



SUBJECT: DISCRIMINATION/HARASSMENT INVESTIGATION POLICY AND PROCEDURES

I. PURPOSE

This Order:

- A. Reaffirms the Chicago Fire Department's policy on the prohibition of all forms of illegal discrimination, harassment, and retaliation;
- B. Establishes procedures for compliance and processing of complaints of discrimination, harassment, and retaliation in the work environment by adopting and incorporating the City of Chicago Diversity and Equal Employment Opportunity Policy ("City EEO Policy");
- C. Rescinds General Order 13-006 and
- D. Becomes effective immediately.

II. POLICY

- A. The policy of the Chicago Fire Department (CFD) is to promote a professional work environment wherein employees extend mutual respect to one another.
- B. Harmonious, cooperative conditions are necessary in order to ensure the efficiency of operations and peak performance by employees within the department.
- C. Supervisors shall strive to promote professional demeanor at all times, and will require the same from all members under their command. Counseling of members by the appropriate supervisor will be utilized in all cases of conflict to avoid escalation of potential disharmony or abuse.
- D. Discrimination, harassment and retaliation, as defined in the City EEO Policy, are strictly prohibited by CFD in accordance with that policy.
- E. This policy is applicable to all employees and members of the department, both uniformed and civilian, male and female, supervisor and co-worker. Violation of this policy will result in appropriate action, which could include discipline up to, and including discharge.

- F. An employee may file a complaint of discrimination, harassment, and/or retaliation in accordance with the City EEO Policy, including through notification to CFD supervisors, CFD's EEO Liaison (as designated by the Fire Commissioner), City of Chicago Department of Human Resources, or through the appropriate union grievance procedure.
- G. This policy will not limit, extend, replace or delay the right of any person to file a complaint with any federal, state or city agency having the authority to hear complaints of discrimination, harassment, and/or retaliation.
- H. The Department adopts the attached City EEO Policy in whole, and incorporates it by reference into this General Order.

III. RESPONSIBILITIES

All employees of the Chicago Fire Department (uniform and civilian) are to comply with this policy as mandated by this order.

BY ORDER OF:

A handwritten signature in black ink, appearing to read 'RCF', with a long horizontal flourish extending to the right.

Richard C. Ford II
Fire Commissioner

TO BE READ AT FOUR (4) ROLL CALLS AND POSTED.

Distribution: C



April 1, 2013

DEPARTMENT OF HUMAN RESOURCES
CITY OF CHICAGO

CITY OF CHICAGO DIVERSITY AND EQUAL EMPLOYMENT OPPORTUNITY POLICY

I. Statement of Purpose

The purpose of the City of Chicago Diversity and Equal Employment Opportunity Policy (“Policy”) is to ensure the full and active participation of all employees in the City’s workforce and provide an effective means for the resolution of complaints of discrimination and harassment brought by City employees.

This Policy is implemented and enforced by the Diversity and Equal Employment Opportunity Division (“the Diversity and EEO Division”) of the Department of Human Resources (“DHR”). Through this Policy, the City seeks to recruit, nurture and retain a workforce that reflects the diversity of our communities.

The City of Chicago is an Equal Employment Opportunity employer and is committed to providing equal opportunity in its recruitment, hiring, promotions, and transfers, and in all other employment practices and decisions. The City of Chicago follows all applicable federal, state, local laws and ordinances prohibiting discrimination.

The City encourages its employees to raise any concerns regarding implementation of this Policy to the Diversity and EEO Division, or the appropriate person in a City department. Retaliation against any person who makes a report concerning potential violations of this Policy, or cooperates with or assists the Diversity and EEO Division in enforcing this Policy, is expressly forbidden pursuant to the terms of this and other city policies.

II. Prohibited Conduct

a. Discrimination

The City of Chicago, through this Policy, the Chicago Municipal Code and its Human Rights Ordinance, prohibits discrimination based on race, color, sex, gender identity, age, religion, disability,¹ national origin, ancestry, sexual orientation, marital status, parental status, and military service or discharge status. This Policy prohibits discrimination which is based on actual or perceived membership in any of the foregoing protected groups.

b. Sexual Harassment

¹ The City’s procedures for requesting a Reasonable Accommodation for a disability as required by the Americans with Disabilities Act are set forth in a separate policy.

The City of Chicago, through this Policy, prohibits sexual harassment. No person should be required to endure sexual harassment by supervisors or coworkers or work in a hostile environment as a condition of employment.

Sexual harassment includes any unwelcome sexual advance, or request for sexual favors or conduct of a sexual nature when:

- submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment or receipt of City services;
- submission to or rejection of such conduct by an individual is used as the basis of an employment or service decision affecting the individual; or
- such conduct has the purpose or effect of interfering with the work performance of an employee or creating an intimidating, hostile or offensive work environment.

There is a broad range of conduct which can, in certain circumstances, be considered sexual harassment under this Policy. This includes, but is not limited to, sexually suggestive or offensive remarks, sexually suggestive pictures or graffiti, sexually suggestive gesturing, verbal harassment or abuse of a sexual nature, the displaying of sexual objects, requests for sexual favors, stalking, sexual assault, touching, patting, or pinching, sending sexually suggestive email or text messages, and accessing sexually suggestive sites on the Internet.

c. Other Forms of Harassment

Harassment based on race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, military service or discharge status is also prohibited by this Policy.

d. Retaliation

It is a violation of this Policy to retaliate against any person who asserts his or her rights by: 1) opposing discriminatory practices in the workplace; 2) complaining about conduct prohibited by this Policy; 3) complaining to, cooperating with or assisting the Diversity and EEO Division or a City department in resolving a complaint of discrimination.

Actions taken against an employee or applicant which may be considered retaliatory include, but are not limited to, refusal to hire, denial of promotion or job benefits, demotion, suspension or discharge, or any other actions affecting the terms and conditions of employment.

III. Applicability

This Policy applies to volunteers and employees, whether paid or unpaid, of the City of Chicago, as well as applicants for City employment.

IV. Limitations

Nothing in this Policy is intended to nor shall be construed to create a private right of action against the City of Chicago or any of its employees. Furthermore, 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 the Chicago Commission on Human Relations or any local, state or federal agency with jurisdiction over such claims;
- raise a grievance under a collective bargaining agreement, or

- consult a private attorney

A determination that this Policy has been violated is not a determination of 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 Policy, and result in disciplinary action, up to and including discharge.

V. Responsibilities of the Deputy Commissioner for Diversity and Equal Employment Opportunity

The Deputy Commissioner for Diversity and Equal Employment Opportunity (“EEO Deputy”) shall:

- a. Direct the implementation of this Policy
- b. Monitor the utilization of employees within all protected categories in an effort to identify unjustified underutilization that may constitute discrimination
- c. Conduct regular reviews of this Policy and implement revisions as needed

VI. Responsibilities of the EEO Officer

Under the supervision of the EEO Deputy, the Equal Employment Opportunity Officer (“EEO Officer”), shall:

- a. Manage the City’s process for investigating and resolving complaints made pursuant to this Policy
- b. Assist departments with questions related to implementation of this Policy and respond to questions regarding diversity and inclusion
- c. Conduct training to ensure that all employees are aware of this Policy and that all Department Heads, Departmental Liaisons and Supervisors understand their role in implementing this Policy and promoting a fair and inclusive workplace.

VII. Responsibilities of Department Heads

Each Department head must take necessary steps to implement this Policy within his or her department; including designating a Departmental EEO Liaison and making efforts to ensure that the liaison fulfills the duties established in this Policy.

VIII. Responsibilities of Departmental EEO Liaisons

- a. Receiving complaints

EEO Liaisons must promptly report any complaints of discrimination, harassment or retaliation to the EEO Officer. Liaisons must also promptly report any conduct they become aware of which may constitute discrimination, harassment or retaliation, even if no employee reports or complains about the conduct.

EEO Liaisons must also advise employees of their right to contact the EEO Division directly with any complaints or concerns.

- b. Assisting with EEO Division investigations

Liaisons will assist with various aspects of the investigation process, such as scheduling time for employees to meet with EEO Division investigators, gathering documents pursuant to EEO Division requests and advising participants of the importance of confidentiality.

IX. Responsibilities of Supervisors

a. Reporting potential violations

Any supervisor who becomes aware of conduct that may be considered discriminatory, harassing or retaliatory as stated in this Policy, must report such conduct to a Departmental Liaison, or to the EEO Officer or EEO Deputy.

A supervisor who is aware of, or reasonably should be aware of discriminatory, harassing or retaliatory conduct, whether or not any employee complains about such conduct, but fails to report it, may be subject to discipline.

b. Reporting voluntary relationships

While voluntary social relationships are not prohibited by this Policy, the existence of a dating relationship and/or a physically intimate relationship between a supervisor and subordinate has the inherent potential for coercion and conflicts of interest, and may create the appearance of impropriety. Therefore, any supervisor who has such a relationship with another City employee over whom he or she has any supervisory authority must report this fact to his or her Department Head in writing. Supervisors who fail to report such relationships may be subject to discipline.

X. Making Complaints

a. Reporting prohibited conduct

Any employee or applicant for City employment who believes that he or she has been discriminated against, or harassed on the basis of race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military service or discharge status, or who claims to have suffered retaliation as described in Section II of this Policy, may file a complaint with the Diversity and EEO Division. Contact information for the Division appears at the end of this Policy and is available on the City's Intranet and Internet.

An employee or applicant may also report any conduct believed to be discriminatory, harassing or retaliatory to his or her department's EEO liaison. As stated in this Policy, EEO liaisons are obligated to inform the EEO Division of any such reports they receive.

b. Time Limits

In order to help ensure an effective investigation, employees should voice their complaints as soon as possible. By promptly making complaints, employees allow the Diversity and EEO Division to preserve relevant information and recommend remedial measures.

A complaint of discrimination or harassment must be filed within one year of the date of the last alleged act of discrimination or harassment. A complaint of retaliation must be filed within one year of the date of the action that is alleged to have been retaliatory.

The filing of a complaint with the EEO Division does not limit, extend, replace, or delay the right of any person to file a similar charge with the Chicago Commission on Human Relations or any local, state or federal agency having authority to hear matters of discrimination. Failure to file a complaint with the EEO Division does not impact the rights of any person to file a charge with any agency having authority to address such charges.

XI. Investigation of Complaints

a. Initiating the investigation

Upon receiving any complaint or report of discrimination, the EEO Division will first determine whether the allegations, if true, would constitute a violation of this Policy. If the allegations presented, even if true, would not constitute a violation, the EEO Division will proceed with one of the options set forth in section XII of this Policy, Other Options for Resolution of Complaints.

In cases where the allegations, if true, describe conduct that would constitute a violation of this Policy, the EEO Division will assign the matter a case number and initiate an investigation. The EEO Officer or his or her designee shall direct the investigation of all complaints.²

Allegations of conduct that violates the Violence in the Workplace Policy which are included in complaints filed pursuant to this Policy shall be investigated contemporaneously. Accordingly, any investigation report prepared pursuant to this Policy shall address all relevant policies.

b. Duty to cooperate

All employees, including managers and supervisors, shall cooperate with EEO Division staff and departmental EEO Liaisons in the course of an investigation under this Policy. Failure to cooperate may subject an employee to discipline, as stated in the City of Chicago Personnel Rules.

In cases where the person making the complaint chooses not to pursue the matter or fails to cooperate with the EEO Division, the Division may nevertheless proceed with an investigation in order to determine if this Policy has been violated.

Any employee who knowingly makes a false accusation of discrimination, harassment or retaliation or knowingly provides false information in the course of an investigation, may be subject to discipline. A complaint made in good faith, even if found to be unsubstantiated, will not be considered a false accusation.

c. Investigation Reports

When the investigation is complete, the EEO Officer will prepare an Investigation Report containing a summary of the evidence, and a finding of whether a Policy violation has occurred. The report will state whether the allegations are “sustained” or “unsustained.” In instances where the EEO Officer finds that the allegations are sustained, the Investigative Report shall indicate the specific portion of the Policy and related section of the Personnel Rules that have been violated, and shall make a recommendation of discipline to the relevant department.

All Investigation Reports will be sent to the relevant Department Head(s) with a copy to the departmental EEO liaison(s). In sustained cases, the Investigation Report will also be submitted to the Office of the Corporation Counsel and to the Commissioner of the Department of Human Resources.

² The EEO Officer may delegate certain procedures established in this Policy to an EEO Investigator.

d. Notification of parties

The EEO Officer shall provide written notification to the complaining party (“Complainant”) and the accused party (“Respondent”) advising them of the outcome of the investigation. The departmental EEO Liaisons will be copied on this notification. The notification will not include the recommended discipline in sustained cases.

e. Departmental Response

Within 30 days of receiving an Investigation Report making a sustained finding, the Department Head will advise the EEO Officer in writing of the actions taken by the department. The Department Head will indicate whether he or she has followed the recommendation stated in the report, taken some other action or taken no action.

f. Confidentiality

All complaints and investigations will be kept confidential, to the extent possible. However, in certain circumstances the EEO Division is required by law to disclose information related to an investigation.

In order to maintain confidentiality, the EEO Division may limit the distribution of the Investigation Report and the investigative file. In sustained cases, the Division will provide a copy of the Investigation Report to the Respondent, upon Respondent’s request.

XII. Other Options for Resolution of Complaints

a. Referral to the department

If the EEO Officer determines that the allegations of the complaint, even if true, would not violate this Policy, but describe conduct that may be of concern to the department, the complaint will be forwarded to the EEO Liaison for further review by the department.

b. Referral to the Inspector General’s Office

If the allegations of a complaint describe conduct that is not covered by this Policy, but if true, may constitute other misconduct, the EEO Officer will advise the City of Chicago Office of Inspector General (“OIG”) in writing.

c. Other alternatives, as appropriate

In appropriate situations, the Diversity and EEO Division will work with departments to address complaints through mediation, counseling, providing written guidance, or other courses of action as determined by the EEO Officer.

d. Complaints against City vendors

In cases alleging inappropriate conduct by individuals employed by City vendors or contractors, the EEO Officer will assist the department and affected City employees to be sure that any necessary mitigating actions are taken, although the Division’s authority with respect to non-City employees may be limited.

XIII. Complaints concerning the Chicago Police Department or the Chicago Fire Department
Complaints concerning employees of the Chicago Police Department or the Chicago Fire Department must be made in accordance with the General Orders in effect in those departments.

XIV. Complaints involving members of the public
Complaints by members of the public alleging that a City employee acting in the scope of his or her employment has engaged in conduct that may violate this Policy should be made to the Office of the Inspector General. The EEO Division will refer such complaints to the OIG in writing.

A City employee who believes that he or she has been subjected to discrimination or harassment by a member of the public may report such conduct to the Chicago Commission on Human Relations or to any agency having authority to address such complaints.

XV. Penalties

Employees found to be in violation of this Policy will be subject to discipline, up to and including discharge.

XVI. Contacting the Diversity and EEO Division

Employees may contact the Diversity and EEO Division in person, by email or by phone, using the contact information below. Our office hours are 8:30 a.m. to 4:30 p.m.

City of Chicago Department of Human Resources
Diversity and Equal Employment Opportunity Division
121 N. LaSalle Street, Room 1100
Chicago, IL 60602
Phone (312)744-4224
Facsimile (312) 744-1521
TTY (312)744-5035
Email eeodiversity@cityofchicago.org