



# Office of the Inspector General City Colleges of Chicago

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## Office of the Inspector General Bi-Annual Report January 1, 2013 – June 30, 2013

Prepared pursuant to Article II, Section 2.7.5 of the Board Bylaws

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Inspector General

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To: Cheryl L. Hyman, Chancellor  
Paula Wolff, Chair of the Board of Trustees  
Ellen Alberding, Vice-Chair of the Board of Trustees  
Larry R. Rogers, Sr., Secretary of the Board of Trustees  
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Timakia Hobbs, Student Trustee

From: John A. Gasiorowski, Inspector General

Date: August 12, 2013

RE: OIG *Bi-Annual Report* for the period of January 1, 2013 through June 30, 2013

This *Bi-Annual Report* is being provided to the Chancellor and the Board of Trustees of Community College District No. 508 pursuant to Section 2.7.5 of the Board Bylaws. Pursuant to Section 2.7.5, the *Bi-Annual Report* for the period of January 1<sup>st</sup> through June 30<sup>th</sup> is required no later than September 1<sup>st</sup> each year. This is the sixth *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 and subsequently made part of the Board Bylaws effective December 1, 2011 as Article II, Section 2.7 et seq.

Section 2.7 et seq. of the Board Bylaws 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* covers the period of January 1, 2013 through June 30, 2013.

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.

### Updates to Investigations Documented in the Previous Bi-Annual Report

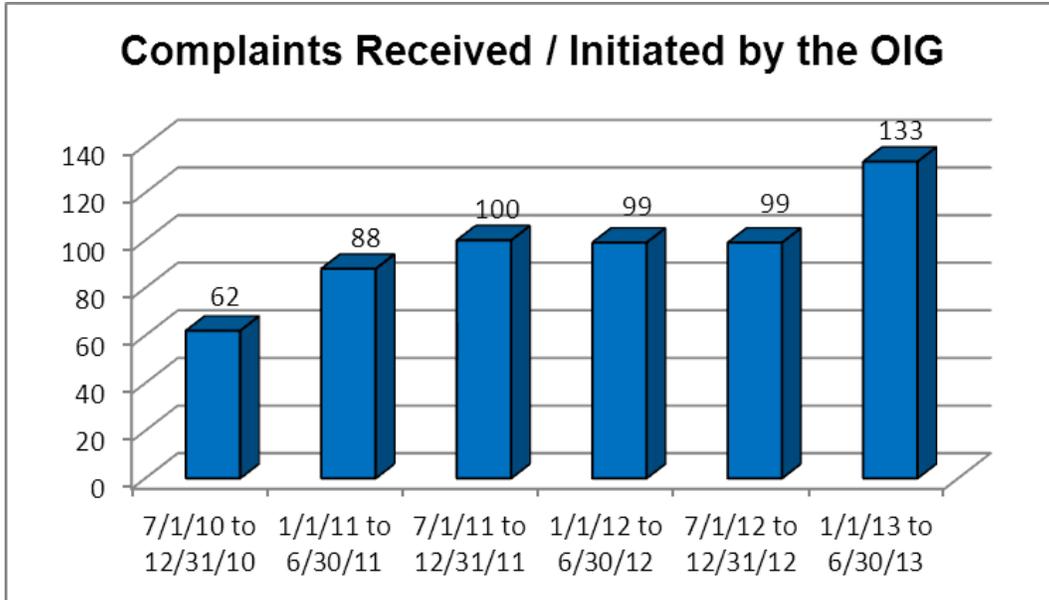
In the *Bi-Annual Report* submitted for the July 1, 2012 to December 31, 2012 reporting period, the OIG submitted 14 reports documenting investigations which resulted in sustained findings of waste, fraud and misconduct. At the time the *Bi-Annual Report* was submitted, disciplinary action was pending regarding several of the investigations. The following table updates the status of the disciplinary action recommended by the OIG against CCC employees and vendors as well as the action taken by CCC.

Case Number	Subject	Recommended Disciplinary Action	Disciplinary Action Taken
12-0175	Head Coach	Do Not Re-Hire	Do Not Re-Hire
12-0187	Program Director	Appropriate Discipline	Termination / Do Not Re-Hire
12-0116	Full-Time Faculty Member	Appropriate Discipline	Written Reprimand
13-0027	College Clerical Assistant	Termination / Do Not Re-Hire	Termination / Do Not Re-Hire
13-0052	Same individual as above	Do Not Re-Hire	Do Not Re-Hire
12-0095	College Career Coach	Do Not Re-Hire	Do Not Re-Hire
12-0095	College Clerical Assistant	Do Not Re-Hire	Do Not Re-Hire
12-0095	Instructor	Do Not Re-Hire	Do Not Re-Hire
12-0095	Teacher	Do Not Re-Hire	Do Not Re-Hire
13-0021	Full-Time Faculty	Appropriate Discipline	1 Day Suspension
11-0140	Full-Time Faculty	Termination / Do Not Re-Hire	Retirement / Do Not Re-Hire
11-0074	Full-Time Faculty	Termination / Do Not Re-Hire	Resignation / Do Not Re-Hire
13-0058	Staff Assistant	Appropriate Discipline	Position Eliminated
13-0009	Librarian	Appropriate Discipline	Retirement
13-0009	College Library Assistant	Appropriate Discipline	Termination
12-0176	Hourly Support Staff	Termination / Do Not Re-Hire	Resignation / Do Not Re-Hire
12-0176	Associate Dean	Appropriate Discipline	None
12-0169	Vendor	Debarment	Pending
12-0169	Chief Engineer	Appropriate Discipline	Written Reprimand
12-0169	Business Manager	Appropriate Discipline	Written Reprimand
12-0154	Vendor	Debarment	Pending

### Complaints Received

For the period of January 1, 2013 through June 30, 2013, the OIG received 133 complaints. This represents the highest number of complaints received by the OIG during a six month reporting period and a 34% increase over the number of complaints received during the previous six month reporting period (July 1, 2012 through December 31, 2012). These 133 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.<sup>1</sup> The table to follow documents the number of complaints received by the OIG during the current and previous reporting periods.

<sup>1</sup> Under Article II, Section 2.7.2 of the Board Bylaws, 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....



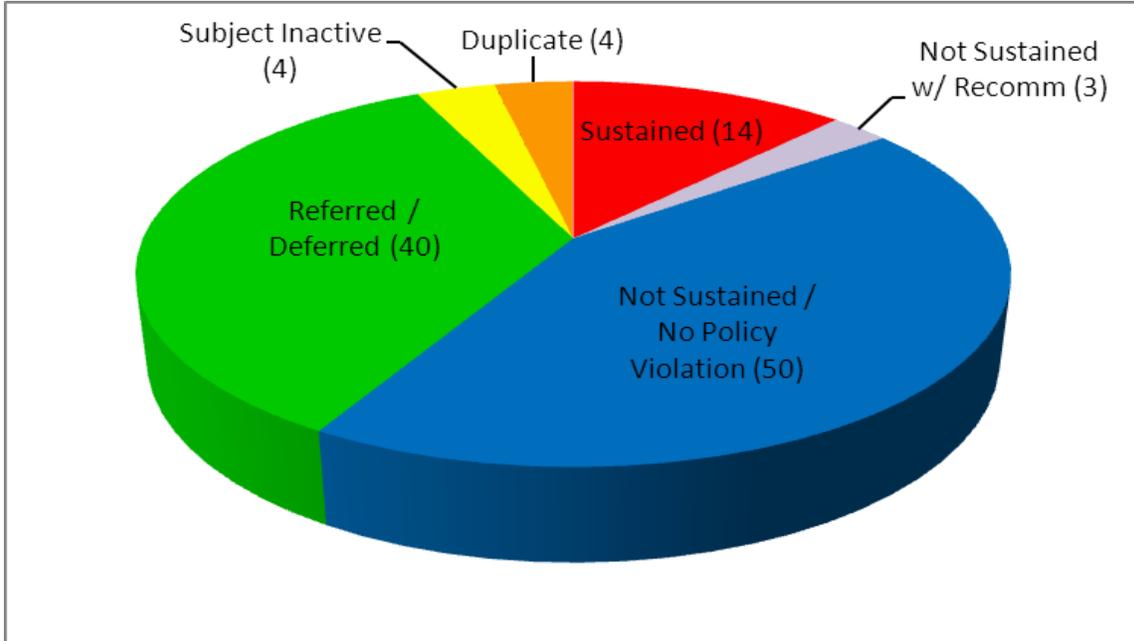
The 133 complaints received represent a variety of subject matters. The table below documents the subject matters of the complaints received.

Subject Matter (allegation)	Number
Ethics Violation	3
Conduct Unbecoming a Public Employee	3
Incompetence in the Performance of One's Position	3
Discrimination	5
Reviews Initiated by the OIG	6
Preferential Treatment	7
Falsification of Attendance Records	9
Fraud	10
Discourteous Treatment	10
Residency	11
Misappropriation of Funds / Theft	13
Sexual or Other Harassment	13
Violation of Other Miscellaneous CCC Policies	16
Inattention to Duty	24
<b>Total</b>	<b>133</b>

### Status of Complaints

As reported in the previous *Bi-Annual Report*, as of December 31, 2012, the OIG had 80 complaints that were pending, meaning that the OIG was in the process of conducting investigations regarding these complaints. During the period of January 1, 2013 through June 30, 2013, the OIG closed 115 complaints. These complaints were closed for a variety of reasons, including the following: the

complaint was sustained following an investigation and a report was submitted; the complaint was not sustained but the OIG issued a report with recommendations; the complaint was not sustained following an investigation or no policy violation was found; the complaint was referred to the appropriate CCC department; the subject of the complaint retired or resigned from CCC employment prior to or during the course of the investigation; and the complaint was a duplicate of a complaint previously received. The following chart categorizes the reasons that the OIG closed the 115 complaints during this reporting period.



Regarding the complaints closed during the period of January 1, 2013 to June 30, 2013, the table below documents the number of calendar days between the date that the complaint was received and the date that the complaint was closed.<sup>2</sup>

<sup>2</sup> A complaint is considered closed only after the investigative activity of the investigator to whom the complaint was assigned has been reviewed and approved by a Supervising Investigator and the Inspector General. In situations where a complaint is sustained, the complaint is not considered closed until the Investigative Summary documenting the investigation is prepared and submitted pursuant to Section 2.7.3 of the Board Bylaws.

<b>All Complaints Closed Between January 1, 2013 and June 30, 2013</b>		
<b>Reason Closed</b>	<b>Number</b>	<b>Average Calendar Days to Close</b>
Sustained	14	198
Not Sustained w/ Recommendation(s)	3	200
Not Sustained / No Policy Violation	50	162
Referred / Deferred	40	1
Subject Inactive	4	150
Duplicate Complaint	4	<1
<b>Total</b>	<b>115</b>	

For purposes of comparison, the table below documents the number of calendar days between the date that the complaint was received and the date that the complaint was closed for complaints closed during the previous reporting period (July 1, 2012 through December 31, 2012):

<b>All Complaints Closed Between July 1, 2012 and December 31, 2012</b>		
<b>Reason Closed</b>	<b>Number</b>	<b>Average Calendar Days to Close</b>
Sustained	14	196
Not Sustained w/ Recommendation(s)	2	70
Not Sustained / No Policy Violation	49	258
Referred / Deferred	33	<1
Subject Inactive	12	265
Duplicate Complaint	0	--
<b>Total</b>	<b>110</b>	

As of June 30, 2013, the OIG had 98 pending complaints. Fifty-three of these 98 pending complaints were received between January 1, 2013 and June 30, 2013.

### **OIG Reports Submitted – January 1, 2013 through June 30, 2013**

During the reporting period of January 1, 2013 through June 30, 2013, the OIG submitted 20 reports.<sup>3</sup> These 20 reports included the annual residency compliance audit, 16 reports documenting sustained findings of waste, fraud and/or misconduct, and three reports documenting not sustained findings but in which the OIG made recommendations.

<sup>3</sup> Pursuant to Section 2.7.3 of the Board Bylaws, 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.

## Annual Certification of Residency Audit

Under the heading *Annual Certification of Residency*, Section 4.6(a) of the Board Policies and Procedures for Management & Government, which sets forth the CCC Residency Policy, provides that on February 1<sup>st</sup> of each year, every full-time employee of CCC will be required to certify their compliance with this residency policy. The employee’s certification shall include an oath or affirmation that the employee is not required to be an actual resident because he/she falls within one of the exceptions to the requirement or that the employee is an actual resident of the City of Chicago. Additionally, Section 4.6(a) provides that “the Inspector General shall conduct an annual audit of the District’s compliance with this Rule and shall submit a report of audit findings to the Board no later than the first regularly scheduled public meeting of the Board following July 1<sup>st</sup> of each year.”

On February 8, 2013, all full-time employees of CCC were sent an e-mail regarding the need to certify their Chicago residency by completing the on-line *Annual Certification of Residency* form. The e-mail was sent to 2,154 full-time employees.

On March 26, 2013, the Department of Human Resources provided the OIG with the results of the responses received. As of March 26, 2013, 2,118 of the 2,154 (98.3%) full-time employees responded to the Annual Certification Process. Of the 36 employees who did not respond, the Department of Human Resources reported that 21 were on a leave of absence, 14 had been terminated, retired or changed to part-time status during the certification period, and one employee was involved in the disciplinary process. Therefore, 100% of the employees who were active and working during the 2013 certification of residency process responded. The table below documents the responses received District-Wide, as recorded by the Department of Human Resources.

Response	Number	%
No response due to involvement in the disciplinary process	1	.046%
No response due to employee being on leave	21	.97%
No response due to termination of employee or change to part-time status	14	.65%
1. Required to be a resident, with correct address	2,003	92.99%
2. Not required to be a resident, with correct address	25	1.2%
3. Required to be a resident, with incorrect address	41	1.9%
4. Not required to be a resident, with incorrect address.	1	.046%
5. Required to be a resident, but does not currently live within the City of Chicago.	48	2.2%
<b>Totals</b>	<b>2,154</b>	<b>100.00%</b>

The OIG audit further revealed the following:

- Regarding the 36 employees who did not respond.
  - The OIG determined that 21 of the employees were in fact on sabbaticals or other leaves of absence.

- The OIG determined that 12 of the employees had been terminated, retired, or changed to part-time status.
- The OIG determined that two employees were suspended awaiting disciplinary action. The terminations of these employees were subsequently approved by the Board.
- Regarding the 48 employees who responded that they were required to be residents but did not currently reside within the City of Chicago.
  - The OIG determined that 32 of the employees were employed for less than six months or previously received approved extensions.
  - The OIG determined that 15 employees responded that they did not currently reside within the City of Chicago, despite the fact that CCC records indicated a City of Chicago residential address for the employee.
    - The OIG reviewed CCC personnel records and public records. This review revealed that thirteen of these 15 employees reside within the City of Chicago and more than likely checked the wrong box on the Annual Certification of Residency on-line form.
    - The OIG initiated investigations regarding two of these 15 employees.
  - The OIG confirmed that one employee clearly checked the wrong box on the Annual Certification of Residency on-line form as demonstrated by the fact that the employee was exempt from the CCC Residency Requirement due to a side letter agreement.
- Regarding the 26 employees who responded that they were not required to be a resident of the City of Chicago.
  - 25 of these employees fall within an exception to the residency requirement.
    - Seventeen of these 25 employees were hired before July 1, 1977.
    - One of these employees was an engineer hired before January 1, 1980 and thus falls within an exception to the residency requirement.
    - Six of these 25 employees were exempt from the CCC Residency Requirement due to side letter agreements.
    - One of these employees was married to an employee who was exempt from the residency policy and thus falls within an exemption to the residency policy. The OIG reviewed CCC personnel records and confirmed that the employee was married to another CCC employee who was hired before July 1, 1977.
  - The OIG determined that one of these 26 employees was in fact required to be a City of Chicago resident. The OIG reviewed CCC personnel records and public records. This review revealed that this

employee resides within the City of Chicago and more than likely checked the wrong box on the Annual Certification of Residency form.

- The OIG also confirmed that 11 other employees, who indicated that they were required to reside in the City of Chicago, were in fact exempt from the CCC Residency Requirement.
  - Nine of these employees were hired before July 1, 1977.
  - Two of these employees were exempt from the CCC Residency Requirement due to side letter agreements.

### **Reports of Sustained Findings of Waste, Fraud and/or Misconduct**

Pursuant to the provisions of Section 2.7.5 of the Board Bylaws, the following are summaries of the OIG investigations for which reports were submitted documenting sustained findings of waste, fraud or misconduct during the period of January 1, 2013 through June 30, 2013. These reports recommend disciplinary or other action regarding 18 employees and 14 students.

#### OIG Case Number 13-0091 (computer lab assistant)

The OIG received a complaint alleging that the integrity of a comprehensive exam for a program at a City College was compromised. The OIG investigation revealed that on various occasions, a part-time computer lab assistant assigned to a satellite campus of a City College, accessed the computers and “thumb drives” of various instructors assigned to the campus. The computer lab assistant copied course materials totaling hundreds of documents, including the comprehensive final exam and other exams, from the instructors’ computers and “thumb drives” and distributed these documents to various students. During an interview with the OIG, the computer lab assistant estimated that he provided such documents to as many as 250 students since 2010. The computer lab assistant’s conduct violated various CCC policies, including Sections IV(15), (21), (26), (32), (45), and (50) of the CCC District-Wide Employee Manual, as well as Sections 6.3 and 6.5 of the CCC Responsible Computer Use Policy.

The OIG recommended that the computer lab assistant be terminated. The OIG further recommended that the computer lab assistant be designated ineligible to be re-hired and that his personnel records reflect this designation.

Following the disciplinary process, the Board of Trustees approved the termination of the computer lab assistant, and the computer lab assistant was designated ineligible to be re-hired.

OIG Case Number 13-0091(students)

As a result of the investigation of the computer lab assistant discussed above, the OIG initiated an investigation to identify the students who may have illegitimately received exams and/or other documents from the computer lab assistant. The OIG investigation identified at least twelve students who engaged in activities demonstrating academic dishonesty in violation of the CCC Student Policy Manual in that they received illegitimate access to course exams and other documents from the computer lab assistant or from other students who illegitimately received the documents. Likewise, the actions of these students violated the *Standards of Conduct* as provided in the CCC Student Policy Manual.

The OIG recommended that CCC takes appropriate disciplinary action, in accordance with the CCC Student Policy Manual, against the twelve students. The OIG further recommended that CCC not only takes action against the active students identified, but CCC also takes action against those students who completed the program and were awarded Advanced Certificates based on the fact that the OIG's findings cast great doubt as to whether the awarded certificates were indeed "earned."

Following the student disciplinary process, disciplinary action is pending.

Case Number 13-0077

The OIG received a complaint that a lecturer assigned to two different City Colleges during the 2012 Fall term received full pay for days she did not in fact perform her teaching assignment but performed duties for her outside employment with another governmental entity. The OIG investigation revealed that on various occasions during the 2012 Fall term, the lecturer failed to call in advance when tardy or not showing up for work; falsely represented to a superior the quantity of work performed; falsified her attendance records; misappropriated CCC funds, in that she received pay for at least fifteen classes that she did not attend; was inattentive to her duties as a lecturer; and failed to comply with the CCC outside employment policy, in that her employment with the other government entity interfered with her CCC teaching duties. These actions violated Section IV, Paragraphs 3, 7, 11, 17, 38, and 42 of the CCC District-Wide Employee Manual. The lecturer also failed to correct erroneously submitted certificates of attendance no later than the first payroll period in which she worked following the submission of the erroneous certificate, in violation of Section 4.11 of the Board Policies and Procedures for Management and Government.

Based on the investigation, the OIG recommended that the lecturer be terminated. The OIG further recommended that the lecturer be designated ineligible to be re-hired and that her personnel records reflect this designation.

Additionally, the OIG recommended that CCC uses all legal but fiscally responsible means to recoup at least \$794.55 from the lecturer for pay that she received to which she was not entitled because she did not attend fifteen class assignments.

The lecturer was subsequently terminated, and she was designated ineligible to be re-hired.

#### Case Number 13-0158

The OIG received a complaint that a security officer assigned to a City College was falsifying his attendance records. The OIG investigation revealed that on various occasions between early March and early May 2013, the security officer routinely arrived at work well after his start times to which he attested on his Certificates of Attendance and left work well before his end times to which he attested on his Certificates of Attendance. The security officer's misconduct was observed during surveillances conducted by the OIG at the College as well as documented by the College's security video.

The actions of the security officer violated various provisions of Section IV of the CCC District-Wide Employee Manual, including Paragraphs 2, 7, 11, 38, 42, and 50, in that the security officer left his work assignment at the College without authorization; falsely represented to a superior the quantity of work performed; falsified his attendance records, in that he submitted Certificates of Attendance reflecting hours that he did not in fact work; was inattentive to his duty as a security officer at the College; engaged in outside employment with two other government entities which interfered with his CCC employment, in violation of the CCC Outside Employment Policy; and engaged in conduct unbecoming a public employee. Likewise, the security officer failed to correct erroneously submitted Certificates of Attendance no later than the first payroll period in which he worked following the submission of the erroneous certificate, in violation of Section 4.11 of the Board Policies and Procedures for Management and Government.

Shortly after his interview with the OIG, the security officer submitted his resignation to CCC effective immediately. As such, the OIG recommended that the security officer be designated ineligible to be re-hired and that his personnel records reflect this designation. Subsequently, the security officer was designated ineligible to be re-hired.

#### OIG Case Number 13-0201

The OIG received a complaint, in May 2013, that a coordinator assigned to a City College was "arrested two years ago by the Chicago Police for chasing a man down the street with a loaded gun," pled guilty to the offense, and failed to notify CCC of his conviction. The OIG investigation revealed that on July 25, 2010, the coordinator was arrested by the Chicago Police Department and was charged

with various offenses, including the felony offense of aggravated unlawful use of weapons as well as unlawful use of weapons, possession of an unregistered weapon, and possession of ammunition. On November 15, 2011, the coordinator appeared in the Circuit Court of Cook County. The aggravated unlawful use of weapons charge was reduced to the misdemeanor offense of unlawful use of weapons. The coordinator pled guilty to the offense of unlawful use of weapons and was sentenced to serve an eighteen month term of probation. Thus, the coordinator engaged in conduct prohibited by the Illinois Compiled Statutes and violated Section IV(15) of the CCC District-Wide Employee Manual.

The OIG also investigated whether the coordinator disclosed his criminal conviction in accordance with the *Criminal History Verification and Post-Employment Convictions* provision of Section III of the CCC District-Wide Employee Manual. Despite the fact that there was no written documentation of such disclosure found, the lack of memory of a representative of the College's human resources department regarding whether his conversation with the coordinator dealt with the arrest or the conviction objectively precluded the OIG from finding that the coordinator violated the notification provision.

Additionally, the OIG investigation revealed that the coordinator, by his own admission, was in custody from the time that he was arrested on Sunday, July 25, 2010 at 6:15 p.m. until he posted bond in the early morning hours of Tuesday, July 27, 2010. However, a Certificate of Attendance signed by the coordinator represented that he was to work a full day on Monday, July 26, 2010 and received full pay for that day. The coordinator's failure to amend the Certificate of Attendance violated Section 4.11(c) of the Board Policies and Procedures for Management and Government, and by receiving pay to which he was not entitled, the coordinator misappropriated CCC funds, in violation of Section IV(37) of the CCC District-Wide Employee Manual.

Based on the investigation, the OIG recommended that CCC takes appropriate disciplinary action against the coordinator.

The disciplinary process regarding this employee is pending.

In light of the issues revealed during the investigation, the OIG also recommended the following:

- The OIG recommended that the Department of Human Resources re-instructs the human resources administrators at the various colleges that pursuant to the *Criminal History Verification and Post-Employment Convictions* provision of Section III of the CCC District-Wide Employee Manual, 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 recommended that the Department of Human Resources develops a form to be submitted by employees who are convicted of any crime during their CCC employment. At the very least, this form should require the employee to provide the following information regarding the employee's conviction: the date, city and state of the arrest; a list of any days spent in custody; the criminal case number; the court; the date of conviction; the offense or offenses of which the employee was convicted; and the sentence imposed. The form should also specifically provide to whom the completed form should be directed.

#### OIG Case Number 11-0127

The OIG received a complaint that a full-time faculty member assigned to a City College fraudulently utilized sick time when in fact he was in jail due to an arrest for driving under the influence. The OIG investigation revealed that on December 19, 2012, the faculty member was convicted of the offense of driving under the influence of alcohol, based on an arrest for that and related offenses on March 28, 2011. Thus, the faculty member violated Section IV(15) of the CCC District-Wide Employee Manual, in that he engaged in conduct prohibited by the Illinois Compiled Statutes.

Additionally, the OIG investigation revealed that the faculty member failed to notify anyone at CCC of his criminal conviction. Thus, the faculty member violated the *Criminal History Verification and Post-Employment Convictions* provision of Section III of the CCC District-Wide Employee Manual, in that he failed to notify the Vice Chancellor of Human Resources within five business days of the criminal conviction.

Furthermore, the OIG investigation revealed that the faculty member was arrested for the offense of driving under the influence of alcohol on Monday, March 28, 2011 at 1:51 a.m. The faculty member's bond slip reflects that he was not released from police custody until the afternoon of March 28, 2011. The faculty member's Certificate of Attendance reflects that he took a sick day on March 28, 2011 and failed to teach his 10:40 a.m. and 2:10 p.m. classes scheduled for March 28, 2011. As the faculty member was in police custody during the morning hours of March 28, 2011, the faculty member used sick leave in an unauthorized manner, in violation of Section IV(13) of the CCC District-Wide Employee Manual.

The OIG recommended that CCC takes appropriate disciplinary action against the faculty member. The faculty member subsequently retired from his CCC position.

OIG Case Number 13-0069

The OIG received a complaint that a former continuing education lecturer taught a one day scuba diving class at a City College despite the fact that the class was not scheduled or authorized. The OIG investigation revealed that the former CCC employee taught a scuba diving class for five individuals utilizing the College's swimming pool and a classroom. The former employee taught this class despite the fact that the class was neither scheduled nor authorized, and the former employee was terminated from his position with CCC about eleven months earlier.

The OIG recommended that the former continuing education lecturer be designated ineligible to be re-hired and that his personnel records reflect this designation. The continuing education lecturer was subsequently deemed ineligible to be re-hired.

The OIG further investigated how the unauthorized scuba diving class was able to be conducted at the College. Through interviews of various security officers, the OIG investigation revealed that College security personnel questioned the fact that the former employee was conducting an unscheduled scuba diving class at the College. However, the College security personnel ultimately failed to prevent the unauthorized class from taking place. Although a lead security officer stated that a lecturer assigned to the College, told him, via telephone on the day of the scuba diving class that the former continuing education lecturer was scheduled to teach the scuba diving class and he was authorized to use the College's swimming pool, the OIG investigation revealed that the veracity of the lead security officer's statements was doubtful.

The OIG recommended that the CCC Department of Safety and Security develops and implements, in conjunction with each of the Colleges and at each of the campuses, a procedure to follow when security personnel have any question regarding the legitimacy of classes and/or any activities taking place on any of the campuses. This procedure should include the specific person(s) to contact in order to obtain official confirmation that a class or activity is authorized and/or is otherwise legitimate.

OIG Case Number 13-0003

The OIG received a complaint that on various occasions, a financial aid advisor assigned to a City College failed to show-up for work but received full pay since she did not amend her Certificates of Attendance. The OIG investigation revealed that the financial aid advisor falsified her attendance records in that she submitted a Certificate of Attendance on June 25, 2012 reflecting hours for June 20, 2012 and June 21, 2012 that she did not in fact work. Such conduct violated Section IV(11) of the CCC District-Wide Employee Manual and Section 4.11(a) of the Board Policies and Procedures for Management and Government.

Additionally, the financial aid advisor failed to submit a corrected Certificate of Attendance accurately reflecting the hours that she worked on June 20, 2012 and June 21, 2012, in violation of Section 4.11(c) of the Board Policies and Procedures for Management and Government.

The inaccurate Certificate of Attendance submitted by the financial aid advisor for June 20, 2012 and June 21, 2012 was approved by the director of admissions and financial aid at the College. Being that the Certificate of Attendance which reflected inaccurate days/hours worked by the financial aid advisor was approved by the director of admissions and financial aid, he was inattentive to his duty, in violation of Section IV(38) of the CCC District-Wide Employee Manual.

The OIG investigation further revealed that the financial aid advisor failed to submit a corrected Certificate of Attendance accurately reflecting the hours that she worked on July 2, 2012 and July 5, 2012, in violation of Section 4.11(c) of the Board Policies and Procedures for Management and Government. The OIG investigation also revealed that the financial aid advisor failed to submit a corrected Certificate of Attendance accurately reflecting the hours that she worked during Pay Period 1217 (July 29, 2012 to August 11, 2012), in violation of Section 4.11(c) of the Board Policies and Procedures for Management and Government.

The inaccurate Certificates of Attendance submitted by the financial aid advisor for July 2, 2012 and July 5, 2012 and for Pay Period 1217 were approved by the assistant director of financial aid at the College. As no corrected Certificates of Attendance were submitted to accurately reflect the hours that the financial aid advisor actually worked on July 2, 2012, July 5, 2012 and during Pay Period 1217, the assistant director of financial aid was inattentive to her duty, in violation of Section IV(38) of the CCC District-Wide Employee Manual.

The OIG recommended that CCC takes appropriate disciplinary action against the financial aid advisor, the director of admissions and financial aid, and the assistant director of financial aid. The OIG further recommended that CCC uses all legal but fiscally responsible remedies, such as the docking of future pay, to recoup \$234.50 from the financial aid advisor.

Following the disciplinary process, the financial aid advisor and the assistant director of financial aid were issued written reprimands. The director of admissions and financial aid resigned from his CCC position.

#### OIG Case Number 13-0067

The OIG received a complaint that a male security officer assigned to a City College punched a female student in the face without justification. The OIG investigation revealed that the male security officer repeatedly grabbed and otherwise “manhandled” the female student without justification, which

culminated in the student swinging at the security officer and the security officer striking the student in the face. The actions of the security officer violated Sections IV(15), (34), and (50) of the CCC District-Wide Employee Manual.

The OIG recommended that the security officer be terminated. The OIG further recommended that the security officer be designated ineligible to be re-hired and that his personnel records reflect this designation.

Following the disciplinary process, the security officer was terminated and was deemed ineligible to be re-hired.

The OIG investigation also revealed that the student twice used profane language towards the security officer, which created a hostile working/learning environment. The student's conduct violated the Standards of Conduct of the CCC Student Policy Manual. The OIG recommended that CCC also takes appropriate disciplinary action against the student.

The disciplinary process regarding this student is pending.

The OIG investigation further revealed that the CCC Department of Safety and Security lacks policies and procedures regarding when it is appropriate for security officers to engage in physical contact with students and lacks any proper training for security personnel in this regard. As such, the OIG recommended that the CCC Department of Safety and Security develops policies and procedures regarding when it is appropriate for security officers to engage in physical contact with students and other individuals, particularly physical contact for the purpose of detention and/or arrest. The OIG further recommended that when such policies and procedures are developed and implemented, the Department of Safety and Security trains all security personnel regarding such policies and procedures.

#### OIG Case Number 13-0150

The OIG received a complaint that a janitor supervisor at a City College supervised a relative in violation of the CCC Ethics Policy. The OIG investigation revealed that a janitor supervisor assigned to a City College, employed / supervised her husband, a janitor assigned to that same City College by signing his Certificates of Attendance, contrary to Section 5.2.8(1)(i) of the CCC Ethics Policy. By engaging in conduct contrary to the CCC Ethics Policy, the janitor supervisor also violated Section IV(44) of the CCC District-Wide Employee Manual.

The OIG recommended that CCC takes appropriate disciplinary action against the janitor supervisor. The OIG also recommended that either the janitor supervisor or her janitor husband be transferred to a different City College so that the janitor supervisor does not continue to employ and/or supervise her husband.

Following the disciplinary process, no action was taken against the supervisor. The janitor was scheduled to be transferred to another City College.

OIG Case Number 12-0158

The OIG received a complaint that an engineer assigned to a City College resided outside the City of Chicago. The OIG investigation revealed that the engineer resided in Hammond, Indiana, in violation of Section 4.6(a) of the Board Policies and Procedures for Management & Government and Section III of the CCC District-Wide Employee Manual. The OIG investigation further revealed that the engineer falsified employment records, in that on a CCC residency certification document, the engineer fraudulently affirmed that he resided in Chicago, Illinois when in fact he resided in Hammond, Indiana, in violation of Section IV(11) of the CCC District-Wide Employee Manual.

The OIG recommended that the engineer be terminated. The OIG further recommended that the engineer be designated ineligible to be re-hired and that his personnel records reflect this designation.

Following the disciplinary process, the Board of Trustees approved the termination of the engineer, and the engineer was designated ineligible to be re-hired.

Case Number 12-0144

The OIG received a complaint that a janitor assigned to a City College resided outside the City of Chicago. The OIG investigation revealed that the janitor resided in Calumet City, Illinois, in violation of Section 4.6(a) of the Board Policies and Procedures for Management & Government and Section III of the CCC District-Wide Employee Manual. The OIG investigation further revealed that the janitor falsified employment records, in that on a CCC residency certification document, the janitor fraudulently affirmed that he resided in Chicago, Illinois when in fact he resided in Calumet City, Illinois, in violation of Section IV(11) of the CCC District-Wide Employee Manual.

The OIG recommended that the janitor be terminated. The OIG further recommended that the janitor be designated ineligible to be re-hired and that his personnel records reflect this designation.

Following the disciplinary process, the Board of Trustees approved the termination of the janitor, and the janitor was designated ineligible to be re-hired.

Case Number 13-0149

The OIG received a complaint that a CCC telephone was utilized to leave a message on the answering system of an anti-war website, and the message

contained anti-Semitic remarks. The OIG investigation revealed that a CCC security officer utilized a CCC telephone to make a personal call to the website's offices in Los Angeles, California; however, the message left contained political but not anti-Semitic remarks. The OIG investigation revealed that the security officer technically violated the *CCC Guidelines Governing the Use of Computing and Technology Resources* and the *Policies and Guidelines Governing the Use of Computing and Technology Resources*, in that he used a CCC telephone for non-CCC business. Due to the security officer's technical violation of the *CCC Guidelines Governing the Use of Computing and Technology Resources* and the *Policies and Guidelines Governing the Use of Computing and Technology Resources*, the OIG recommended that only minimal disciplinary action, i.e., a written reprimand advising him to refrain from using CCC telephones to make personal out-of-state calls, be taken.

Based on the investigation, the OIG also recommended the following:

- The OIG recommended that the *Guidelines Governing the Use of Computing and Technology Resources* and the *Policies and Guidelines Governing the Use of Computing and Technology Resources* be amended to specifically provide that the use of CCC telephones to make personal out-of-state calls is prohibited; that excessive use of CCC telephones for personal reasons is prohibited; and that any call(s) made contrary to the policy will result in the employee being charged for the call(s) and may result in disciplinary action, up to and including termination of employment.
- The OIG recommended that Departmental Operation Standards (Directive 05) promulgated by the Department of Safety and Security on September 24, 2011 be amended to be consistent with the provisions of the *Guidelines Governing the Use of Computing and Technology Resources* and the *Policies and Guidelines Governing the Use of Computing and Technology Resources*.
- The OIG recommended that all current and future Department of Safety and Security Departmental Operation Standards be reviewed and approved by the Office of the General Counsel to ensure consistency with all CCC guidelines, policies, and procedures.

Following the disciplinary process, the security officer was issued a written reprimand.

#### Case Number 13-0137

The OIG received a complaint that a full-time faculty member at a City College sexually harassed a work study student assigned to the College. The OIG investigation revealed that on numerous occasions, the faculty member made flirtatious comments and noises towards the work study student, such as "You are beautiful;" "I did not know that angels eat;" and "Heaven must be missing an

angel.” According to the work study student, the faculty member also followed her within the College building, stared at her, and repeatedly looked for her in the doorway of her assigned work location. The OIG analyzed Section IV(41)(a) of the CCC District-Wide Employee Manual, case law regarding sexual harassment and relevant Illinois Human Rights Commission opinions. Based on this analysis, the OIG determined that the faculty member’s actions did not constitute sexual harassment. However, the OIG found that the faculty member’s conduct towards the work study student was nonetheless disturbing, inappropriate and unprofessional. The OIG found that at a minimum, the faculty member engaged in conduct unbecoming a public employee, in violation of Section IV(50) of the CCC District-Wide Employee Manual.

The OIG recommended that CCC takes appropriate disciplinary action against the faculty member.

Following the disciplinary process, the faculty member was issued a written reprimand and was instructed to attend sensitivity training with the CCC Equal Employment Opportunity Office.

#### Case Number 13-0001

The OIG received a complaint that a college advisor resided outside the City of Chicago. The OIG investigation revealed that the college advisor resided in Indian Head Park, Illinois, in violation of Section 4.6(a) of the Board Policies and Procedures for Management & Government and Section III of the CCC District-Wide Employee Manual. The OIG investigation further revealed that the college advisor falsified employment records, in that on a CCC residency certification document, the college advisor fraudulently affirmed that she resided in Chicago, Illinois when in fact she resided in Indian Head Park, Illinois, in violation of Section IV(11) of the CCC District-Wide Employee Manual.

The OIG recommended that the college advisor be terminated. The OIG further recommended that the college advisor be designated ineligible to be re-hired and that her personnel records reflect this designation.

The disciplinary process regarding this employee is pending.

#### Case Number 13-0047

The OIG received a complaint alleging that a full-time faculty member at a City College engaged in various acts of misconduct. The OIG investigation revealed that the full-time faculty member engaged in following acts:

- The faculty member combined his Saturday class with his Monday/Wednesday class without authorization and submitted class revision forms without student signatures.

- On at least five occasions during the Spring 2012 term, the faculty member failed to attend his scheduled Saturday class.
- The faculty member failed to correct erroneously submitted Certificates of Attendance, which indicated that he was present on five days during the Spring 2012 term, when in fact he was not present on those five days.
- Because the faculty member failed to correct his erroneous Certificates of Attendance, he received pay for days in which he did not in fact work. Thus, the full-time faculty member misappropriated CCC funds.
- The faculty member initiated and collected a fee from students in his classes for supplies without the fee being approved by the Board of Trustees and despite the fact that he was not assigned or authorized to do so by the College's business office.
- The faculty member was inattentive to his duty as the supervisor of a work study student, in that he failed to ensure that the work study student submitted federal work study time sheets which accurately reflected the days/hours that the work study student in fact worked.

The faculty member's actions violated Section IV, Paragraphs 7, 11, 36, 37, 38, and 50 of the CCC District-Wide Employee Manual. The faculty member's actions also violated Sections 1.10, 2.2, and 4.11 of the Board Policies and Procedures for Management and Government, Section 1.02.1 of the CCC Operations Manual, and Index Number 2.31B of the CCC Academic Policy.

The OIG recommended that the faculty member be terminated. The OIG further recommended that the faculty member be designated ineligible to be re-hired and that his personnel records reflect this designation.

The disciplinary process regarding this employee is pending.

The OIG investigation also revealed that the work study student knowingly furnished false information to the College, in that she falsified her federal work study time sheets during the Spring 2012 term and submitted them to the College, the work study student's actions violated the Standards of Conduct included in Part VII of the CCC Student Policy Manual.

The OIG recommended that CCC takes appropriate disciplinary action against the work study student.

The disciplinary process regarding this work study student is pending.

## **Reports Submitted of Investigations that Resulted in Not Sustained Findings but in Which Recommendations Were Made**

### Case Number 13-0038

The OIG received a complaint that a full-time faculty member at a City College falsely misrepresented that he had earned a master's degree when in fact he had not. It should be noted that the subject of this investigation was the same faculty member discussed previously in this Bi-Annual Report under OIG Case Number 13-0047.

The OIG investigation did not reveal that the faculty member ever misrepresented at the time of his hire, or anytime thereafter, that he earned a master's degree. The OIG review of documents submitted by the faculty member to CCC did not reveal that he ever indicated that he earned a master's degree. Moreover, based on the OIG interviews, at the time of the faculty member's hiring, the then Chancellor and the then President of the City College knew that the full-time faculty member did not have a master's degree.

However, the OIG investigation revealed that at the time of his hire by CCC in August 2003, the faculty member was placed in a Lane II compensation rate despite the fact that he was not and is not qualified, by his formal education, for such lane placement, contrary to the *Agreement between The Board of Trustees of Community College District No. 508, County of Cook and State of Illinois and the Cook County College Teachers Union, Local 1600 AFT, AFL-CIO, Chicago, Illinois (Faculty and Training Specialists)*.

Moreover, the effect of the lane misplacement was significant. The placement of the faculty member in the Lane II compensation rate opposed to the Lane I compensation rate resulted in, during the course of his CCC employment, the faculty member receiving more than \$63,000.00 in pay over and above what he would have received had he been placed in the appropriate pay lane at the time of his hire.

Based on this finding, the OIG recommended that CCC adjust the faculty member's compensation rate (i.e. pay lane placement) to accurately reflect his qualifications.

The OIG's recommendation is under review.

### Case Number 13-0071

The OIG received a complaint that a business manager assigned to a City College violated the CCC Ethics Policy due to her supervision of her husband's cousin, who at the time was employed at the College as a college bursar assistant I. During the course of the investigation, the OIG determined that the

business manager did in fact supervise her husband's cousin. However, the OIG sought the opinion of the CCC Ethics Officer regarding the question of whether one's spouse's cousin is a relative under Section 5.2.2(bb) of the CCC Ethics Policy.

Section 5.2.2(bb) of the CCC Ethics Policy provides, in pertinent part: "Relative' means a person who is related to a Board member, employee, or spouse or any of the following whether by blood or by adoption:...cousin.... "

The CCC Ethics Officer essentially opined that based on his reading of Section 5.2.2(bb) of the CCC Ethics Policy, the business manager is not a "relative" of her husband's cousin (the college bursar assistant) since their "cousin" relationship is by marriage. Thus, they are not "relatives" under the provisions of Section 5.2.2(bb) of the CCC Ethics Policy.

The Ethics Officer's opinion was a reasonable analysis of the definition of "relative" as provided in Section 5.2.2(bb) of the CCC Ethics Policy. As such, the OIG found that pursuant to Section 5.2.2(bb) of the CCC Ethics Policy, the business manager was not a relative of her husband's cousin. Therefore, regardless of whether the business manager supervised her husband's cousin, she was not in violation of the CCC Ethics Policy. It should be noted that subsequently, the college bursar assistant was transferred to another City College.

However, while under Section 5.2.2(bb) of the CCC Ethics Policy the business manager was not a "relative" of her husband's cousin, and thus her supervision of the employee did not violate the CCC Ethics Policy, the OIG found that nepotism concerns which caused CCC to prohibit the supervision of a nephew, niece and/or cousin are no less problematic when the relative is a "nephew-in-law", a "niece-in-law" or a "cousin-in-law". Based on these concerns and to otherwise update the concept of "relative" as provided in the CCC Ethics Policy, the OIG recommended that the Board of Trustees adopts the following amendment to Section 5.2.2(bb) of the CCC Ethics Policy:

"Relative" means a person who is related to a Board member or employee as a spouse, domestic partner, partner in a civil union, parent, child, brother or sister, aunt or uncle, cousin, niece or nephew, grandparent, grandchild, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepfather, stepson or stepdaughter, stepbrother or stepsister, half-brother, half-sister and shall include any similar relationship created by blood, legal adoption, marriage, domestic partnership, or partnership in a civil union.

This recommended amendment and various other amendments to the CCC Ethics Policy are currently under review.

Case Number 12-0197

On August 5, 2011, the United States Department of Education (“DOE”) issued a Final Program Review Determination that a City College had significant financial liabilities as a result of the DOE’s review of a statistical sample of student financial aid files for the 2007-08 and 2008-09 award years. On September 21, 2011, CCC submitted its appeal to the DOE’s Final Program Review Determination.

As part of the appeal process, CCC submitted copies of student financial aid files. These student financial aid files were submitted to contest the liability amount determined by the DOE. Some of these student financial aid files were submitted to show that CCC had “cured” technical defects in certain file documentation by obtaining documentation or by obtaining signatures on documentation. Additionally, during the appeal process, almost 230 files were submitted to the DOE because the College was unable to locate these files at the time that the DOE originally requested the files as part of the statistical sample of files to be reviewed.

As a result of learning that problematic issues existed with student signatures purportedly obtained during the process of “curing” the student financial aid files submitted to the DOE, the OIG initiated an investigation. The OIG investigation revealed that during August and/or September 2011, the signatures of students and/or parents of students were forged on documents contained in at least eleven student financial aid files submitted by CCC to the DOE as part of the appeal process following the DOE’s Final Program Review Determination. Interviews with students and/or parents regarding these eleven student financial aid files revealed that the purportedly “curing” signature was not a valid signature. Several of these interviews were corroborated by the fact that the purported signer was deceased or out of the country on the date that the signature was purportedly made. The OIG investigation further revealed that the eleven files did not represent the total number of student aid files submitted by CCC to the DOE which contained problematic signatures. During the review of the College’s student financial aid files submitted to the DOE, the OIG observed various other no doubt fraudulently created signatures on forms contained in student financial aid files, but the OIG was not able to make contact with those students to verify the legitimacy of the signatures.

Ultimately, the OIG was unable to identify the individual(s) who committed the acts of forgery. Due to the fact that the OIG was not able to identify the individual(s) who committed the acts of forgery, the OIG made no recommendation of disciplinary action. However, the OIG recommended that the CCC Department of Finance develops and implements District-Wide uniform policies and procedures regarding the acceptance, review and sufficiency of student financial aid documentation. The OIG also recommends that annual training, regarding such policies and procedures, be conducted for all persons

involved in the processing of student financial aid files. Additionally, the OIG recommended that the CCC Department of Finance develops policies and procedures to document the individual employee who reviews and/or accepts any document received from a student during the course of the financial aid documentation process.

The United States Department of Education subsequently issued a finding regarding CCC's appeal of the department's Final Program Review Determination on May 28, 2013. This finding was subsequently appealed by CCC and the finding regarding CCC's appeal is currently pending.

# REPORT

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