

**CHAPTER IV. - HUMAN RIGHTS**

**SECTION A. - DEFINITIONS**

For purposes of this chapter, the following words, terms, phrases and their derivatives, shall have the meanings set forth in this section. When not inconsistent with the context, the present tense shall include the future tense; the plural number shall include the singular number; the singular number shall include the plural number; and male shall include the female.

**"Age"** means the chronological age of a person who is forty or older.

**"Disability"** means, with respect to an individual --

- a. a physical or mental impairment that substantially limits one or more of the major life activities of such individual
- b. record of such an impairment or
- c. regarded as having such an impairment.

Reasonable accommodations will be made for disabilities known to the employee's immediate supervisor or designee, or when requested in writing from the employee in accordance with the Federal Americans with Disabilities Act.

**"Marital status"** means the legal status of being married, single, separated, divorced or widowed.

**"National Origin"** means the place in which a person or one of his/her ancestors was born.

**"Parental Status"** means the condition of having minor or disabled children.

**"Place of Public Accommodation"** means a business, accommodation, refreshment, entertainment, recreation, or transportation facility of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages or accommodations are extended, offered, sold, or otherwise made available to the public.

**"Religion"** means all aspects of religious observance and practice, as well as belief.

**"Sex"** includes because or on the basis of pregnancy, childbirth, or related medical conditions;

**"Sexual Harassment"** means unwelcome sexual advances, requests for sexual favors, and other unwelcome verbal or physical conduct of a sexual nature when:

- a. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- b. submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual;
- c. such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment
- d. Submission to such conduct is made either explicitly or implicitly a term or condition for the use of a public accommodation; or
- e. Such conduct has the purpose or effect of unreasonably interfering with an individual's use of a public accommodation or creating an intimidating, hostile or offensive environment.

**"Sexual Orientation"** means actual or perceived state of heterosexuality, homosexuality bisexuality, or gender related identity.

**"Unfavorable Military Discharge"** includes discharge 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."

**"Unlawful Discrimination"** means an adverse action taken against a person because of his/her race, color, religion, sex, national origin, ancestry, age, marital status, physical or mental handicap, unfavorable discharge from military services, parental status, or sexual orientation as those terms are defined in this section. Unlawful discrimination includes sexual harassment and discrimination on the basis of pregnancy, childbirth or related medical condition.

**SECTION B. - CONDUCT PROHIBITED**

1. It shall be a violation of this chapter for any Officer, Employee or Contractor to directly or indirectly refuse to hire, employ, classify or upgrade, to bar or to discharge from employment, or otherwise to discriminate against any individual in the terms, conditions or privileges of employment, including compensation, because of unlawful discrimination.
2. It shall be a violation of this chapter for any Officer, Employee, Contractor or member of the public to directly or indirectly deny or refuse to another the full and equal enjoyment of the facilities and services of any public place of accommodation owned or operated by the Park District, because of unlawful discrimination. With respect to access to facilities and services by persons with disabilities, the Park District shall comply with the regulations promulgated under the Federal American with Disabilities Act.
3. It shall be a violation of this chapter for any Officer, Employee, Contractor or member of the public to retaliate against a person because he/she in good faith files a complaint, testifies, or participates in an investigation, proceeding or hearing on an allegation of unlawful discrimination.
4. It shall be a violation of this chapter for any Officer, Employee, Contractor or member of the public to aid, abet, compel or coerce a person to commit any violation of this chapter.
5. It shall be a violation of this chapter for any member of the public to engage in sexual harassment of an employee.
6. It shall be a violation of this chapter for any Officer, Employee, or Contractor to engage in sexual harassment of any member of the public.

**SECTION C. - PENALTIES**

- 1.** Any employee who violates the provisions of this chapter shall be subject to disciplinary action. Any disciplinary action imposed based on a violation of this section shall be appealable according to applicable contracts, statutes and rules.
- 2.** Any member of the public or Contractor who violates the provisions of this chapter shall be subject to fine not to exceed \$500.00.
- 3.** Any Contractor who violates the provisions of this chapter shall be subject to:
  - a.** termination of contract at the option of the Park District
  - b.** debarment from participating in Park District contracts for a period not to exceed three years; and
  - c.** any combination of these penalties and/or fines as described in this chapter, Section C.2., above.

**SECTION D. - ENFORCEMENT PROCEDURES**

1. The Director of Human Resources shall appoint an individual or individuals as the Human Rights Officer who shall be responsible for receiving and investigating complaints of alleged violations of this chapter.
2. Any person who believes that there has been a violation of this chapter shall report such alleged violation to the Human Rights Officer, who shall promptly investigate the allegation, or assign a designee to do so.
3. At the conclusion of his/her investigation the Human Rights Officer will report his/her findings, or the findings of his/her designee to the Director of Human Resources and the General Counsel or his/her designee. Any Employee found to have violated any of the provisions of this chapter may be subject to employment sanctions, including discharge, in accordance with procedures under which the Employee may otherwise be disciplined.
4. If the Human Rights Officer determines that there was a violation of this chapter by a member of the public or contractor, the Human Rights Officer shall forward the evidence to the General Superintendent or his/her designee for appropriate punitive action and shall send copies to the General Counsel. If after receipt of the evidence the General Superintendent or his/her designee determines that punitive action should be taken, the General Superintendent or his/her designee shall give written notice to the non-employee violator. Such written notice shall be:
  - a. personally served on the non-employee violator or;
  - b. served by mail to the last known home or business address of the non-employee violator.

The notice shall specify the amount of any proposed fine or other penalty, briefly state the factual basis of the violation and describe the procedures and deadline for appeal.

5. If the non-employee violator wishes to appeal the action, the non-employee violator shall file an appeal within ten days after the date of the notice by filing with the General Superintendent or his/her designee a written request for hearing. If no timely appeal is filed, the General Superintendent or his/her designee may proceed to execute penalty specified in the notice and the non-employee violator shall have no further right to appeal. Upon receipt of a timely request for hearing, the hearing will be scheduled by the General Superintendent or his/her designee within thirty days after receipt of the written request. The hearing will be conducted by an impartial non-employee hearing officer appointed by the General Superintendent or his/her designee. The Park District and the non-employee violator shall equally split the full cost of the appeal hearing, including the fees of the Hearing Officer and court reporter. The Park District shall have the burden of proving by a preponderance of the evidence any charge of violation of this chapter. At the hearing, the non-employee violator

shall have the right to counsel at his/her own expense, to call witnesses and present evidence in his/her behalf, to see all evidence against him/her and to cross-examine opposing witnesses. The Hearing Officer shall be bound by the rules of evidence as provided in state law. Within thirty days after completion of the hearing, the Hearing Officer shall submit a written recommendation to the General Superintendent or his/her designee sustaining, modifying or reversing the proposed action. Within ten days after receipt of the Hearing Officer's recommendation, the parties may file with the General Superintendent or his/her designee written exceptions to the recommendation. Within ten days after the last date for filing exceptions to the recommendation, the General Superintendent or his/her designee ) shall render a final decision in the name of the Park District accepting, modifying or reversing the recommended decision of the Hearing Officer. The General Superintendent or his/her designee shall then promptly execute the decision.

**SECTION E. - EDUCATION AND NOTICE**

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

**SECTION F. - 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 would be unlawful under this chapter. Any remedies provided by this chapter shall be cumulative with any other remedies provided by city, state or federal law.