told her that he had romantic feelings for her. But when the employee told Subject she was not interested, Subject stated he did not pursue the issue.

Subject admitted that he asked Complainant on a date on one occasion while they were in his car outside of their work location. Subject recalled that he told Complainant that he had not been on a date in a long time and suggested that he and Complainant go out. Complainant said no, and according to Subject, that was it.

Subject denied that Complainant told him that she could not hang out with him that night because she had to go home to eat, and he further denied that he told Complainant that he was about to say something inappropriate. Subject stated that he often stopped himself from saying "inappropriate things." When asked what inappropriate things he might have said to Complainant in this situation, Subject said, "Nothing good." Subject refused to elaborate.

Subject denied that he asked Complainant to his house or that he said that Complainant's mother would "kill" him if he dated Complainant.

Subject related that he tried to organize an employee birthday party at his house and he asked all of the employees as a group. Subject stated that he may have invited a female employee individually while no one else was around but could not recall who. Subject also admitted that he knew some employees were under the age 21 and admitted that he told employees that he had bottles of alcohol for the party.

Subject denied that he asked any other employees out romantically. When asked if he ever told an employee that he just wanted her to know that he had romantic feelings for her, Subject said yes, Employee 4. Subject stated that he "confused" their friendship as something romantic. Subject believed that Employee 4 was 19-years-old and admitted that he was Employee 4's superior at the time.

Subject related he would hug people he was close to, including employees. Subject "probably" put his hands on the shoulders of male employees and denied that he did the same to female employees. Subject denied that he massaged the shoulders of or rubbed the backs of female employees and he did not shake anyone by the shoulders. Later in the interview, Subject admitted that he had put his hands on the upper back of female staff members and stated that he may have rubbed their backs "unconsciously."

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According to Subject, no employee told him not to hug or touch them nor did he notice any employee changing positions or otherwise indicate they did not want to be touched.

Subject did not recall ever telling an employee, in any context, that he “didn’t mean it like that” or “don’t call OPA on me.”

Subject denied that he danced with a towel between his legs or that he had ever done anything with a towel. Subject was unable to explain why multiple employees had reported that they had witnessed Subject make sexual innuendos with a towel between his legs.

Initially, Subject said he talked to other employees about a “couple of dates” and that he did not discuss any sexual details. When confronted with specific comments, Subject admitted that he told Employee 5 that he went on a date with a woman who declined to perform oral sex. Subject emphasized that it was a “private” conversation and that if someone else heard him, “...they heard, but I was talking to [Employee 5] specifically.” Subject related that Employee 5 was a close friend and that while they were at work, Subject often spoke to Employee 5 about his personal life, including his sex life.

Later in the interview, Subject denied that he used the specific words attributed to him regarding oral sex, stating that he may have said something similar. Subject admitted that he used vulgar language at work and stated that he only used vulgar language with Employee 5. According to Subject, the “most” he said to other employees was “kiss my ass.”

Subject admitted that he “might” have said to Employee 4 that even though he and his ex-girlfriend had had good sex, his ex-girlfriend did not want a relationship with him. Subject admitted to OPA that he knew that this was inappropriate work conduct.

When asked about the employee group chat, Subject confirmed that he had created an employee group chat. He stated that the group chat was used for “work purposes only.” Subject related that other employees sent jokes, memes, and TikTok videos to the employee group chat and stated that he never sent anything other than work-related messages to the employee group chat.

When presented with a copy of the screenshot from Employee 1, Subject admitted that he had sent the image to the employee group chat as a joke in February 2023. Subject sent the joke because it was Black History Month. Subject further admitted that during February 2024 he told subordinate employees that February was “his month” and that they should get him “Edible Arrangements” and “chocolate covered watermelon.”

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Subject further admitted that he used a racial slur at work and said that that term (the “n-word”) was “not derogatory – I just say it.” Subject denied that any employee had ever told him that it was inappropriate to use the term at work, although he recalled that at least one employee told him why they chose not to use the racial slur.

According to Subject, no employee ever told or otherwise indicated to him that his comments, jokes, touching, or other conduct made them feel uncomfortable. Subject stated that “nothing I’ve done is intentionally sexual” and that his behavior was “all jokes.”

Analysis

OPA has determined that there is substantial, credible, and corroborated evidence that Subject violated the Park District’s Sexual Harassment Policy by:

- repeatedly inviting female employees on dates;
- staring at female subordinate employees and/or employees’ body parts;
- commenting on and making suggestive gestures about the bodies and body parts, swimsuits, and clothes of female subordinate employees;
- making sexually suggestive gestures indicating body parts and/or sex acts;
- hugging and touching female subordinate employees; and,
- talking about his personal sex life and specific sex acts and using sexually explicit or vulgar language during work hours and on Park District property.

Additionally, OPA determined that there is sufficient and credible evidence that Subject violated the Park District’s EEO Policy by making race related jokes and using racial slurs at work.

OPA’s determinations are based on admissions by Subject and credible accounts provided to OPA by multiple witnesses. The witnesses provided consistent, detailed, and credible descriptions of situations in which they were subjected to Subject’s sexual conduct, comments, gestures, and/or stories. Those witnesses were also either subjected to and/or witnessed Subject hug and/or physically touch employees. Those witnesses discussed how Subject’s actions and statements made them and others, especially Complainant, uncomfortable and how Subject persisted in such behavior after employees indicated through body language and other physical

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cues it was unwelcomed and/or inappropriate. They were subjected to Subject's inappropriate conduct so often that most witnesses now ignore, avoid or otherwise tune out Subject.

Further, Subject acknowledged that he was fully aware of the Park District's Sexual Harassment Policy as he had received multiple copies of that policy and had completed an online Sexual Harassment Prevention training. Just months after completing the online training, witnesses stated that Subject conducted the sexual shimmy with a towel, repeatedly asked Complainant out on dates, and otherwise continued engaging in inappropriate behavior and comments.

Subject's own admissions not only bolstered statements made by witnesses but also solidified Complainant's already credible and detailed testimony regarding Subject's misconduct. For example, in their statements to OPA, Employee 1 and Employee 2 fully corroborate Complainant's assertions that during the relevant time, Subject's attention was focused on Complainant. Both Employee 1 and Employee 2 stated that Complainant received the "worst" of Subject's behavior and, according to Employee 1, Subject's general inappropriate behavior would escalate when Complainant was present. Complainant himself admitted that he was romantically interested in Complainant and had asked her out romantically.

While Subject made admissions, OPA found that at times Subject's statements were contradictory and not always forthcoming. For example, after admitting to staring at and asking out a former co-worker, Subject said he did not ask out any other employees. It was only when confronted with specific statements that Subject related that he asked out Complainant and Employee 4; again, only after being confronted with details.

Subject's statement to OPA that he often has to stop himself from saying "inappropriate things" not only substantiates Complainant's account of one of the occasions in which Subject asked her out but also corroborates Subject's ongoing inappropriate comments and/or jokes, as alleged by Complainant, Employee 1, Employee 2, Employee 3, and Employee 4.

Finally, Subject himself admitted that he told at least two employees, both of whom he supervised, personal sexual details that included vulgar language. Subject's admission was nearly identical to Employee 3's account to OPA.

Based on the sheer number of accounts and the consistent details provided by witnesses of Subject engaging in a sexual shimmy, it is more likely than not that Subject made physical gestures that imply a sexual act.

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Subject's testimony that his behavior was intended as jokes is not a defense, as clearly stated in the Sexual Harassment Prevention Policy. Furthermore, per the Park District's Sexual Harassment policy, employees do not need to feel offended by the comment or act for it to be a policy violation and thus, even if Complainant and/or witness thought that Subject's jokes or comments were funny or "dumb guy jokes," Subject's conduct is Park District policy violations.

Regarding the allegations that Subject violated the Park District's EEO Policy, OPA found sufficient evidence that Subject uses racial slurs and makes racist jokes at work, including via the employee group chat that he created. Subject himself admitted to using a racial slur at work and making race-related jokes. Additionally, Subject acknowledged that he had sent the image provided by Employee 1 to the work group chat. Finally, Subject acknowledged, and Park District records show, that Subject completed the Preventing Harassment in the Workplace online training. This training specifically addresses the use of racial slurs in the workplace and is clearly "red behavior" prohibited by Park District policy. Subject knew or should have known that when he used the racial slur, he was engaging in prohibited conduct.

Finally, not only were Subject's racial jokes in violation of Park District policy, Subject abused his power when he, as a supervisor, told subordinate employees to give him Edible Arrangements and watermelon during Black History Month.

Recommendations

Based on these substantiated violations of the Park District's Sexual Harassment Prevention and EEO Policies, OPA recommended that Human Resources evaluate these findings and discipline Subject as appropriate given the serious nature of his misconduct. In response, Human Resources terminated Subject's employment, effective November 19, 2024.

Additionally, OPA recommended that the Park District evaluate the use of employee-created work group chats and determine and implement clear guidelines for appropriate and professional use of such work group chats.