

Office of the Inspector General City Colleges of Chicago

Office of the Inspector General Bi-Annual Report July 1, 2010 – December 31, 2010

Prepared pursuant to Section 2.6.5 of the Board Rules for Management and Government

John A. Gasiorowski
Inspector General

Office of the Inspector General
City Colleges of Chicago
226 West Jackson Boulevard
Suite 529
Chicago, Illinois 60606-6998
Phone: (312) 553-2925
Fax: (312) 553-3366
Hotline: (312) 553-3244
E-Mail: InspectorGeneral@ccc.edu
Web: <http://ccc.edu/InspectorGeneral.asp>



City Colleges of Chicago

Office of the Inspector General

To: Cheryl L. Hyman, Chancellor
Martin Cabrera, Jr., Chairman of the Board of Trustees
Terry E. Newman, Trustee and Board Secretary
Gloria Castillo, Trustee
Nancy J. Clawson, Trustee
Everett Rand, Trustee
Rev. Albert D. Tyson, III, Trustee
Gwendolyn Fulgern, Student Trustee

From: John A. Gasiorowski, Inspector General

Date: January 31, 2011

RE: OIG *Bi-Annual Report* for the period of July 1, 2010 through December 31, 2010

This *Bi-Annual Report* is being provided to the Chancellor and the Board of Trustees of Community College District No. 508 pursuant to Section 2.6.5 of the Board Rules for Management and Government. Under Section 2.6.5, the *Bi-Annual Report* for the period of July 1st through December 31st is required no later than March 1st each year. This is the first *Bi-Annual Report* submitted pursuant to the amendments to Section 2.6 et seq. of the Board Rules for Management and Government adopted by the Board of Trustees on July 14, 2010.

Section 2.6 et seq. of the Board Rules for Management and Government authorizes the Office of the Inspector General ("OIG") for the City Colleges of Chicago to conduct investigations regarding waste, fraud and misconduct by any officer, employee, or member of the Board; any contractor, subcontractor, consultant or agent providing or seeking to provide goods or services to the City Colleges of Chicago; and any program administered or funded by the District or Colleges. This *Bi-Annual Report* is a summary of investigations and audits which resulted in sustained findings of waste, fraud, or misconduct for the period of July 1, 2010 through December 31, 2010.

The OIG would like to thank the Chancellor, the Board of Trustees and the administration of the City Colleges of Chicago for their cooperation and support.

Office of the Inspector General Bi-Annual Report

Mission of the Office of the Inspector General

The Office of the Inspector General (“OIG”) of the City Colleges of Chicago (“CCC”) will help fuel CCC’s drive towards increased student success by promoting economy, efficiency, effectiveness and integrity in the administration of the programs and operations of CCC by conducting fair, independent, accurate, and thorough investigations into allegations of waste, fraud and misconduct, as well as by reviewing CCC programs and operations and recommending policies and methods for the elimination of inefficiencies and waste and for the prevention of misconduct.

The OIG should be considered a success when students, faculty, staff, administrators and the public:

- perceive the OIG as a place where they can submit their complaints / concerns in a confidential and independent setting;
- trust that a fair, independent, accurate, and thorough investigation will be conducted and that the findings and recommendations made by the OIG are objective and consistent; and
- expect that the OIG’s findings will be carefully considered by CCC administration and that the OIG’s recommendations will be implemented when objectively appropriate.

Board Rule 2.6

On July 14, 2010, the Board of Trustees of Community College District No. 508, Cook County and State of Illinois, adopted a Resolution *To Amend the Board Rule Provisions Regarding Inspector General*. These amendments to Section 2.6 of the Board Rules for Management and Government significantly enhanced the independence and powers of the OIG. These amendments brought the provisions governing the OIG in line with provisions which govern other Offices of Inspector General, including the City of Chicago, the Chicago Board of Education, and the Chicago Transit Authority. The most significant amendments include the following:

- The Inspector General shall be appointed by the Board upon the recommendation of the Chancellor for a term of four years, which may be renewed. The Inspector General may be removed from office prior to the expiration of his or her term only for cause by a majority of the Board. The Chancellor must report, in writing, the reasons for removal to the Board and the Board shall determine, by majority vote, whether just cause exists for the removal of the Inspector General.

- The Inspector General shall have the authority to conduct investigations regarding waste, fraud and misconduct by any officer, employee, or member of the Board; any contractor, subcontractor, consultant or agent providing or seeking to provide goods or services to the City Colleges of Chicago; and any program administered or funded by the District or Colleges.
- All investigatory files and reports of the Inspector General shall be confidential and shall not be divulged to any person or agency, except to: (1) the Chancellor, the Board Chairman, and the General Counsel at the conclusion of the investigation with recommendations of disciplinary or other action; (2) the appropriate prosecutorial authorities; (3) the appropriate law enforcement agencies; (4) other appropriate offices of Inspector General; or (5) as otherwise provided in this Rule.
- It shall be the duty of every officer, employee, Board member, contractor, and/or subcontractor to cooperate with the Inspector General in any investigation conducted pursuant to the Inspector General's authority under this Rule. Every City Colleges of Chicago contract shall contain a statement indicating the contractor's acceptance of this Rule.
- No person shall retaliate against, punish or penalize any other person for complaining to, cooperating with or assisting the Inspector General in the performance of his/her office.
- The Inspector General shall provide to the Chancellor and the Board a summary of investigations and audits resulting in sustained findings of waste, fraud, or misconduct for the period of January 1st through June 30th not later than September 1st each year and for the period of July 1st through December 31st not later than March 1st each year.

Formation of the Office of the Inspector General following the amendments to Board Rule 2.6

On July 14, 2010, following the adoption of the resolution amending Board Rule 2.6 and pursuant to Board Rule 2.6.1(b), the Board of Trustees approved the appointment of the current Inspector General to a four year term, effective July 19, 2010.

Prior to July 14, 2010, the Office of the Inspector General consisted of a part-time Inspector General, three part-time Deputy Inspectors General, and a staff assistant. Under the newly empowered OIG, the Deputy Inspector General positions were eliminated and new positions were created including Supervising Investigator, Investigator III, Investigator II, and Investigator I. Each of these positions necessitated varying degrees of educational and professional experience.

As of December 31, 2010, the Office of Inspector General has a total of six full-time investigative staff in addition to the staff assistant and the Inspector General. The OIG hired these six individuals after receiving and reviewing in excess of 175 resumes as well as conducting in excess of two dozen interviews. Two of these individuals fill Supervising Investigator positions, two of these individuals fill Investigator III positions and two of these individuals fill Investigator II positions. These individuals have diverse and substantial backgrounds in conducting investigations and audits of employee and vendor misconduct, including experience with various state and municipal Offices of Inspector General, experience with federal and municipal law enforcement agencies, military experience, legal experience and experience in private industry. Along with the Inspector General, the two supervising investigators have earned certifications from the Association of Inspectors General.

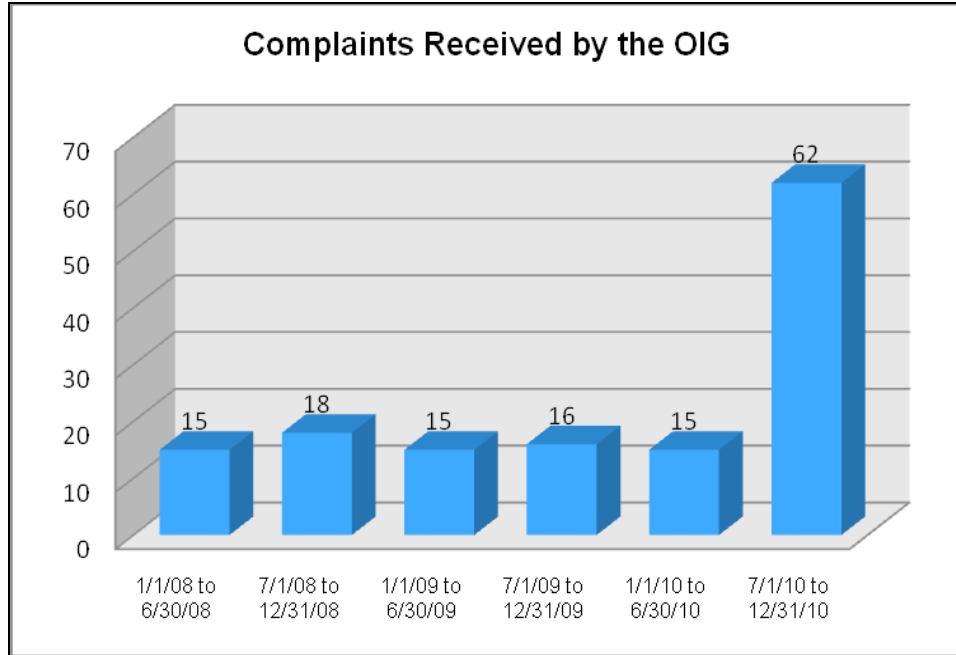
Based on the current budget, the OIG anticipates hiring one, possibly two, additional investigators during FY 2011.

Complaints Received

For the period of July 1, 2010 through December 31, 2010, the OIG received sixty-two complaints. These sixty-two complaints include complaints forwarded to the OIG from outside sources as well as investigations (or audits / reviews) initiated based on the OIG's own initiative.¹ As illustrated in the following chart, the sixty-two complaints received during the six month period of July 1, 2010 through December 31, 2010 significantly exceed the number of complaints received during any of the most recent six month periods.²

¹ Under Board Rule 2.6.2, the powers and duties of the OIG include: c) To investigate and audit the conduct and performance of the District's officers, employees, members of the Board, agents, and contractors, and the District's functions and programs, either in response to a complaint or on the Inspector General's own initiative, in order to detect and prevent waste, fraud, and abuse within the programs and operations of the District;....

² The number of complaints received during each of the previous six month periods is based on the number of investigative files initiated during each period by previous Inspectors General.



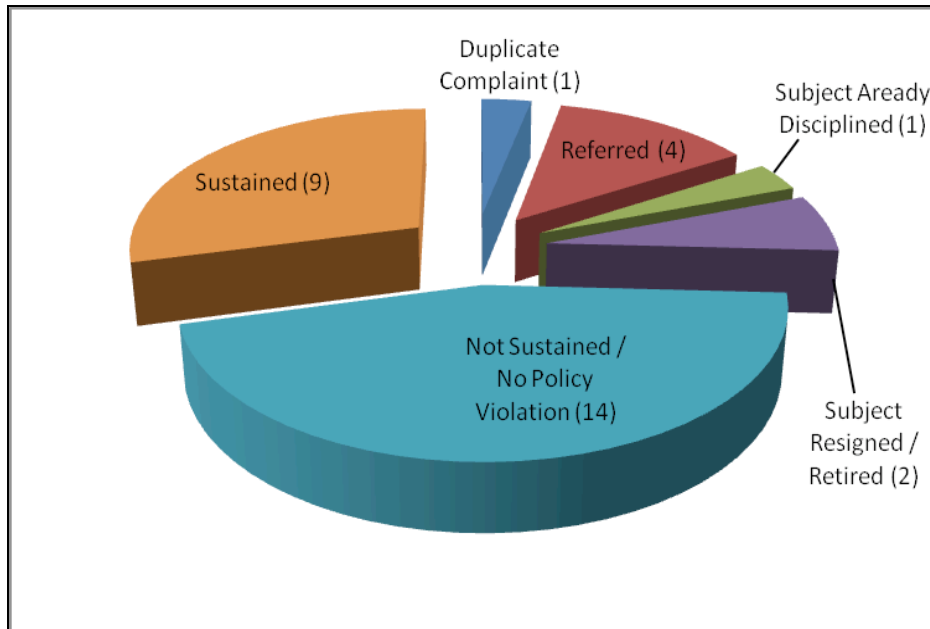
The sixty-two complaints received represent a variety of subject matters. The table below documents the subject matters of the complaints received.

Subject Matter	Number
Failure to Disclose Post-Employment Conviction	2
Complaints Against Contractors	2
Fraud (Financial Aid / Grant / Other Government)	3
Violation of Outside Employment or Other Leave Policies	3
Discrimination	3
Investigations / Audits / Reviews Initiated Proactively by the OIG	3
Violation of Ethics Policy	4
Off-Duty Criminal Conduct	4
Theft	5
Falsification of Attendance Records	10
Residency	10
Other District-Wide Employee Manual Violations	13
Totals	62

Status of Complaints

On July 19, 2010, at the beginning of the term of the current Inspector General, the OIG had seventeen pending complaints / investigations. Two of these complaints were received after July 1, 2010. As of December 31, 2010, the OIG had forty-six complaints that were pending, meaning that the OIG was in the process of conducting investigations regarding these complaints.

During the period of July 1, 2010 through December 31, 2010, the OIG closed thirty-one complaints. These complaints were closed for a variety of reasons, including the following: the complaint was sustained following an investigation; the complaint was not sustained following an investigation or no policy violation was found; the complaint was a duplicate of another complaint; the complaint was referred to the appropriate CCC department; the subject of the complaint was already disciplined for the same conduct, and the subject of the complaint retired or resigned from CCC employment prior to or during the course of the investigation. The following chart categorizes the reasons that the OIG closed the thirty-one complaints during this reporting period.



Sustained Findings – July 1, 2010 through December 31, 2010

As documented in the previous chart, during the reporting period of July 1, 2010 through December 31, 2010, the OIG submitted nine reports, regarding eleven employees, documenting sustained findings of waste, fraud and misconduct and recommending disciplinary and / or other actions.³ Pursuant to the provisions of Section 2.6.5 of the Board Rules for Management and Government, the following are summaries of the OIG investigations for which reports were submitted documenting sustained findings of waste, fraud or misconduct for the period of July 1, 2010 through December 31, 2010.

³ Pursuant to Board Rule 2.6.3, the Inspector General submits reports to the Chancellor, the Board Chairman, and the General Counsel at the conclusion of an investigation with recommendations for disciplinary or other action.

OIG Case Number 10-0028

The OIG received a complaint that an engineer and a janitor assigned to a City College were leaving their worksite, going to a local tavern, and drinking alcoholic beverages while on CCC time. Based on surveillances and interviews conducted during the course of the investigation, the OIG investigation revealed that on various occasions, the engineer and the janitor had in fact frequented a tavern and drank alcohol while they were on duty and the engineer had gone home for extended periods while on duty. The misconduct engaged in by the employees violated the CCC District-Wide Employee Manual, Section IV, Paragraphs 5, 11, 23, and 38.

The OIG investigation further revealed that a supervisor was inattentive to the supervisor's duty and failed to report misconduct of other CCC employees to the proper person since on more than one occasion the supervisor observed the engineer and / or the janitor drinking in a tavern during their working hours but failed to notify anyone. This misconduct violated the CCC District-Wide Employee Manual, Section IV, Paragraphs 38 and 46.

Based on the investigation, the OIG recommended that the engineer and the janitor be terminated. The OIG further recommended that the CCC take appropriate disciplinary action against the supervisor.

Following the disciplinary process, the Board of Trustees approved the termination of the engineer and the janitor. According to the CCC Department of Administrative Services, the supervisor received an oral reprimand.

OIG Case Number 11-0034

The OIG received information that a full-time faculty member at a City College fraudulently misrepresented to CCC that she earned a doctorate degree when in fact she had not. The OIG investigation revealed that at the outset of her employment with CCC, the employee fraudulently misrepresented that she had earned a master's degree plus seventy-five graduate credit hours when in fact she had not earned the seventy-five graduate credit hours. The OIG investigation further revealed that subsequently the employee fraudulently misrepresented that she had earned a doctorate degree when in fact she had not. In making these fraudulent misrepresentations of her educational background, the employee violated the CCC District-Wide Employee Manual, Section IV, Paragraphs 6, 9, 11, 17, and 19.

Furthermore, the OIG investigation revealed that the employee's fraudulent misrepresentations had a significant impact on the compensation paid to the employee by CCC. The employee's fraudulent misrepresentations caused the employee to be paid at a lane IV rate as opposed to a lane I rate since the time of the employee's hire in 1995. The compensation rate of an employee placed in

lane IV is about 26.8% greater than the compensation rate of an employee appropriately placed in lane I. The employee's fraudulent misrepresentations resulted in the employee receiving compensation in excess of \$307,000.00 to which the employee was not entitled.

Based on the investigation, the OIG recommended that the employee be terminated and that the employee be designated as ineligible to be re-hired. The OIG further recommended that CCC use all legal remedies to recoup from the employee in excess of \$307,000.00 in compensation that the employee received to which the employee was not entitled.

The CCC disciplinary process is currently pending regarding this employee. The OIG referred the results of the investigation to prosecutorial authorities for a determination of whether criminal prosecution was warranted. Civil action by CCC to recoup the compensation received by the employee to which the employee was not entitled is currently under review by the CCC General Counsel.

OIG Case Number 11-0037

The OIG received information that during the fall 2010 semester, a full-time faculty member of a City College was concurrently employed as a full-time faculty member at a non-City Colleges of Chicago institution of higher education. The OIG investigation revealed that on at least three days per week, the employee's CCC class and office hours conflicted with the employee's class and office hours at the other educational institution. Surveillances by the OIG revealed the employee teaching at the other educational institution while he was scheduled to be teaching at the City College. The OIG investigation revealed that the employee failed to subsequently amend his time sheets to reflect that he did not in fact work on various days and failed to submit time sheets for various other pay periods. During an interview with the OIG, the employee admitted that he never made up any of the hours that he did not provide to CCC due to the employee's concurrent duties at the other educational institution. The employee also admitted that he submitted time sheets reflecting hours that he did not in fact work at the college.

The employee's misconduct violated the CCC District-Wide Employee Manual, Section IV, Paragraphs 3, 7, 11, 12, 17, 42, and 50 as well as the *Agreement between the Board of Trustees and the Cook County College Teachers Union, Local 1600*, which states that "(a) full-time position in the Colleges is accepted with the understanding that the faculty member will not continue, or at a future date accept, a concurrent full-time position or positions equal to a full-time position with any other employer or employers while he is teaching full-time in the Colleges."

Additionally, during the course of the interview with the OIG, the employee made at least three false statements. Making false statements during an official investigation violates Section IV, Paragraph 8 of the CCC District-Wide Employee Manual.

The employee resigned from his position with CCC. The OIG recommended that the Department of Human Resources designate the employee as ineligible to be re-hired.

OIG Case Number 11-0019

Upon reviewing a previous investigation by a prior CCC Inspector General, the OIG initiated an investigation into an allegation that the employee, a lead security officer at a City College, did not meet the qualifications to be a security officer at the time of hire. The OIG investigation revealed that the employee was hired as a security officer by CCC in 2007 despite the fact that the employee did not meet the prerequisites of the position as set forth by the CCC job description for security officer, in that the employee, as an employee of a local municipal law enforcement agency, had engaged in past criminal activities as evidenced by the fact that the employee submitted a urine specimen which contained cocaine which led to the employee's termination by the local municipal law enforcement agency in April 1998. An applicant being hired without meeting the prerequisites of the position is contrary to Board Rules 3.5 and 3.7(h).

Based on the investigation, the OIG recommended that the employee be terminated. Following the disciplinary process, the Board of Trustees approved the termination of this employee.

Additionally, in order to limit the risk of a reoccurrence of a similar hiring situation in the future, the OIG also made the following recommendations:

- The prerequisite of "no past criminal activity" for the position of security officer takes into account a broader range of conduct than contemplated in the question "Have you ever been convicted of, or plead guilty to any felony?" in the standard CCC employment application. The OIG recommended that the employment application process set forth by the Department of Human Resources require applicants for any security related position to certify whether the applicant has engaged in past criminal activity. If the applicant discloses that he or she has engaged in past criminal activity, the applicant should be required to provide a complete explanation of such activity.
- The OIG recommended that the employment application process set forth by the Department of Human Resources require applicants for any security related position to certify whether the applicant is an active or retired police officer. If the applicant certifies that he or she is a retired

police officer, the applicant should be required to certify whether the applicant retired in good standing from the law enforcement agency.

- The OIG recommended that when the *Agreement between the Board of Trustees of Community College District No. 508, County of Cook, State of Illinois and the City Colleges Police Officers Association, a Chapter of the Cook County College Teachers Union, Local 1600* is up for renewal in 2013, CCC should seek to amend the definition of security officer to include language similar to the following underlined language: A security employee who is either an active sworn officer or a retired sworn officer, who retired in good standing, with a law enforcement or corrections agency.

OIG Case Number 10-0022

The OIG received information that in February 2010, a part-time employee assigned to a City College submitted a *Personal Data Change / Correction Form* which reflected not only a change of the employee's marital status and address but also a change of the employee's social security number, thereby calling into question the validity of the social security number provided by the employee to CCC prior to February 2010. The OIG investigation revealed that the employee's "new" social security number was in fact legitimately assigned to him but the "old" social security number that the employee previously provided to CCC was not assigned to him. The OIG investigation further revealed that the employee provided false answers to questions in documents provided to CCC and falsified employment records, in that on numerous CCC employment forms the employee provided the "old" social security number which was not in fact assigned to him. The employee's misconduct violated the CCC District-Wide Employee Manual, Section IV, Paragraphs 6 and 11.

Additionally, on at least twelve instances during an interview with the OIG, the employee refused to answer a question posed by the OIG after being advised of administrative rights. The failure to answer questions during the OIG investigation violated the CCC District-Wide Employee Manual, Section IV, Paragraph 8, as well as violated Section 2.6.4(b) of the Board Rules for Management and Government.

Based on the investigation, the OIG recommended that the employee be terminated. Subsequent to a CCC pre-disciplinary meeting which resulted in a recommendation that the employee be terminated, the employee's resignation was accepted in lieu of termination.

OIG Case Number 11-0050

The OIG received information that an employee of a City College was arrested by federal authorities for the offense of distribution of a controlled substance. During the course of the investigation, the OIG reviewed the criminal history of

the employee. The investigation revealed that despite the fact that the employee had been convicted of the offense of possession of a controlled substance in 1997, and in 2004 the employee answered “No” to the question “Have you ever been convicted of, or pled guilty to any criminal offense?” on a CCC *Employment Application*, the employee was hired by CCC.

The OIG investigation further revealed that in 2007, while employed with CCC, the employee was again convicted of the felony offense of possession of a controlled substance. Despite the fact that Section III of the CCC District-Wide Employee Manual requires that employees who are convicted of any crime during their CCC employment must advise the Vice Chancellor of Human Resources of the conviction within five business days of the conviction, the employee failed to notify the CCC Vice Chancellor of Human Resources of the conviction.

The OIG investigation also revealed that the employee was in fact arrested for the federal offense of manufacturing, distributing, or dispensing a controlled substance in November 2010. During an interview with the OIG, the employee admitted that since he has been employed by CCC he has sold narcotics, specifically crack cocaine, approximately twenty times and he has made arrangements via the telephone while working to sell the caller narcotics after he was off work. These admissions established that the employee engaged in conduct in violation of the CCC District-Wide Employee Manual, Section IV, Paragraphs 14 and 15.

Based on the investigation, the OIG recommended that the employee be terminated. The CCC disciplinary process is currently pending regarding this employee.

OIG Case Number 11-0040

The OIG received a complaint that a member of the hourly support staff at a City College, who was placed on a paid leave of absence pending his termination due to a reduction in force, removed a hard drive from his formerly assigned CCC computer when he returned to the college to retrieve his personal belongings. The OIG investigation revealed that the employee had in fact removed the hard drive from the computer without the authority of the college and took the hard drive off the premises. The hard drive was subsequently retrieved from the employee by the OIG.

Based on the OIG investigation and the fact that the employee had been terminated due to a reduction in force, the OIG recommended that the Department of Human Resources designate the employee as ineligible to be re-hired.

OIG Case Number 11-0038

The OIG received information that an employee of a City College was convicted of the offense of bribery but failed to disclose such conviction pursuant to Section III of the CCC District-Wide Employee Manual which requires that employees who are convicted of any crime during their CCC employment must advise the Vice Chancellor of Human Resources of the conviction within five business days of the conviction. The OIG investigation revealed that on February 27, 2008, the employee pled guilty to two counts of bribery in the Circuit Court of Cook County stemming from the employee's prior employment with another local municipal government entity. The OIG investigation further revealed that the employee failed to disclose the conviction as required by the Section III of the CCC District-Wide Employee Manual.

Notwithstanding the length of time that had transpired since the employee's bribery conviction and due to the nature of the conviction - the employee abused her position as a public employee for her own personal gain - the OIG recommended that the employee be terminated. The CCC disciplinary process is currently pending regarding this employee.

OIG Case Number 11-0010

The OIG received a complaint that a lecturer, while teaching class at a City College, grabbed the arm of one of his students, and took the student's cellular telephone from her hand thereby committing a battery for which he was subsequently arrested.

Following the arrest, the lecturer was suspended from his duties pending the OIG investigation. The criminal charge against the lecturer was subsequently dismissed.

The OIG investigation revealed that the lecturer did in fact grab the cellular telephone from the student's hand because the lecturer believed that the student was filming him. The OIG found that the lecturer engaged in discourteous treatment towards the student, in violation of Section IV, Paragraph 22 of the CCC District-Wide Employee Manual.

Based on the investigation, the OIG recommended that CCC take appropriate disciplinary action against the lecturer. CCC disciplinary process is currently pending regarding this employee.