



CHICAGO PARK DISTRICT

Sexual Harassment Prevention Policy

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I. Statement of Policy & Purpose

- A.** The Chicago Park District (“Park District”) is committed to providing a safe and positive workplace, where all individuals are treated with respect and dignity. Each individual employed by the Park District (“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 Prevention (“Policy”) applies to all phases of employment, including recruitment, testing, hiring, upgrading, promotion or demotion, transfer, layoff, termination, and selection for training. The Park District also strictly prohibits sexual harassment of Park District patrons, volunteers, vendors, partners, contractors or visitors by Park District employees.
- B.** The Park District prohibits sexual harassment in the workplace. Sexual harassment is illegal pursuant to several laws, including the laws of the State of Illinois and the City of Chicago, and a violation of those laws will not be tolerated. Employees found to be in violation of this Policy will be subject to discipline, up to and including termination.
- 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 Park District or any of its employees. No part of this Policy shall be construed to create contractual or other rights or expectations. 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.** The purposes and goals of this policy are to: 1) Provide notice to all Employees that sexual harassment will not be tolerated and that violators will be held accountable; 2) Create and enforce policies and procedures to assist Employees who are impacted by sexual harassment, including providing training on this policy for Employees and management; 3) Support a thorough workplace education and training program to prevent sexual harassment and promote a safe workplace for all Employees; and 4) Provide immediate assistance and support to victims of sexual harassment – such as reporting information and referrals to community resources.
- E.** 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. 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 termination.

II. Prohibited Conduct

A. As used in this Policy, sexual harassment means any:

1. unwelcome sexual advances or unwelcome conduct of a sexual nature;
2. requests for sexual favors or conduct of a sexual nature when:
 - a. 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
 - b. submission to or rejection of such conduct by an individual is used as the basis of any employment or service decision affecting the individual; or
 - c. such conduct has the purpose or effect of substantially interfering with an individual's work performance 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 their duties.**
3. sexual misconduct, which means any behavior of a sexual nature which also involves coercion, abuse of authority, or misuse of an individual's employment position.

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

- sexually suggestive or offensive remarks, jokes, or rumors;
- suggestive behavior such as "elevator eyes" (looking a person up and down), leering, staring, sexual gestures, whistling, catcalls, winking, throwing kisses, making kissing sounds, howling, groaning, or smacking/licking lips;
- sexual comments or innuendoes about clothing, anatomy, appearance, or sexual jokes or stories, or playing or singing sexually suggestive songs;
- discussions or inquiries about sexual fantasy, preferences, history, or sex life about self or others;
- sexually suggestive pictures or graffiti;
- verbal harassment or abuse of a sexual nature;
- display of or reference to sexual objects;
- subtle or direct requests for sexual favors;
- repeated invitations and/or pressuring/coercion for dates or sexual favors;
- harassing phone calls, emails, texts, social media posts, or other communication;
- stalking, following, or blocking an individual's path;
- giving personal gifts that imply an intimate relationship;
- sexual assault;
- touching, patting, or pinching;
- touching an individual by massaging their back, neck or shoulders, hugging, kissing, fondling, or touching/pulling an individual's clothing or hair;
- physical gestures that imply a sexual act or sexual anatomy, touching oneself in a sexual manner;
- intentionally brushing up against another person, standing too close, or lingering;

- sending sexually suggestive e-mail or text messages; and
 - accessing or sharing sexually suggestive sites, pictures, or reading materials on the internet, including sexual material on personal devices including smart phones or tablets, or company-owned computers or devices shared in the workplace.
- C. Such conduct is a violation of this policy, even in instances where the offending Employee believed they were acting jokingly. Such communications, comments, actions of a sexual nature, or unwelcome advances are prohibited by the Park District whether or not other employees were offended.
- D. Anyone can be a victim of sexual harassment regardless of their gender, gender identity, sexual orientation, race, age, or other factors. Sexual harassment can occur between members of the same sex or gender.
- E. Sexual harassment can occur inside or outside the workplace, between supervisors and their staff, coworkers, patrons, volunteers, vendors, contractors and others.

III. Covered Persons:

- A. Any Employees, including seasonal, part-time, full-time and former Employees, along with volunteers and interns are covered by this Policy. As noted above, this Policy covers individuals participating in all phases of employment with the Park District, including recruitment, testing, hiring, upgrading, promotion or demotion, transfer, layoff, termination, and selection for training. This Policy also protects Employees from harassment by third parties, including patrons, volunteers, vendors, contractors, partners and visitors.
- B. Any Park patron, volunteer, vendor, contractor, partner or visitor on Park District property who is subjected to sexual harassment by Park District Employee(s) is also covered by this Policy.

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.
- B. Employees shall submit Complaints regarding a violation of this Policy directly to the Office of Prevention and Accountability ("OPA") by calling 312-742-5OPA (312-742-5672) or by emailing OPA@ChicagoParkDistrict.com. Employees are not required to submit Complaints to their supervisor before reporting violations of this Policy to OPA. Chapter 4 of the Chicago Park District Code specifies that OPA is authorized to investigate Complaints of any violation of the Human Rights Ordinance and this Policy.

Note: If a Park patron wishes to complain about sexual harassment by an Employee,

those Complaints may also be submitted to OPA.

- C. 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 Employee(s) involved, 5) any witness(es) to the incident, 6) the precise nature of harassment, and 7) any additional information that could assist in the investigation. All good faith Complaints will be investigated.
- D. **Confidentiality:** The District recognizes and respects an Employee's right to privacy and the need for confidentiality. To the extent possible and allowed by law, the reporting and investigation of all Complaints will be kept confidential. OPA 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 or where confidentiality would result in physical harm to any person, and/or jeopardize safety within the workplace.

VI. Investigation & Resolution of the Complaint:

- A. **Communication with Complainant:** Upon receipt of a Complaint, OPA may contact the person who made the complaint ("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 individual(s) involved; 5) any witness(es) to the incident; 6) the precise nature of the harassment; and 7) any additional information that could assist in the investigation.
- B. **Investigation/Fact-Finding:** After communicating with the Complainant, OPA shall, in collaboration with other Park District departments as appropriate, conduct a thorough, fair, impartial, and independent investigation into any alleged violation of this Policy.
 - 1. This investigation may include, but is not limited to, collecting relevant documents and interviewing third-party witnesses and the alleged harasser(s).
 - 2. Employees are expected to cooperate in any investigation. Failure to cooperate with the investigation may result in disciplinary action. Every Employee has the duty to be truthful and must disclose all information known to the Employee when requested to do so. Any Employee who fails to be completely truthful or who withholds information shall be subject to disciplinary action.
- 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, or placing the alleged harasser on non-disciplinary leave. Depending on the circumstances, the victim of sexual harassment may need to take time off, which may be permitted pursuant to the Park District policy on Victims Economic Security and Safety Act ("VESSA").
- D. **Final Determination and Resulting Action:** After the completion of an investigation,

OPA shall prepare a written report of its findings and any recommendations, which shall be submitted to the General Superintendent and Chief Executive Officer. The report shall not mention the name of any informant, Complainant, witness, or person investigated, except as necessary to communicate and/or recommended penalties for violations or unless otherwise authorized by the General Superintendent and Chief Executive Officer. If the Complaint is sustained, the alleged harasser(s) and any other involved individuals (if applicable) will be subject to discipline under the Park District's Employee Code of Conduct. OPA 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, & Prevention:

The Park District will provide sexual harassment prevention and bystander training annually in compliance with applicable state and local laws, including 5 ILCS 430/5-10.5 and Chicago Municipal Code §6-10-040, to educate board members, officers, department heads, supervisory personnel, and Employees about the Park District's Sexual Harassment Prevention Policy and the creation of a harassment-free workplace. The Park District will also make efforts to publicize its Sexual Harassment Prevention Policy to Park patrons.

VII. Supervisor Responsibilities:

As soon as a supervisor or manager becomes aware of a Complaint or should reasonably be aware of sexually harassing conduct, the supervisor or manager is responsible for reporting the matter to OPA as soon as possible, but no later than **within five (5) business days** after being made aware. Even if the individual making the allegations ("Complainant") requests that the conduct not be investigated or be kept confidential, the supervisor or manager must still report the Complaint to OPA as the Park District is under an obligation to investigate. Failure to timely report may result in disciplinary action, up to and including termination.

The supervisor or manager's written report shall include the following:

1. the name, region (if applicable), location, and phone number of the Complainant;
2. the name, region, and phone number of the person referring the matter;
3. the date the Complaint was made; and
4. any additional information voluntarily provided by Complainant, but no additional information need be solicited.

Supervisors and managers should keep information in Complaints reported to OPA confidential, except where disclosure to a superior or Human Resources is required to allow the Park District to address the concern or where confidentiality would result in physical harm to any person, and/or jeopardize safety within the workplace. Supervisors and managers also are responsible for ensuring the Complainant is not subject to any retaliation for making a

Complaint.

VIII. False & Frivolous Complaints Prohibited

- A. This 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; 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 and illegal pursuant to state and local laws. Any person who believes that they have 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 discipline, up to and including termination.
- B. Employees are also protected from retaliatory actions under Illinois law, including but not limited to: the Illinois State Officials and Employees Ethics Act, the Illinois Human Rights Act, the City of Chicago Human Rights Ordinance, and the Illinois Whistleblower Act.

X. Resources for Filing Complaints

In addition to the complaint procedures set forth above, any employee who believes they have been harassed or discriminated against may file a complaint with the government agencies listed below.

Chicago Commission on Human Relations (CCHR)
740 N. Sedgwick, 4th Floor
Chicago, IL 60654
312-744-4111
Website: <https://www.chicago.gov/city/en/depts/cchr.html>
Email: cchr@cityofchicago.org

Illinois Department of Human Rights (IDHR)

555 W. Monroe Street, Suite 700
Chicago, IL 60601
312-814-6200
312-740-3953 (TTY)
Website: www.illinois.gov/dhr
Email: IDHR.Intake@illinois.gov

U.S. Equal Employment Opportunity Commission (EEOC)

Chicago District Office
230 South Dearborn St., Suite 1866
Chicago, Illinois 60604
312-872-9744
866-740-3953 (TTY)
Website: <https://publicportal.eeoc.gov/Portal/Login.aspx>

XI. Additional Resources for Victims of Sexual Harassment

Other resources are available to victims of sexual harassment, including:

- IDHR's Illinois Sexual Harassment and Discrimination Helpline at 877-236-7703.
- The National Sexual Assault Hotline at 800-656-HOPE(4673) or via chat online at <https://hotline.rainn.org/online>.
- Chicago Rape Crisis Hotline at 888-293-2080. More information is available at www.ywcachicago.org.
- Resilience: 312-443-9603. More information is available at www.OurResilience.org.
- Chicago Park District Employee Assistance Program (EAP) at 877-215-6614.

TO CONTACT:

The Office of Prevention and Accountability:

Email: OPA@ChicagoParkDistrict.com
Hotline: 312-742-5OPA (312-742-5672)
Website: www.ChicagoParkDistrict.com/OPA