



BOARD OF ETHICS
CITY OF CHICAGO

STATEMENT

TO THE HONORABLE MEMBERS OF THE HOUSE SEXUAL DISCRIMINATION AND HARASSMENT TASK
FORCE

March 13, 2018

I am the Executive Director of the City of Chicago's Board of Ethics, and have served in this position since December 2008. I appreciate the opportunity to speak to you.

As part of a comprehensive approach to address and prevent sexual harassment, the City of Chicago has made important changes to Chicago's Governmental Ethics Ordinance in recent months.

Specifically, the Ordinance now: (i) requires annual training for all City employees and officials in sexual harassment; (ii) affords redress to anyone who has experienced sexual harassment by City elected officials both within and outside of the traditional employer-employee context; (iii) authorizes the City's Inspector General to receive and investigate, and the Board of Ethics – a separate body – to adjudicate, complaints of sexual harassment by City elected officials brought by any staffer, member of the public, constituent, lobbyist, etc. who believes he or she has experienced sexual harassment in the course of seeking formal or informal City governmental actions, decisions, approvals or recommendations; (iv) provides due process for those accused of sexual harassment; and (v) will enable the Board to make any findings of violations public, along with penalties imposed, thereby assuring citizens and voters that they have complete information. Any formal settlement of such charges would likewise be made public. The adjudication process is confidential. As with all investigations of potential violations of the Ethics Ordinance, if the City's Inspector General finds evidence to sustain the complaint, it will petition the Board of Ethics for a finding of probable cause. If the Board finds probable cause, it affords the subject the opportunity to rebut that finding. If the subject is unable to rebut the finding, the matter can be settled by mutual agreement (all settlements are public), or the subject may proceed to an administrative hearing before a hearing officer or administrative law judge appointed by the City's Department of Administrative Hearings. Following the hearing, the hearing officer/judge sends written findings of fact and law back to the Board of Ethics, which will then make a final determination as to whether the Ordinance was violated, and impose appropriate fines. The finding is public (though if there is a finding of no violation, the subject's name is not made public unless the subject so directs the Board. A finding of a violation may then be appealed to the Circuit Court of Cook County through a petition for certiorari.

City law has long afforded redress to other City employees and officials who experience sexual harassment, and to members of the public who experience it while seeking any City action.

As a closing observation, I wish to stress the importance of education, for which there is no substitute: these new laws are coupled with training on what constitutes sexual harassment, and what an aggrieved person's remedies are. The training will be offered annually by the Department of Human Resources and Board of Ethics to all City employees and officials, and registered lobbyists.

I welcome your questions.

Steven I. Berlin, Executive Director
Board of Ethics