

Chicago Park District Code – Chapter 4 (Proposed)

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CHAPTER IV. HUMAN RIGHTS ORDINANCE AND THE OFFICE OF PREVENTION AND ACCOUNTABILITY¹

Section A. - Human Rights Ordinance

A.1. Purpose

The Chicago Park District is committed to providing an equitable, inclusive, safe, and respectful recreation and work environment free from discrimination, harassment, sexual harassment, sexual misconduct, workplace violence, abuse and neglect of children and vulnerable adults, and retaliation.

A.2. Definitions

For purposes of this chapter, the following words, terms, phrases and their derivatives, shall have the meanings set forth in this section. When consistent with the context, the present tense shall include the future tense; the plural number shall include the singular number; and the singular number shall include the plural number; ~~and male shall include the female and other gender identities.~~

- a) **“Age”** means chronological age of not less than 40 years.
- b) **“Child abuse or neglect”** is defined by the Abused and Neglected Child Reporting Act (“ANCRA”), 325 ILCS 5/1 et al, and means the mistreatment of a child under the age of 18 by a person responsible for the welfare of the child including their parent, guardian, foster parent, relative caregiver, immediate family member, caretaker, someone living in their home, or someone who works with or around children where the mistreatment causes injury or puts the child at serious risk of injury (by other than accidental means) including physical injury, death, disfigurement, harm to physical or emotional health, loss or impairment of any body function, sexual abuse, sexual exploitation, involuntary sexual servitude, torture, or severe punishment or the failure by a person responsible for the welfare of the child to provide adequate supervision, food, shelter, clothing, medical care or other basic needs for a child under the age of 18.
- c) **“Covered Individual”** means all Park District employees, applicants for employment, Board members, officers, officials, contractors, consultants, vendors, volunteers, coaches, participants, and patrons.
- d) **“Disability”** An individual with a disability is defined by the Americans with Disabilities Act as a person who has a physical or mental impairment that substantially limits one or

¹ Complete Chapter added 01/21/1998; 05/09/1998. Amended 01/28/2009. Amended with additions 04/12/2021. Complete Chapter repealed and replaced by Amendment 04/20/2022. ~~Chapter presented to the Board at the 01-26-22 Board Meeting to initiate the notice period, pursuant to Chapter 1, Section B.2 of the Park District Code~~

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more major life activities, a person who has a history or record of such an impairment, or a person who is perceived by others as having such an impairment.

e) **“Gender Identity Expression”** means the actual or perceived appearance, expression, identity, or behavior of being male, female, a blend of both or neither, whether or not that appearance, expression, identity or behavior is different from ~~that traditionally associated with~~ the person’s ~~designated~~ assigned sex at birth.

e)f) **“Gender Identity”** means a person’s internal and individual experience of gender and a person’s sense of being male, female, a blend of both, something different, or neither, which may be the same or different from the sex ~~designated~~ assigned at birth.

g) **“Harassment”** means unwelcome conduct, including verbal, nonverbal, visual, or physical conduct, that is based on an individual’s actual or perceived membership in a Protected Category or their association with a person in a Protected Category when that offensive conduct is persistent, pervasive or severe and has the purpose or effect of creating an intimidating, hostile or offensive work or recreation environment or unreasonably interferes with, limits, or denies an individual’s full and equal enjoyment of the Park District’s programs, services, facilities, privileges, advantages, and accommodations or employment access, benefits, and opportunities.

g)h) **“Mandated Reporter”** includes all Park District employees, Board members, employees of contractual providers of services to the Park District, and others who have reasonable cause to believe that (1) a child known to them in their professional or official capacity may be an abused or neglected child, which must immediately be reported to the Illinois Department of Children and Family Services, or (2) a vulnerable adult known to the in their professional or official capacity may be abused, neglected, or financially exploited and where the reporter believes the adult is not capable of reporting the abuse, neglect, or financial exploitation themselves, which must immediately be reported to Illinois Adult Protective Services.

h)i) **“Marital Status”** means the legal status of being single, married, divorced, separated, or a surviving spouse.

i)j) **“Minor” or “Child”** means any person who is under the age of 18, including patrons and employees.

j)k) **“National Origin”** means the country where a person was born or where their ancestors were born or lived.

k)l) **“Parental Status”** means the status of living with one or more dependent minor children or disabled children.

l)m) **“Pregnancy”** means pregnancy, childbirth, or medical or common conditions related to pregnancy or childbirth.

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n) **“Protected Categories”** means an individual’s actual or perceived race, color, religion, sex, gender identity, national origin, ancestry, age, marital status, disability, genetic information, unfavorable discharge from military service, sexual orientation, pregnancy, parental status, source of income, or any other basis protected by federal, state or local law, ordinance, or regulation.

o) **“Religion”** means all aspects of religious observance and practice, as well as belief.

p) **“Retaliation”** means an adverse action to an individual’s employment or denial of access to a Park District program, service, or benefit for having made a complaint or report of discrimination, harassment, sexual harassment, sexual misconduct, or abuse or neglect of a child or vulnerable adult, whether made internally with the Office of Prevention and Accountability, the Office of Inspector General, or externally with a federal, state, or local agency, or for participating in an investigation, proceeding or hearing related to an aforementioned complaint or report.

q) **“Sexual Exploitation”** means actual or attempted abuse of a position of vulnerability, power, or trust for sexual purposes including but not limited to profiting monetarily, socially, or politically from the sexual exploitation of another. Sexual exploitation includes sexual exploitation of a child as defined by 720 ILCS 5/11-9.1, involuntary sexual servitude of a minor as defined by 720 ILCS 5/10-9, and human trafficking or involuntary servitude involving commercial sexual activity or sexually explicit performances as defined by 720 ILCS 5/10-9.

r) **“Sexual Harassment”** means unwelcome sexual advances, requests for sexual favors, sexual misconduct, or other verbal or physical conduct of a sexual nature when:

- i. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment or a condition of an individual’s participation in or receipt of Park District programs, services, benefits, or activities;
- ii. Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual; or
- iii. Such conduct has the purpose or effect of substantially interfering with an individual’s work performance or creating an intimidating, hostile or offensive working or recreational environment for Covered Individuals.

s) **“Sexual Misconduct”** is a form of sex or gender-based discrimination or harassment that is sex-based or of a sexual nature and that is unwelcome or inappropriate and unreasonably interferes with, limits, or denies an individual’s full and equal enjoyment of the Park District’s programs, services, facilities, privileges, advantages, and accommodations or employment access, benefits, and opportunities; sexual misconduct may include grooming, inappropriate touching, sexual communications, sexual bullying, sexual exploitation, exposure/voyeurism/masturbation, misuse or abuse of one’s position or authority to engage in sexual harassment or conduct of a sexual nature, sexual assault, and sexual abuse.

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s)u) **“Sexual Orientation”** means a component of an individual’s identity that includes a person’s sexual, romantic, and/or emotional attraction to another person and the behavior and/or social affiliation that may result from this attraction.

t)u) **“Unfavorable Military Discharge”** means discharges from the Armed Forces of the United States, their Reserve components, or any National Guard or Naval Militia, which are classified as RE-3 or the equivalent thereof, but does not include those characterized as RE-4 or "Dishonorable".

u)v) **“Unlawful Discrimination”** means unfair or unequal treatment of an individual or group because of their actual or perceived membership in one or more of the Protected Categories or their association with a person in a Protected Category.

v)w) **“Vulnerable Adults”** means adults age 60 or older and adults age 18-59 with disabilities, who are under the protection of Illinois Adult Protective Services (“APS”) to prevent abuse, neglect, and financial exploitation of these individuals.

w)x) **“Workplace Violence”** means any act or threat of physical violence or any other threatening behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress.

A.3. Applicability

- a) **Covered Individuals:** The Human Rights Ordinance applies to all Park District employees, applicants for employment, Board members, officers, officials, contractors, consultants, vendors, volunteers, coaches, participants, and patrons.
- b) **Scope:** The Human Rights Ordinance covers activities and conduct that occurs between Covered Individuals:
 - i. on Park District grounds or on property owned, leased, operated, or controlled by Park District;
 - ii. at a Park District sponsored program, activity, or event;
 - iii. in the context of Park District employment, programs, services, activities, or events;
or
 - iv. electronically, online, off-site, or outside of Park District employment or programs (including off-site or off-duty conduct) where the conduct has a continuing impact on the Park District or affects a substantial Park District interest.

A.4. Prohibited Conduct

It shall be a violation of the Human Rights Ordinance for:

- a) any Covered Individual to engage in unlawful discrimination, harassment, sexual harassment, sexual misconduct, workplace violence, abuse and neglect of children and vulnerable adults, or retaliation;

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- b) any Covered Individual to be hired, promoted, fired, or denied employment with the Park District on the basis of actual or perceived membership in one or more of the Protected Categories [or their association with someone in a Protected Category](#);
- c) any Covered Individual to aid, abet, compel, or coerce a person to commit any violation of the Human Rights Ordinance;
- d) any Covered Individual to deny compliance with the Americans with Disabilities Act;
- e) any Mandated Reporter to fail to immediately report suspected child abuse or neglect to the Illinois Department of Children and Family Services (“DCFS”) or abuse, neglect, or financial exploitation of a vulnerable adult to Adult Protective Services (“APS”) in addition to reporting the matter to the Office of Prevention and Accountability;
- f) any supervisor or management level employee who receives a report or reasonably suspects a violation of the Human Rights Ordinance to fail to refer the matter in writing to the Office of Prevention and Accountability within five business days;
- g) any employee, Board member, officer, official, contractor, consultant, vendor, or volunteer to refuse to cooperate, participate, and/or provide truthful information in an investigation conducted by the Office of Prevention and Accountability; or
- h) any Covered Individual to knowingly report false allegations and/or knowingly provide false information during the course of an investigation.

A.5. Limitations

Nothing in this Ordinance is intended to nor shall be construed to create a private right of action against the Park District or any of its employees. Furthermore, no part of this Ordinance shall be construed to create contractual or other rights, obligations, or expectations.

Nothing herein is intended to affect the right of any person to:

- a) make a charge of discrimination to any local, state, or federal agency with jurisdiction over such claims;
- b) raise a grievance under a collective bargaining agreement; or
- c) consult a private attorney.

A determination that there has been a violation of this Ordinance is not a determination of unlawful discrimination, harassment, or retaliation under federal, state, or local law. Conduct that may not be considered unlawful under applicable federal, state, or local law may nevertheless violate this Ordinance and result in penalty or disciplinary action, up to and including discharge.

Section B. - The Office of Prevention and Accountability

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B.1. Purpose

There is hereby established the Office of Prevention and Accountability (or “Office”). The Office will ensure that the Park District meets its commitment to provide an equitable, inclusive, safe, and respectful recreation and work environment free from discrimination, harassment, sexual harassment, sexual misconduct, workplace violence, abuse and neglect of children and vulnerable adults, and retaliation. The Office will implement and enforce the Park District’s Human Rights Ordinance.

B.2. Director and Resources

The Office shall be managed by a Director. The Director shall be hired by the General Superintendent, with the advice and consent of the Board. The Director shall be responsible for managing the Office and fulfilling the duties of the Office.

The Director shall report to the General Superintendent. The General Superintendent shall not prevent, impair, or prohibit the Office from initiating, carrying out, or completing any investigation. Any violation of this requirement shall be reported to the Office of the Inspector General.

The General Superintendent and the Board shall ensure that the Office has an annual budget sufficient to meet the needs of the Office, in terms of both employees and resources. The Director shall establish the organization structure appropriate to carry out the duties of the Office.

B.3. Duties

The duties of the Office and its Director shall be to:

- a) Administer and enforce the Human Rights Ordinance;
- b) In collaboration with other Park District departments as appropriate, conduct thorough, fair, impartial, and independent investigations regarding any alleged violation of the Human Rights Ordinance and related policies including discrimination, harassment, sexual harassment, sexual misconduct, workplace violence, abuse and neglect of children or vulnerable adults, and retaliation;
- c) Recommend and/or implement penalties for violations of the Human Rights Ordinance;
- d) Provide recommendations to the General Superintendent and the Board of any policies or methods for the elimination or prevention of violations of the Human Rights Ordinance;
- e) Develop, implement, and regularly review and update written policies and protocols for the intake, investigation, and reporting of suspected violations of the Human Rights Ordinance; and
- f) Develop and maintain relationships with community partners and stakeholders to obtain feedback and ensure best practices, including through the regular convening of experts.

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B.4. Reports

The Office shall prepare written reports of its findings and any recommendations upon the completion of each investigation, which shall be submitted to the General Superintendent. 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 of the Human Right Ordinance or unless otherwise authorized by the General Superintendent.

The Office shall submit quarterly reports to the General Superintendent and the Board which shall include but not be limited to the following:

- a) Summaries of completed investigations;
- b) Results of recommended discipline and penalties;
- c) The number of complaints received; and
- d) The number of investigations initiated, completed, and ongoing.

The Office shall also submit an annual report, accurate as of the last day of the preceding calendar year, providing a consolidated version of all information provided in that year's quarterly reports and providing recommendations to the General Superintendent and the Board of any policies or methods to further the elimination or prevention of violations of the Human Rights Ordinance, and any additional information which the Director of the Office deems appropriate.

The quarterly and annual reports shall be made public via the Park District's website after they have been submitted to the General Superintendent and Board.

B.5. Submitting Complaints

Any Covered Individual who believes they may have been subject to a violation of the Ordinance may file a complaint with the Office in a manner prescribed by the Office.

The Office will not limit the time frame for an individual to report violations of the Human Rights Ordinance. However, any Park District supervisor or manager level employee who receives a report or reasonably suspects a violation of the Human Rights Ordinance shall refer the matter in writing to the Office of Prevention and Accountability within five business days.

All Mandated Reporters must immediately report suspected abuse or neglect of children or vulnerable adults to the appropriate authorities including Illinois Department of Children and Family Services ("DCFS") or Adult Protective Services ("APS"). Mandated Reporters must also report the matter to the Office of Prevention and Accountability; however, making a report to the Office does not relieve or excuse a Mandated Reporter from their duty to directly and immediately report to DCFS or APS.

Section C. - Penalties

Notice of violation of the Human Rights Ordinance and any penalties will follow the policies and

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procedures established by the Office.

C.1. Any employee or Board member who violates a provision of the Human Rights Ordinance may be subject to disciplinary action, up to and including termination. Any appeal rights for this disciplinary action shall follow the procedures under which the Employee may otherwise be disciplined and shall be governed by the applicable contracts, statutes, policies, and rules.

C.2. Any Contractor who violates a provision of the Human Rights Ordinance may be subject to:

- a) A fine not to exceed \$500.00;
- b) Termination of contract at the option of the Park District;
- c) Debarment from participating in Park District contracts, subject to the debarment rules and procedures;
- d) Any other remedies available to the Park District pursuant to the terms of the contract or as allowed by law; and
- e) Any combination of these penalties and/or fines as described in this chapter.

C.3. Any volunteer who violates a provision of the Human Rights Ordinance may be subject to loss of volunteer status with the Park District.

C.4. Any non-employee Covered Individual or volunteer who violates a provision of the Human Rights Ordinance may be subject to:

- a) A fine not to exceed \$500.00;
- b) A police report being filed and/or a petition for an order of protection being filed, which seeks to bar the offender from participation in Park District programming or entrance on any Park District facilities or properties;
- c) Suspension of the ability to participate in Park District programming pending the outcome of the investigation as determined by the Office; and
- d) Any combination of these penalties and/or fines as described in this chapter.

Section D. - Education and Notice

The Office shall make information available to Officers, Employees, Contractors, subcontractors, volunteers, and members of the public regarding the provisions of this chapter. All Park District contracts shall contain a provision requiring all contractors to comply with this chapter.

Section E. - Construction

The provisions of this chapter shall be construed for the accomplishment of the purposes hereof. No provision of this chapter shall be construed to limit civil rights granted or hereinafter afforded by the laws of the United States, the State of Illinois, or of the City of Chicago. No provision in this chapter shall be deemed to exempt or relieve any person from any liability, duty, or punishment provided by any present or future law of the United States, the State of Illinois, or the City of Chicago other than any such law which purports to require or permit the doing of any act which

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would be unlawful under this chapter. Any remedies provided by this chapter shall be cumulative with any other remedies provided by federal, state, or local law, ordinance, or regulation.

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