



Office of Student Protections & Title IX (OSP) Procedure Manual

**Effective August 1, 2024
Version 6.0**



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Version 6.0 - Last Revised on 7.15.24

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I. INTRODUCTION

- A. Purpose:** This **Office of Student Protections & Title IX (OSP) Procedure Manual** is incorporated into the Board of Education of the City of Chicago's (Board) [Interim Comprehensive Non-Discrimination, Harassment, and Retaliation Policy](#) (Non-Discrimination Policy) approved by the Board on July 25, 2024. The purpose of this OSP Procedure Manual is to outline the procedures for the prompt and equitable resolution of complaints alleging abuse, discrimination, harassment, misconduct, and retaliation, all of which are prohibited by Board Policy, Title VI and Title VII of the Civil Rights Act of 1964 (Title VI and Title VII), and Title IX of the Education Amendments of 1972 (Title IX). Additionally, this OSP & EOCO Procedure Manual supports Chicago Public Schools' (CPS) policies and guidance ([Staff Acceptable Use Policy](#); [Reporting of Child Abuse, Neglect, and Inappropriate Relations Between Adults and Students](#); [Domestic Violence, Dating Violence and Court Orders of Protection, Restraint or No Contact](#); and [Addressing Bullying and Bias-Based Behavior](#)) and student policies ([Student Code of Conduct](#) and [Student Acceptable Use Policy](#)). The Title IX procedures outlined herein shall be effective for all incidents occurring on or after August 1, 2024. For all incidents occurring before August 1, 2024, the Title IX procedures outlined in the [Office of Student Protections Procedure Manual \(version 5\)](#) and the [Equal Opportunity Compliance Procedure Manual \(version 2\)](#), shall be applied.
- B. Office of Student Protections and Title IX (OSP):** OSP is responsible for coordinating the CPS response to promptly investigate, stop, prevent, and remedy all incidents of discrimination, harassment and/or retaliation based on a Protected Category while also ensuring compliance with Title VI and Title IX. To further accomplish its mission, OSP also investigates allegations of physical abuse, verbal abuse, corporal punishment, bias-based harm, and gender inequity in athletics. OSP works with schools to receive reports/complaints, investigate incidents, and provide supportive measures, including long-term remedies as needed. OSP also provides connections to counseling and guidance to schools and families on reporting to police and DCFS. Additionally, OSP provides regular training on how to recognize, prevent, and appropriately respond to Title VI, Title IX, discrimination, harassment, misconduct, and retaliation based on a Protected category, and abuse incidents.
- OSP can be reached by phone at 773-535-4400, online at www.cps.edu/osp and via email to osp@cps.edu.
- C. The Equal Opportunity Compliance Office (EOCO):** EOCO is located within OSP and is responsible for conducting investigations into allegations of discrimination, harassment, and retaliation based on a Covered Individual Adult's actual or perceived membership in a Protected Category, which may or may not be subject to Title VI, Title VII, and/or Title IX.
- EOCO can be reached by phone at 773-553-1013, option 3, online at www.cps.edu/eoco and via email to eoco@cps.edu.
- D. Office of Inspector General (OIG):** OIG's **Sexual Allegations Unit (SAU)** investigates allegations of sexual misconduct by a CPS-affiliated adult, including employees, contractors, vendors, and volunteers, where the victim is a CPS student

and/or a minor. The OIG SAU conducts independent investigations into District, charter, contract, and alternative schools. The OIG SAU coordinates with OSP in ensuring that students are receiving appropriate supports and in ensuring compliance with Title IX; the Non-Discrimination Policy; Reporting of Child Abuse, Neglect, and Inappropriate Relations Between Adults and Students; and this Procedure Manual.

- OIG can be reached by phone at **833-TELL-5277** (833-TELL-CPS) and via email to inspectorgeneral@cpsdig.org. Complaints can also be reported online via the OIG website at: cpsdig.org/complaint-form.html.

E. Title VI of the Civil Rights Act of 1964 (Title VI): Title VI protects people from discrimination based on race, color, or national origin in programs or activities that receive federal financial assistance. As a school district receiving federal financial assistance, Title VI applies to CPS, including all of its schools, education programs, and activities.

- Title VI states that “No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”
- OSP/EOCO is responsible for coordinating CPS efforts to comply and carry out the District’s responsibilities under Title VI and implementing regulations to stop, prevent, and remedy race, color, or national origin discrimination/harassment and retaliation. Additional information, including the contact information, can be found for OSP at www.cps.edu/osp, and for EOCO, at www.cps.edu/eoco.

F. Title VII of the Civil Rights of 1964 (Title VII): Title VII protects employees and prospective employees from discrimination on the basis of race, color, religion, sex, or national origin. Title VII applies to all CPS employees and prospective employees, and provides protections that overlap with Title VI and Title IX for employees and prospective employees only.

- Title VII states that “It shall be an unlawful employment practice for an employer- (1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual’s race, color, religion, sex, or national origin; or (2) to limit, segregate, or classify his employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual’s race, color, religion, sex, or national origin.”
- EOCO is responsible for coordinating CPS efforts to comply and carrying out the District’s responsibilities under Title VII, and implementing regulations to stop, prevent, and remedy race, color, religion, sex, or national origin discrimination to the extent that Title VII grants any additional protections to employees not covered by Title VI and Title IX. Additional information, including contact information for EOCO, can be found at www.cps.edu/eoco.

G. Title IX of the Education Amendments of 1972 (Title IX): Title IX protects people from discrimination based on sex and gender in programs or activities that receive federal financial assistance. Similar to Title VI and Title VII, Title IX also applies to CPS, including all of its schools (including Contract, Charter, and Options schools), educational programs, and activities.

- Title IX states that “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity, including but not limited to educational programs, employment, and admission receiving Federal financial assistance.”
- The Board’s **Title IX Coordinator** is responsible for coordinating CPS efforts to comply with and carry out the District’s responsibilities under Title IX and implementing regulations to investigate, stop, prevent, and remedy sex or gender-based harassment or discrimination, sexual misconduct, and retaliation. Additional information, including the contact information for the Board’s Title IX Coordinator, can be found at www.cps.edu/osp.

Title IX Coordinator:
Elizabeth Mendoza Browne
Acting Chief Title IX Officer
110 N. Paulina St. Chicago, IL 60612
773-535-4400 | osp@cps.edu.

II. REPORTING AND INTAKE PROCEDURES

A. Mandatory Reporting Requirements Regarding Students

1. A [Covered Individual Adult](#) must take the following steps upon receiving a report of Title VI, Title IX, sexual misconduct, abuse, discrimination, harassment and/or retaliation based on a Protected Category (including all biased-based harm, corporal punishment, physical abuse, and verbal abuse):
 - a. Ensure the safety and well-being of the party disclosing to you.
 - b. Notify your school principal.
 - c. Notify OSP/EOCO immediately. In most cases, this means within one day, absent extenuating circumstances. For schools that use Aspen, filing an Aspen report is sufficient notification.
 - d. If it is an emergency, per the [Student Code of Conduct](#), notify 911.
 - e. If you suspect child abuse or neglect, notify the Illinois Department of Children and Family Services (DCFS) at 1-800-252-2873 (1-800-25-ABUSE) immediately in accordance with the [Reporting of Child Abuse, Neglect, and Inappropriate Relations Between Adults and Students](#) (“Reporting of Child Abuse”) policy. Ensure that you document the DCFS intake number in your Aspen report.
2. For more information, see the “[Mandated Reporting of Child Abuse](#)” section below.
3. Failure of Covered Individual Adults to report harassment, discrimination, abuse or retaliation that they are experiencing or have experienced is not a policy violation.
4. **District Schools and Non-District Schools Utilizing ASPEN:** Fill out an ASPEN Incident, Concern, Threat (ICT) report and answer the four questions

related to the incident. One of the required questions below must be marked “Yes” in order for OSP to be notified and evaluate the case.

- a. Does this alleged incident involve student-to-student or adult-to-student, sex/gender-based discrimination, sexual harassment (including sexual assault, dating violence, domestic violence, and stalking), sexual misconduct, retaliation, academic equity or sports equity?
 - b. Does this alleged incident involve adult-to-student sexual harassment (including sexual assault, dating violence, domestic violence, and stalking), or sexual misconduct? For the purposes of this question adult means a staff member (part or full time), employee of a vendor, LSC member, school-affiliated individual, or volunteer.
 - c. Does the alleged incident involve student-to-student or adult-to-student Bias-Based Behavior or other forms of discrimination? This includes alleged bias-based or discriminatory actions against students by students or adults based on race, color, community, national or ethnic origin, immigration status, sex, gender, gender identity, gender expression, sexual orientation, age, religion, pregnancy, or disability.
 - d. Does the alleged incident involve physical, verbal abuse, or corporal punishment of a student by a District affiliated adult? This includes full or part time employees, vendors, contractors, volunteers, bus aides, and LSC members.
5. **Completing ASPEN ICT Reports:** When completing ASPEN ICT reports, all parties must be appropriately labeled in the record’s “Participants” section and the incident must be described fully in the “Event Narrative” section. Additional training and resources for documenting incidents referred to OSP can be found in the following resources:
- a. Student Protections School Representative Training on SafeSchools
 - b. [Aspen Documentation Guidelines](#)
 - c. [Aspen Quick Guide: Documenting Sexual Misconduct](#)
6. **Charter Schools, Alternative Schools, and Contract Schools:** Fill out a report using the OSP [Online Report Form](#) on the [OSP Website](#).
- a. Staff unable to access ASPEN, and for any questions or assistance, contact the Office of Student Protections and Title IX at 773-535-4400 or osp@cps.edu.
7. **Mandated Reporting of Child Abuse:**
- a. Per [Board](#) policy, all mandated reporters who have reasonable cause to believe that a child known to the reporter in the reporter’s official capacity may have been abused or neglected must immediately report such to the Illinois Department of Children and Family Services (DCFS) by calling the DCFS Hotline at 1-800-252-2873 (1-800-25-ABUSE). Mandated reporters must also report to DCFS any interactions or behaviors which suggest that an adult has or had an inappropriately intimate relationship with a child or may be grooming a child, even if the employee does not have reasonable suspicion that sex abuse is occurring or has occurred.
 - i. After notifying the Hotline, a mandated reporter must inform the reporter’s principal/supervisor of the report. If the alleged abuser is the mandated reporter’s principal/supervisor, or the

mandated reporter fears retaliation from their principal/supervisor, the mandated reporter must notify the Network Chief/Chief Officer of the report.

- b. “Mandated reporters” include all Board employees (including administrators and both certificated and non-certificated school employees), educational advocates assigned to a child pursuant to the School Code, social workers, registered nurses, licensed practical nurses, recreational program personnel, registered psychologists, psychiatrists, physicians, and others, who have reasonable cause to believe that a child known to them in their professional or official capacity may be an abused or neglected child. Mandated Reporters also include vendors, contractors, volunteers and Local School Council members. As used in this Section, “a child known to them in their professional or official capacities” means:
(A) the mandated reporter comes into contact with the child in the course of the reporter’s employment or practice of a profession or through a regularly scheduled program, activity, or service; (B) the mandated reporter is affiliated with Chicago Public Schools; (C) a person makes a specific disclosure to the mandated reporter that an identifiable child is the victim of child abuse or child neglect, and the disclosure happens while the mandated reporter is engaged in his or her employment or practice of a profession, or in a regularly scheduled program, activity, or service.
 - c. For more information, see the Board policy on [Reporting of Child Abuse, Neglect and Inappropriate Relations between Adults and Students](#).
 - d. OSP coordinates supportive measures for cases that may fall out of our purview as well, such as home-based abuse and inadvertent exposure.
8. **Timely Reporting for Students or Former Students:** OSP accepts complaints of discrimination, harassment, and/or retaliation based on a Protected Category from students and former students without any time limit.
9. **Reporting and Notification for Pregnant (including Pregnancy Related Conditions) and Parenting Students:** For all pregnant (including other pregnancy related conditions) and parenting students, school staff are required to inform students that they may contact the Title IX Coordinator or designee, provide the Title IX Coordinator’s contact information, and inform the person that the Title IX coordinator can coordinate specific actions to prevent sex discrimination and ensure the student’s equal access to the District’s education program or activity.

B. Reporting Procedures for Allegations of Adult Harm

All reports of complaints covered herein by a Covered Individual Adult complainant (*i.e.*, adult-to-adult or student-to-adult conduct) must be reported to the Equal Opportunity Compliance Office (EOCO) at 110 N. Paulina Street, Chicago, Illinois 60612, by phone at 773-553-1013, option 3, via email to eoco@cps.edu, or by completing the [Online Report Form](#) on the [EOCO webpage](#).

1. **Timely Reporting:** Complaints of employees experiencing discrimination, harassment or retaliation based on a protected category shall be made within ninety (90) calendar days of the discrimination, harassment or retaliation. The ninety (90) day reporting requirement shall be applied, except when the EOCO

determines that a waiver of the ninety (90) day reporting requirement is appropriate based on existing circumstances.

2. **Supervisor Handling, Confirmation and Reporting:** Any Principal, Assistant Principal or department head, including Network Chiefs, receiving an oral or written complaint alleging discrimination, harassment or retaliation based on a protected category by an employee, contractor, consultant, vendor, volunteer, or the public *must* refer it to the EOCO within one (1) business days following receipt or knowledge of the allegations.

a. **Written Complaint:** If the allegation from the Complainant is in writing, that document must be submitted to the EOCO; if the report is from a school-based employee, it must be entered into Aspen.

b. **Oral Complaint:** If the complaint is oral, the party receiving the complaint must summarize the allegation(s) in writing, submit it to the EOCO, and if the report is from a school-based employee, enter it into Aspen. The Principal, Assistant Principal or department head, including Network Chiefs, must submit the written allegation to the EOCO in a manner that ensures the integrity and confidentiality of the contents.

c. **Guidance for Principals, Assistant Principals or department heads, including Network Chiefs, to ensure the integrity and confidentiality of a complaint:**

i. Mark the documents “Confidential” when sending the allegations summary to the EOCO via email.

ii. Only send the allegations summary to the EOCO, and not to the parties involved or any other third parties.

iii. The allegations summary shall not be disclosed to either party or to any third party unless required by law.

C. Amnesty: CPS supports and encourages reporting all misconduct. A covered student or adult complainant who makes a good faith report or a witness who shares what they know of conduct covered in these procedures will not be subject to disciplinary action for any minor policy violations related to the incident being reported. Amnesty does not apply to false reports or to more serious policy violations such as physical abuse of another, failure to report physical abuse or corporal punishment, or sexual misconduct.

D. Request to Not Investigate: Once a report is received, or at any point during the investigation, the complainant can state they do not want an investigation, but the District may have an obligation to move forward based on the safety and threat to the community. When the complainant requests that no investigation into a particular incident be conducted or disciplinary action taken, the District will assess the request against the District’s obligation to provide a safe environment for all within the District community, including the complainant. There are times when the District may proceed with the investigation and/or discipline despite the request for no investigation. When a complaint involves a CPS student complainant and a Covered Individual Adult respondent, the District will, absent extenuating circumstances, move forward with the procedures detailed below.

E. Intake and Review of Report:

OSP/EOCO Intake and Review: Once OSP/EOCO receives a report of misconduct covered herein, they will conduct an intake, review the information received, request additional information if necessary, determine whether the District has jurisdiction (as defined in the [Non-Discrimination Policy](#)) to process the report and OSP/EOCO will, at all times, coordinate support for the parties whether or not the District has jurisdiction and regardless of if the report falls under Title IX or any other category overseen by OSP/EOCO, such as other forms of discrimination, harassment, retaliation, and abuse.

1. If the District has jurisdiction, then OSP/EOCO will ensure contact is made with all complainants and respondents, coordinate supportive measures, and begin the resolution process.
2. When appropriate, OSP/EOCO will forward matters to the OIG for review and continue to coordinate supportive measures.

F. Authority to Initiate a Complaint

1. The Complainant, complainant's parent/guardian, or the Title IX Coordinator have the authority to initiate a complaint. The Title IX Coordinator may initiate a complaint after a fact-specific determination of the following:
 - a. The Complainant's request not to proceed with initiation of a complaint;
 - b. The Complainant's reasonable safety concerns regarding initiation of a complaint;
 - c. The risk that additional acts of harassment, discrimination and/or abuse would occur if a complaint is not initiated;
 - d. The severity of the alleged harassment, discrimination and/or abuse;
 - e. The age and relationship of the Parties, including whether the Respondent is a Covered Individual Adult;
 - f. The scope of the alleged discrimination, harassment, and/or abuse, including information suggesting a pattern or ongoing pattern alleged to have impacted multiple individuals;
 - g. The availability of evidence to assist in determining whether discrimination, harassment, and/or abuse occurred;
 - h. Whether the District could end the alleged discrimination, harassment, and/or abuse and prevent its recurrence without initiating an investigation.
2. When the Title IX Coordinator initiates a complaint, they do not become the Complainant. The Complainant is the person who experienced the alleged conduct that could constitute a violation of the District's policies.

G. Dismissal

1. If any of the following are met, a complaint of harassment, discrimination, and/or retaliation based on a Protected Category may be dismissed without conducting or completing an investigation under the Comprehensive Non-Discrimination, Harassment, and Retaliation Policy:
 - a. The Title IX Coordinator or designee is unable to identify the complainant or respondent after taking reasonable steps to do so;
 - b. The Respondent is no longer enrolled or employed by the District;

- c. The Complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and determines that, without the complainant's withdrawn allegation, the conduct that remains alleged in the complaint, if any, would not constitute Discrimination, Harassment, or Retaliation under the Comprehensive Non-Discrimination, Harassment, and Retaliation Policy; or
 - d. The District determines the conduct alleged in the complaint, even if proven, would not be a violation of the Comprehensive Non-Discrimination, Harassment, and Retaliation Policy.
2. **Dismissal Notification:** Both parties will receive simultaneous notification of complaint dismissal and have the opportunity to appeal the dismissal according to the appeal procedures section below.
 3. **Dismissal in OIG Investigations:** For OIG cases designated as Title IX, dismissal of the Title IX complaint may not result in the termination of the investigation. Based on the nature of the alleged misconduct and the available evidence, the OIG may continue investigating, may refer the matter to the appropriate CPS department for further action, or may administratively close the investigation.

H. Designation of Investigation Type

Once a report is accepted as an investigation, the District will designate a misconduct category and an investigation type. The following investigation types can be designated:

1. **OSP Investigation:** For severe or complex incidents that involve significant factors, an OSP investigator will be assigned to investigate the incident. OSP investigations include allegations of discrimination/harassment or retaliation based on a protected category including Title VI, Title IX, abuse, gender inequity in athletics, and discrimination and/or harassment against pregnant or parenting students. An OSP investigator will respond to the school once the OSP investigation is opened and assigned to an investigator. The OSP investigator will need access to the Student Protections School Representative (SPSR), access to all parties/students involved, a private location for interviews, and all relevant evidence and documents.
2. **School-Based Investigation:** For less severe incidents of discrimination, harassment, retaliation, and abuse, OSP or EOCO will ask the school administration and/or its Student Protections School Representative (SPSR) to conduct a school-based investigation. School-based investigations are led by school administrators and/or SPSRs. OSP or EOCO will provide the school guidance and a school *must not conduct an investigation* unless directed to do so by OSP or EOCO.
3. **Office of Inspector General (OIG) Investigation:** Complaints involving concerns of harassment, discrimination, or retaliation of a sexual nature by Covered Individual Adults against a CPS student will be investigated by the OIG. The OIG, in consultation with OSP, will assess the complaint and OIG will assign an investigator. OSP will provide assistance to students, families, and schools while OIG conducts their investigation.
4. **EOCO Investigation:** For incidents involving Covered Individual Adult complainants, an EOCO investigator will be assigned and work in conjunction with the school or worksite to conduct the investigation.

- I. **Student Refusal to Participate in Investigation:** Any student may refuse to participate in an investigation, though the investigation may still continue and result in a determination of an outcome based on available information.

- J. **Covered Adult Refusal to Participate in Investigation:** To the extent allowable by law, all Covered Adults are required to participate in the investigative process. To the extent that a Covered Adult refuses to answer questions, the investigator may rely on the Covered Adult's silence or unavailability in order to draw relevant inferences in concert with other factors, though they may not draw an inference solely from the party or witness's unavailability or refusal to answer any question.

- K. **Notification to School:** Upon receiving a report from a school, OSP/EOCO will triage the report and will send the school a designation of investigation and follow-up communication letting the school know what type of investigation, if any, will occur.

- L. **Supportive Measures:**
 - 1. In all incidents, the District will coordinate with schools and/or worksites to provide the parties with supportive measures which are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties. For Students with Disabilities, OSP will consult with the student's Individualized Education Plan/504 team to provide appropriate supports throughout the process, as needed. Such measures are designed to restore or preserve access to the District's education program or activity, without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the District's educational environment, or deter sex-based harassment or other conduct covered herein. Available supportive measures include, but are not limited to, the following:
 - a. Check-In/Check Out (CICO) interventions
 - b. Counseling or social work support at school
 - c. Referral to OSP supported therapy or coaching
 - d. Recommendation for new or amended Behavioral Intervention Plan or Tier III Behavior Support Plan
 - e. Referral to the Employee Assistance Program (EAP) (ComPsych): To access EAP benefits, call 1-800-890-1213 or visit <https://www.guidanceresources.com> and enter BCBSILEAP. Please also refer to the [CPS Leave of Absence Handbook](#).
 - f. **Safety Plan and No Contact Orders:**
 - i. A Safety Plan is a plan designed to provide individualized safety supervision to the parties. The plan includes specific measures which work to minimize the risk of harm to the parties or others. A Safety Plan can provide flexibility in a party's access to educational/work spaces in order to feel safe and succeed academically/professionally. In cases of conduct covered herein, a Safety Plan may be appropriate to keep parties separate and safe. A Safety Plan may also prioritize elements of emotional safety and coping mechanisms.

- ii. A No Contact Order is a directive by the District preventing the parties from contacting each other directly and/or indirectly. This helps to ensure the parties have no contact or communication and can include additional restrictions (such as location) to best facilitate the No Contact Order. A District's No Contact Order is separate and distinct from a Civil No Contact Order, an Order of Protection, or a Temporary Restraining Order or Injunction, issued by a criminal or civil court, which may legally direct the respondent/defendant to stay away from the petitioner/victim. In certain adult-to-adult cases, a Limited Contact Order may be issued where some amount of contact is necessary for school/business purposes when a third party is included, based on a fact-specific inquiry.
 - iii. If a Safety Plan and/or District No Contact Order restricts access to school/work spaces or events, the plans should be equitably restrictive on all parties in a case prior to an outcome determination.
 - iv. Regardless of the outcome of a case, a continued Safety Plan and/or District No Contact Order may be considered in consultation with OSP/EOCO for the continued well-being of the parties.
 - g. Connection to external counseling, support, medical/health services, and/or advocacy services. For more information on specific referrals, see the Resource Guide in [Appendix E](#).
 - h. Extensions of time to complete assignments, modifications to course/work schedules, or any other course/work-related adjustments.
2. To ensure the safety and well-being of the school environment in the presence of an immediate threat, a school may consult with OSP/EOCO, Network Offices, the Office of Social Emotional Learning (OSEL), Law and Safety and Security to explore additional options of removal or placement.
 - a. Emergency removals of student respondents will only occur if the District follows these specific steps:
 - i. Undertake an individualized safety and risk analysis to determine whether there is an immediate physical threat to the health or safety of students or other individuals arising from the allegations that would justify removal; and
 - ii. Provide the student respondent with written notice of the emergency removal; and
 - iii. Provide an opportunity for the student respondent to challenge the decision immediately following notice of the removal.
 - b. At all times, the District reserves its right to remove Covered Individual Adult respondents when it is necessary during the course of an investigation to ensure student/staff safety.
 3. Supportive measures may be provided to a party during and following an investigation. Also, supportive measures will be offered to a party even if OSP/EOCO does not accept a report as a case when needed to address any in-school/work effects on a party.
 4. Additionally, measures may be provided District-wide, school-wide, or

throughout a work site, such as increased security, policy exceptions, educational programming, etc., if needed to stop, prevent, and remedy misconduct covered herein.

5. The complainant and/or respondent have an opportunity to seek modification, reversal, or denial of supportive measures as outlined in the complaint letter sent to the parties.

III. CASE PROCEDURES

A. General Guidelines: The following procedures will be followed when the District receives a report of Title VI, Title VII, Title IX discrimination, harassment, and/or retaliation based on a protected category, misconduct, and/or abuse. All relevant reporting and investigative steps are documented in the District's Guardian Case Management Software System.

1. **Special Consideration:** When responding to bias-based harm and sexual misconduct incidents, both in the application of case procedures and in the assessment of applicable policies and discipline, the District takes into special consideration other factors, including but not limited to age, language ability, cultural norms, and disability status of students/employees. To the greatest extent possible, and subject to Title IX, the District will make reasonable accommodations in case procedures to avoid potential retraumatization of a child and to avoid any potential interference with an investigation by the Department of Child and Family Services or a law enforcement agency.
2. Subject to Title IX and any other applicable federal and state laws, after an alleged incident of sexual abuse is accepted for investigation by the Department of Children and Family Services (DCFS) or a law enforcement agency, the District will not independently interview the impacted student, if at all, regarding details of the alleged incident of sexual abuse until after the completion of a forensic interview at a Children's Advocacy Center, if such an interview is reasonably expected to be conducted; or until DCFS or the investigating law enforcement agency grants the District permission to interview the impacted student, after the governing agency determined that a forensic interview will no longer be conducted or such an interview was unable to be completed (e.g., parents denied consent for a forensic interview, police lost contact with the alleged impacted student, the impacted student recants the allegations).

B. Informal Resolution of All Complaints

1. Informal resolution measures may be available to the parties any time prior to a final determination being made. ***Informal resolutions are not available where the Complainant is a student and the Respondent is a Covered Individual Adult.*** Informal resolution can be used on a case-by-case basis, as determined by the District where applying remedies will resolve the situation and only when the Complainant(s) and Respondent(s) agree to informal resolution. A preliminary inquiry will still typically precede this step to ensure that the case is appropriate for an informal resolution.
 - a. The parties are provided with a notice that includes:
 - i. The reported misconduct/allegations;
 - ii. The requirements of the informal resolution process, including

- the circumstances under which, once completed, it precludes the parties from changing their minds and reverting to a formal grievance process;
- iii. The right of the parties to withdraw from the informal resolution process and resume the formal grievance process;
 - iv. Any consequences resulting from participating in the process, including what sanctions can result, as well as any records that will be maintained and/or can be shared; and
 - v. Whether the resolution will be binding on the parties.
2. It is not necessary to pursue informal resolution measures first in order to pursue the formal grievance process of a complete investigation, and any party participating in informal resolution can stop the process at any time and request a complete investigation.
 3. Prior to implementing informal resolution, the District will obtain voluntary confirmation that the Complainant and Respondent wish to resolve the matter through informal resolution.
 4. When the allegations involve serious misconduct or a pattern of misconduct, the District may be unable to honor a request for informal resolution measures, including requests for confidentiality.

C. Notifications

1. **Notification of Allegations:** The District will provide notice that a complaint was received to the parties. This notice includes the classification of the allegations and available resources. The District may provide written notice of allegations to parent(s)/guardian(s) of respondent(s) and complainant(s), as applicable. If the allegations change at any point over the course of the investigation, the District will provide notice again to include the additional allegations. The District may provide notice of these additional allegations to the parents/guardians, as applicable. A notice of allegations shall include:
 - a. A statement that the Respondent is presumed to be not responsible for the alleged conduct until a determination is made according to the process outlined herein.
 - b. A statement that the parties may have an advisor.
 - c. A reminder of the expectation of truthfulness in the process, including the consequences of providing false statements or submitting false information.
 - d. A statement that the information learned about others and shared during an investigation is expected to be treated as confidential by the parties.
 - e. A statement that retaliation is prohibited.
 - f. In cases alleging sex-based discrimination, a statement that parties are entitled to an equal opportunity to access relevant and otherwise not impermissible evidence, or an accurate description of this evidence, gained during the investigative process.
2. Notification of allegations and notification of interviews may, at the District's discretion, be combined into one notice containing all required information.
3. In an effort to minimize retraumatization, if either party has undergone a recorded forensic interview at a Children's Advocacy Center regarding the allegations the District is investigating, the District may rely—subject to the relevant party's

consent—on the recorded forensic interview in place of the party’s initial interview.

D. Advisors: All parties have the right to an advisor present during the process outlined herein, including any related meeting or proceeding. An advisor may be an attorney. All information shared during the resolution process is expected to be confidential. Parties may consult advisors during interviews, but advisors may not speak on the party’s behalf or provide testimony.

E. Investigations

1. **Investigation Norms:** All investigations, regardless of type, will be conducted in a prompt, thorough, fair, and impartial manner. No information protected by privilege will be used during the investigation (unless the privilege is waived by the party).

- a. **CPS affiliated adults should never conduct investigations, unless specifically directed by OSP or EOCO to conduct a school-based investigation. Discipline should never be imposed until after OSP or EOCO indicate that this can occur.**
- b. Each investigation will include a majority of the following steps, though not necessarily in this order:
 - i. Interviewing all parties, viewing recorded forensic interviews (if applicable), and conducting follow-up party interviews as needed, while notifying the parties of any meeting or interview in advance;
 - ii. Allowing each party the opportunity to provide any inculpatory and exculpatory evidence or summary thereof;
 - iii. Allowing each party the opportunity to suggest witnesses and questions they wish the investigator to ask of the other party and witnesses;
 - iv. Interviewing all available relevant witnesses and conducting follow-up witness interviews as necessary;
 - v. Completing the investigation as promptly as possible and without unreasonable deviation from the intended timeline;
 - vi. Providing ninety (90) day status update notifications to the parties throughout the investigation.
- c. The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the District and not on the parties.

2. **Concluding an Investigation**

- a. Prior to an outcome determination for Title IX investigations, the parties will have a reasonable opportunity to review the evidence or a summary thereof. Parties may not make copies or download the evidence or summary thereof. The parties will then have five (5) calendar days to submit a written response, which the investigator will consider prior to the completion of the investigative report.
- b. **Investigative Report:** Investigations conducted by OSP, OIG, and EOCO will typically result in an investigative report that summarizes the investigation, including relevant inculpatory and exculpatory evidence and provides a rationale for the determination.

3. **Impact of CPD and DCFS Investigations:** Chicago Police Department (CPD) and Department of Children and Family Services (DCFS) investigations are separate from OSP, EOCO, and OIG investigations, though they may be complementary or simultaneous. Due to a number of factors (e.g., different standards of proof, varying investigative deadlines, subpoena power, access to resources, evidence obtained), CPD, DCFS, and the District (OSP and OIG) may reach different (and potentially conflicting) case outcomes after completion of their respective investigations into the same allegations giving rise to the complaint. Outcomes of CPD or DCFS investigations do not impact the findings of District investigations. A call to CPD and/or DCFS does not suffice a call to OSP, EOCO, and/or OIG, and vice versa.
 4. **Non-Title IX Investigations:** OIG, OSP, and EOCO investigations that were initially designated as Title IX investigations but subsequently [dismissed under Title IX](#) will no longer be subject to Title IX procedures, as of the date of dismissal.
 5. **OIG Investigations:**
 - a. **The OIG Sexual Allegations Unit (SAU)** is responsible for conducting thorough, fair, and independent investigations and reporting.
 - b. **Coordination with the Chicago Children’s Advocacy Center (CCAC):** OIG’s investigations may involve coordination with law enforcement and other agencies, including the CCAC, DCFS, the Chicago Police Department (CPD), and the Cook County State’s Attorney’s Office. The OIG carefully coordinates its work with the CCAC to minimize any retraumatization of victims and to preserve evidence. In some instances, law enforcement agencies are involved in the OIG’s investigations at the outset. The OIG also refers matters to law enforcement agencies when evidence indicates criminal misconduct.
 - c. **Reporting to the Board:** The OIG issues reports of its findings and recommendations to the Board, OSP, and other CPS administration members—which can then respond to the report as it determines appropriate.
- F. Determinations:** The parties will receive a determination regarding responsibility using the preponderance of the evidence standard (e.g., whether alleged facts are more likely than not to be true). Regardless of the outcome of the investigation, the District will take steps to prevent the recurrence of all misconduct covered herein, and correct any discriminatory effects on all impacted parties as appropriate. All OSP/EOCO/OIG case determinations are final; there is no right to appeal.
- G. Discipline/Sanction:** Appropriate disciplinary action will be taken when an individual is found to have engaged in misconduct as described herein in violation of the Board’s policies and/or rules.
1. **Students:** In cases of student misconduct, the school is responsible for next steps regarding restorative actions and/or discipline for students. The Student Discipline Team in the Office of Social and Emotional Learning can provide advice and guidance as necessary. OSP may intervene if the assigned discipline is more or less than what is typical for the substantiated infraction(s).
 - a. Students who violate the Board’s [Non-Discrimination Policy](#) are subject to

disciplinary action pursuant to the [Student Code of Conduct](#), which may be amended from time to time.

- b. Discipline should be implemented immediately once a determination of findings following an OSP or school-based investigation is communicated.
 - c. If a student has an IEP/504 plan, consultation shall occur with a representative from the Office for Students with Disabilities (OSD).
2. **Employees:** Investigations into employee misconduct are forwarded for review and analysis to the CPS Law Department. Employees who violate the Board's [Non-Discrimination Policy](#) or other policies and/or rules are subject to disciplinary action up to and including termination.
 3. **Contractors, Consultants, or Vendors:** Contractors, consultants or vendors who violate the Board's [Non-Discrimination Policy](#) or other policies, and/or rules are subject to removal from and prohibiting access to District premises, remedies of law, and/or remedies under their contract.
 4. **Volunteers:** Volunteers who violate the Board's [Non-Discrimination Policy](#), or other policies and/or rules are subject to their authorization to serve as a volunteer being rescinded.

H. Corrective Action Training: A CPS Affiliated Adult may be required to engage in mandatory Corrective Action Training with an OSP representative, in response to a referral or allegation(s) received. Corrective Action Training is mandatory for assigned employees, and is not disciplinary action, but failure to attend mandatory corrective action training can result in discipline, up to and including termination. During a Corrective Action Training session, an OSP representative will review the following:

1. The allegation received;
2. The status of the investigation as it relates to the training;
3. Potential policy concerns;
4. Alternatives to concerning behavior; and
5. Any available relevant resources

I. Resolution Timeframe for Sex-based Harassment Complaints: OSP, EOCO, and OIG investigators will make a good faith effort to complete the resolution process, not including discipline, within a one hundred and eighty (180) calendar days. School-based investigators will make a good faith effort to complete the resolution process within ten (10) calendar days. Although extensions may be made with good cause with notice to the parties of the reason for the delay, the major stages of the grievance process shall be completed according to the following timelines. Parties will receive notices every ninety (90) calendar days as long as the case remains unresolved.

1. **In School-based Investigations:**
 - a. Evaluation: Five (5) calendar days from report of incident to OSP/EOCO.
 - b. Investigation: The school principal, SPSR, or other designee has ten (10) calendar days from notice of school-based investigation by the Student Protections Coordinator or other OSP/EOCO staff.
 - c. Determination: Three (3) days from the conclusion of the school-based investigation.
 - d. Documentation: No later than five (5) business days following the close of the investigation all investigative steps and evidence must be documented in Aspen (for District schools and any others with ICT access) or on the [SBI Form](#) (for schools without access to Aspen)

2. **In OSP/EOCO/OIG cases:**
 - a. Evaluation: Ten (10) calendar days from the date that the report is determined to be investigated by OSP/EOCO/OIG.
 - b. Investigation: One hundred and fifty (150) calendar days from evaluation of report by OSP/EOCO intake team.
 - c. Evidence Review: The parties will be afforded a five (5) calendar day evidence review period after the conclusion of the investigation.
 - d. Determination: The final determination and outcome letters will be issued within fifteen (15) calendar days of the evidence review period ending, if no new evidence or statements are provided that require additional interviews.

J. Dismissal Appeal Procedures

1. **Right to Appeal:** Outcome determinations made in all matters, including sex-based harassment, sexual misconduct, physical abuse, verbal abuse, corporal punishment, and biased-based harm matters, and school-based investigations, are *final* and the parties do not have a right to appeal the determination.
2. **Appeal Process for an OSP, EOCO or OIG Dismissal of a Sex-Based Harassment Complaint:** The Complainant and Respondent have the right to appeal the dismissal of a sex-based harassment complaint. The appealing party must make a written request for an appeal within five (5) calendar days of receiving a notification of dismissal. When exigent circumstances exist, limited extensions may be granted at the discretion of the District. Appeals can be made on any of the following grounds which must be articulated in the appeal:
 - a. A procedural irregularity that affected the decision in the matter;
 - b. New evidence that was not reasonably available at the time the dismissal was made; or
 - c. The Title IX Coordinator or investigator(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent, that affected the decision of the dismissal.
3. Any complainant or respondent may submit their written request for an appeal, identifying the ground(s) for appeal, via email to ospappeals@cps.edu with the subject line of "Appeal for [Student/Employee Name]." Alternatively, parties may submit their written request for appeal, including the basis for the appeal, in person or by mail to: Office of Student Protections and Title IX, and the Equal Opportunity Compliance Office, 110 N. Paulina Street, Chicago, IL 60612.
4. Upon receiving an appeal of a dismissal, the Appeal Decision-Maker will notify each party in writing. Once both parties have been notified, both parties will be afforded a reasonable, equal opportunity of five (5) calendar days to submit a written statement in support of or challenging the stated basis for the appeal.
5. **Appealing Party's Written Statement.** An appealing party will be afforded an opportunity to submit a written statement in support of the appeal. This statement should describe in detail, as applicable, the procedural irregularities asserted to have affected the decision, the nature of any new evidence asserted to have affected the decision, and the nature of any bias asserted to have affected the decision, with an explanation of how the dismissal was affected by such factors. If

the party has evidence which exists and supports the appeal it shall accompany the supporting statement, or else the statement shall identify where such evidence may be found.

- a. The appealing party's supporting statement, if not submitted with the initial appeal request, must be submitted to [Appeal Authority Name], [Appeal Authority email], and provided to the other party within five (5) calendar days following the date of the submission of the party's notice of appeal to ospappeals@cps.edu.
6. **Responding Party's Written Statement.** A Responding Party to an appeal will be afforded an equal opportunity to submit a written statement in opposition to the appeal. This statement should describe, in detail, the basis for the responding party's opposition to the appeal, including the basis for opposing, as applicable, the appealing party's assertion of procedural irregularities affecting the decision, of any new evidence affecting the dismissal, and the nature of any bias asserted to have affected the decision, with an explanation of how the decision was affected by such factors. If a statement in opposition to an appeal refers to any evidence beyond what is described in a supporting statement, it shall accompany the statement in opposition, or else the statement shall identify where such evidence may be found.
 - a. The responding party's statement in opposition to the appeal shall be submitted to [Appeal Authority Name], [Appeal Authority email], and provided to the other party within five (5) calendar days following the date of the submission of the appeal party's written statement.
7. Should the District receive an appeal that challenges the fairness of the investigation—the investigators, the decision-maker(s), or any hearing officers (as applicable) may be permitted to submit a response to the appeal or to the appeal response. All responses will be shared with all parties.
8. **Receiving a Decision on an Appeal:** The Appeal Decision-Maker shall render a written appeal outcome that will be sent to both parties within ten (10) calendar days of receiving the written request for appeal; or within ten (10) calendar days from the last response received to the Appeal Decision-Maker's initial notification of the appeal (if applicable), not to exceed fifteen (15) calendar days. Extensions can be granted on a case-by-case basis. The Appeal Decision-Maker shall notify both parties of the decision and shall document that notification in District records.

K. Recordkeeping: The Board's Title IX Coordinator shall be responsible for maintaining records related to all Title IX complaints received by the District. These records will be maintained (and available for request by the parties) for a period of at least seven years.

1. This includes, but is not limited to the following information for each complaint:
 - a. Relevant information related to the Complainant, Respondent, and identified witnesses;
 - b. Name and title of the person who received the complaint;
 - c. Date, time, nature and location of reported incident;
 - d. Date the District became aware of the incident;
 - e. Date the Title IX Coordinator received notice of the incident;
 - f. Supportive measures and resources offered to the parties;

- g. Final investigative reports;
 - h. Outcome notification letters provided to the parties; and
 - i. Disciplinary sanctions issued to individuals found in violation of any applicable policies, procedures, laws, and/or regulations.
2. The Board's Title IX Coordinator shall be responsible for maintaining all materials used to train coordinators, investigators, decision-makers, and informal resolution facilitators with regard to sexual harassment.

L. Related OSP Procedures

1. **Student Rights in Investigations:** All students involved in an investigation should receive a copy of their student rights which can be found in [Appendix B](#). Administrators should familiarize themselves with the language in this appendix to be able to share the information with students and their families.
2. **Employee Rights in Investigations:** All employees involved in an investigation should receive a copy of their employee rights which can be found in [Appendix C](#).
3. **Staff Response to Incidents Involving Electronic Communications of a Sexual Nature:** For guidance on managing electronic communications involved in sexual misconduct incidents, see [Appendix D](#).

IV. LIST OF APPENDICES

- A. [Appendix A: Definitions](#)
- B. [Appendix B: Student Rights in Investigations](#)
- C. [Appendix C: Employee Rights in Investigations](#)
- D. [Appendix D: Staff Response to Incidents Involving Electronic Communications of a Sexual Nature](#)
- E. [Appendix E: Resource Guide](#)

APPENDIX A: DEFINITIONS

1. **Bias-Based Behavior:** any physical, verbal, nonverbal, or other act or conduct, including communications made in writing or electronically, directed toward a member or perceived member of a Protected Category within the school community that is of a discriminatory or harmful nature.
2. **Complaint:** An oral or written request to the District that objectively can be understood as a request to investigate and make a determination about alleged discrimination, harassment based on any Protected Category, abuse, or any other violation of the Comprehensive Non-Discrimination, Harassment, and Retaliation Policy.
3. **Complainant:** The person who has experienced the alleged harm. This person is considered a complainant regardless of whether they choose to file a complaint.
4. **Consent**
 - a. **Is defined as:**
 - i. **Informed.** A person must understand the who, what, when, where, and nature of the activity;
 - ii. **Active.** Verbal or nonverbal actions that clearly show willingness to participate in the activity. The absence of no does not mean yes. No means No. Stop means Stop;
 - iii. **Voluntary.** Freely given without the use of force, coercion, manipulation, or threats;
 - iv. **Specific.** Consent must be present every time, for every action. Consent to engage in one type of activity is not consent to engage in a different type of activity; and
 - v. **Ongoing.** A person can take back consent at any time. Once consent is taken back, all activity must stop.
 - b. **A person cannot give consent if:**
 - i. They are incapacitated from voluntary or involuntary drug or alcohol use;
 - ii. They are asleep or unconscious;
 - iii. They have a physical, developmental, or cognitive difference that prevents them from understanding what is happening;
 - iv. They are a minor who is under the age to legally consent to sexual activity under state law even if the minor welcomed the sexual activity; or
 - v. The other person is in a position of authority or trust.
5. **Corporal Punishment:** Deliberately inflicting pain upon a student in response to the student's behavior or language, with an aim to halt an offense, prevent its recurrence, or set an example for others, which may include physical contact or the use of an object (e.g. spanking, slapping, pinching, etc.) or no physical contact (e.g. forcing into physical positions, running laps, etc.).
6. **Covered Individual Adults:** Includes, but is not limited to, employees (part- or full-time), applicants for employment, contractors, consultants, vendors, Members of the Board of Education, Local School Council (LSC) members, and volunteers.

7. **Discrimination:** Treating an individual less favorably because of their actual or perceived membership in one or more of the Protected Categories.
8. **Disciplinary Sanctions:** Consequences imposed on a respondent following a determination that the respondent violated the District's policies.
9. **Failure to Act:** Failure to exercise reasonable care or to act with the level of caution a reasonable person would exercise in a similar circumstance, including failure to oversee students where physical or psychological injury results.
10. **Failure to Report:** Failing to timely and properly report harassment, discrimination, retaliation based on a protected category, sexual harassment, sexual misconduct, physical abuse, verbal abuse, conduct unbecoming, corporal punishment, or bias-based harm, as required by this Procedure Manual; the [Non-Discrimination Policy](#); and/or [Reporting of Child Abuse, Neglect and Inappropriate Relations between Adults and Students](#). A report falling under any of the preceding categories should be made immediately. In most cases, this means one day, absent extenuating circumstances. A failure to report may also result from unreasonable delays in entering a report of harm into the CPS Student Information Management System (ASPEN), or improperly or negligently entering a report of harm into ASPEN.
11. **Grooming:** Behavior an adult in a position of trust or authority uses to build an emotional connection with a child or young person, including a student who may be over 18 years of age, to gain their trust and break down their inhibitions for a sexual purpose.
The definition of grooming under this Procedure Manual includes but is not limited to the following:
 - a. A Covered Adult commits grooming when they knowingly use a computer on-line service, internet service, local bulletin board service, or any other device capable of electronic data storage or transmission, performs an act in person or by conduct through a third party, or uses written communication to seduce, solicit, lure, or entice, or attempt to seduce, solicit, lure, or entice, a child, a child's guardian, or another person believed by the person to be a child or a child's guardian, to commit any sex offense in Section 2 of the Illinois Sex Offender Registration Act, to distribute photographs depicting the sex organs of the child, or to otherwise engage in any unlawful sexual conduct with a child or with another person believed by the person to be a child.
 - b. A Covered Adult may be "grooming" a child or engaging in inappropriate intimate behavior with a child when the person engages in behavior that includes but is not limited to:
 - i. Creating or engaging in isolated, one-on-one interactions with a child (e.g., transporting a child without the written authorization of the principal and the parent, texting or direct messaging the child);
 - ii. Giving or attempting to give gifts to a particular child (e.g., money, clothing); or
 - iii. Crossing physical boundaries (e.g., touching, giving prolonged frontal hugs, or making the child sit on their lap).

- 12. Harassment:** Unwelcome verbal, nonverbal, visual, or physical conduct that is based on an individual's actual or perceived membership in one or more of the Protected Categories, as defined in this policy, that is persistent, pervasive, or severe and objectively offensive and unreasonably interferes with, limits, or denies an individual's educational or employment access, benefits, or opportunities. Unwelcome conduct may include, but is not limited to, bullying, intimidation, offensive jokes, slurs, epithets or name calling, assaults or threats, touching, ridicule or mockery, insults or put-downs, offensive objects or pictures, messages sent via email, text or social media.
- 13. Insubordination:** The failure to carry out a rule, order, or directive related to the performance of one's duty. Such as failure to cooperate with an investigation and failure to comply with a directive in the course of an investigation.
- 14. Microaggressions:** Brief and commonplace verbal, behavioral, or environmental indignities, whether intentional or unintentional, that communicate hostile, derogatory, or negative slights toward people based on their membership in a Protected Category.
- 15. National Origin / Shared Ancestry Discrimination:** Treating Covered Individuals unfavorably because they are from a particular country or part of the world, because of ethnicity or accent, because of shared ancestry, or because they appear to be of a certain ethnic background (even if they are not), or based on citizenship or residency in a country with a dominant religion or distinct religious identity. Discrimination also can involve treating people because they are associated with a person of a certain national origin or shared ethnic characteristics. Discrimination can occur when the victim and the person who inflicted the discrimination are of the same national origin.
- 16. Parental Status:** A person who, with respect to another person who is under the age of 18 or who is 18 or older but is incapable of self-care because of a physical or mental disability, is: a biological parent, an adoptive parent, a foster parent, a stepparent, a legal custodian or guardian, in loco parentis with respect to such person or actively seeking legal custody, guardianship, visitation, or adoption of such person.
- 17. Party:** a complainant or respondent in any action under this Procedure Manual.
- 18. Physical Abuse:** Non-accidental and inappropriate physical contact with students that causes bodily harm, or is intended to cause pain or injury. This includes actions such as fighting, punching, and any cruel acts that result in physical harm or injury to a student. Bodily harm is defined as any injury, damage, or impairment to an individual's physical or emotional health. Physical Abuse does not include physical restraint used for therapeutic purposes or as necessary to preserve the safety of students or others as outlined in the [Physical Restraints and Time Outs Policy](#).
- 19. Pregnancy or Related Conditions:** Pregnancy, childbirth, termination of pregnancy, or lactation; Medical conditions related to pregnancy, childbirth, termination of

pregnancy, or lactation; or Recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.

20. **Protected Category:** An individual's actual or perceived sexual orientation, gender or sex (includes gender identity, gender expression, pregnancy, childbirth, breastfeeding, and pregnancy-related medical conditions), race or ethnicity (includes hairstyles historically associated with race, ethnicity, or hair texture, including, but not limited to, protective hairstyles such as braids, locks, and twists), ethnic group identification, ancestry, nationality, national origin, religion, color, mental or physical disability, age, immigration or citizenship status, marital status, parental status, registered domestic partner status, genetic information, political belief or affiliation (not union related), military status, unfavorable discharge from military service, weight, height, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics, or any other basis protected by federal, state, or local law, ordinance, or regulation.
21. **Racial Discrimination:** Treating a Covered Individual unfavorably because they are of a certain race or because of personal characteristics associated with race (such as hair texture, skin color, or certain facial features). Color discrimination involves treating a Covered Individual unfavorably because of skin color complexion.
22. **Remedies:** Measures provided, as appropriate, to a party identified as having had their equal access to the District's education program or activity limited or denied by harassment and/or discrimination. These measures are provided to restore or preserve that person's access to the recipient's education program or activity after a determination that harassment, discrimination or retaliation occurred.
23. **Respondent:** The person accused of causing harm.
24. **Retaliation:** Any adverse action to employment, educational program or activity, or adverse change in employment, educational program or activity, taken against a Covered Individual for having made a complaint or report of Discrimination and/or, Harassment based on protected categories, Abuse, and/or Sexual Misconduct, whether made internally, or externally with a federal, state, or local agency; or for participating, aiding, or refusing to participate in an investigation, proceeding or hearing related to a report or complaint of Discrimination and/or, Harassment based on protected categories, Sexual Harassment and/or Sexual Misconduct under this Policy, whether internal, or external with a federal, state, or local agency, is strictly prohibited. Retaliation for reporting sexual harassment is illegal in Chicago. An adverse action can include discipline or denial of access to a service or benefit. For purposes of Title IX, intimidation, threats, coercion, or discrimination against any person by the Board, a student, or an employee or other person authorized by the Board to provide aid, benefit, or service under the Board's education program or activity, for the purpose of interfering with any right or privilege secured by Title IX or its regulations, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under the Title IX regulations constitutes Retaliation. Any Covered Individual Adult who believes that a student has been subjected to Retaliation should refer to

[Section II, Reporting and Intake Procedures](#). Subject to applicable laws and regulations, including Title IX, nothing herein is intended to conflict with an employee's obligations under Board Rule 4-4 (m) to cooperate in investigations by the Office of the Inspector General.

- 25. Sexual Harassment (City of Chicago):** Sexual harassment means any:
- a. unwelcome sexual advances or unwelcome conduct of a sexual nature;
 - b. requests for sexual favors or conduct of a sexual nature when
 - i. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
 - ii. submission to or rejection of such conduct by an individual is used as the basis for any employment decision affecting the individual; or
 - iii. such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment; or
 - c. sexual misconduct, which means any behavior of a sexual nature which also involves coercion, abuse of authority, or misuse of an individual's employment position.
- 26. Sexual Harassment (Illinois Human Rights Act):** Any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when:
- a. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment,
 - b. submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
 - c. such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.
- 27. Sex-based Harassment (Title IX):** A form of sex discrimination and means sexual harassment and other harassment on the basis of sex, sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation and gender identity, that is:
- a. **Quid pro quo harassment:** An employee, agent or other person authorized by the District to provide an aid, benefit, or service under the District's program or activity, explicitly or impliedly conditioning the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct;
 - b. **Hostile environment harassment:** Unwelcome sex-based conduct that, based on the totality of circumstances, is subjectively and objectively offensive and is so severe or pervasive, that it limits or denies a person's ability to participate in or benefit from the District's education program or activity (i.e. creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:
 - i. The degree to which the conduct affected the complainant's ability to access the District's education program or activity;
 - ii. The type, frequency, and duration of the conduct;

- iii. The parties' ages, roles within the District's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
- iv. The location of the conduct and the context in which the conduct occurred; and;
- v. Specific Offenses:
 1. **Sexual Assault:** Any sexual act or attempted sexual act classified as a forcible or non-forcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation:
 - a. **Rape:** Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of complainant, without the consent of the complainant.
 - b. **Fondling:** The touching of the private body parts of another person (buttocks, groin, breasts), above or below clothes, for the purpose of sexual gratification, forcibly and/or without the consent of the complainant.
 - c. **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by Illinois law.
 - d. **Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent of 17 years old (or 18 years old when the perpetrator is in a position of trust or authority, such as a teacher or coach).
 2. **Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant. The existence of such a relationship shall be determined based on the complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition:
 - a. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 - b. Dating violence does not include acts covered under the definition of domestic violence.
 3. **Domestic Violence::** A felony or misdemeanor crime of violence committed:
 - a. By a current or former spouse or intimate partner of the complainant;
 - b. By a person with whom the complainant shares a child in common;
 - c. By a person who is cohabitating with, or has cohabitated with, the complainant as a spouse or intimate partner;
 - d. By a person similarly situated to a spouse of the complainant under the domestic or family violence laws of Illinois; or

- e. By any other person against an adult or youth complainant who is protected from that person's acts under the domestic or family violence laws of Illinois.

To categorize an incident as Domestic Violence, the relationship between the respondent and the complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

- 4. **Stalking:** engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
 - a. Fear for the person's safety or the safety of others; or
 - b. Suffer substantial emotional distress.

For the purposes of this definition:

- a. Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- b. Reasonable person means a reasonable person under similar circumstances and with similar identities to the complainant. Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

28. Sexual Misconduct (Illinois School Code): Any act, including, but not limited to, any verbal, nonverbal, written, or electronic communication or physical activity, by an employee or agent of the school district, charter school, or nonpublic school with direct contact with a student that is directed toward or with a student to establish a romantic or sexual relationship with the student. Such an act includes, but is not limited to, any of the following:

- a. A sexual or romantic invitation.
- b. Dating or soliciting a date.
- c. Engaging in sexualized or romantic dialog.
- d. Making sexually suggestive comments that are directed toward or with a student.
- e. Self-disclosure or physical exposure of a sexual, romantic, or erotic nature.
- f. A sexual, indecent, romantic, or erotic contact with the student.

See [105 ILCS 5/22-85.5\(c\)](#) (effective July 1, 2022).

29. Sexual Misconduct: a form of sex or gender-based discrimination or harassment that includes any conduct that is sex-based or of a sexual nature that is unwelcome or inappropriate and unreasonably interferes with, limits, or denies an individual's educational or employment access, benefits, or opportunities. CPS uses four (4) categories to further classify sexual misconduct incidents.

- a. **Grooming:** As defined above under "Grooming" in the OSP Procedure Manual.
- b. **Sexual Electronic Communication:** Intentionally viewing, creating, possessing,

or sharing sexual language or images/recordings without the consent of one or more parties.

- c. **Sexual Exploitation:** Taking non-consensual or abusive sexual advantage of another person for their own benefit or the benefit of a third party (e.g. for the purpose of sexual gratification, financial gain, personal benefit or advantage, human trafficking), or any other non-legitimate purpose.
- d. **Exposure/Voyeurism/Masturbation:** Non-consensual exposing of one's genitals, anus, buttocks, or breasts in a sexual nature; watching others when their body parts are exposed without their consent; or touching one's own genitals for sexual pleasure.

30. **Student with Disability:** a student who is an individual with a disability as defined in the Rehabilitation Act of 1973, as amended, 29 U.S.C. 705(9)(B), (20)(B), or a child with a disability as defined in the Individuals with Disabilities Education Act, 20 U.S.C. 1401(3).

31. **Supportive Measures:** Individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without fee or charge to the complainant or respondent to:

- a. Restore or preserve that party's access to the District's education program or activity, including measures that are designed to protect the safety of the parties or the District's educational environment; or
- b. Provide support during the grievance procedures described in this policy, and/or during the informal resolution process described under this policy.

32. **Verbal Abuse:** Demeaning, belittling, intimidating, or threatening oral or written communication in-person or via electronic means that is directed at students, with or without profanity.

Appendix B: Student Rights in Investigations

When the District learns about something that might be negatively impacting a student, an investigation may be conducted. As part of that investigation, we talk with students involved to learn more about what happened. After that, we then decide if something happened and if it did, we will let your school know and they will respond. Below are your rights, as a student, in that process.

- You have the right to have a prompt, thorough, fair, and impartial investigation being conducted.
- You have a right to be heard and to share your experience.
- You have the right to an advisor present during the process.
- You have a right to a support person of your choice present during the process.
- You have a right to let us know if you do not feel safe.
- You have a right to receive individualized supportive services at your school.
- You have a right to meet somewhere private.
- You have a right for us to keep what you tell us as private as possible.
- You have a right to not answer any questions or be part of the investigation.
- You have a right to share with us any evidence, names of witnesses, or information you know connected to the case.
- You have a right to ask for an update on your case.
- You have a right to know the outcome of the investigation.
- You have a right to ask for a meeting to review the findings of the investigation.
- You have a right to be free from retaliation.

Appendix C: Employee Rights in Investigations

Chicago Public Schools (CPS) is committed to providing a safe and secure working and learning environment free from discrimination, harassment, and retaliation. When complaints of discrimination, harassment, or retaliation are received and an investigation is initiated, the parties to the complaint have certain rights during the investigation process, such as:

- You have the right to receive written notice of the investigation.
- You have the right to a prompt, reliable, and equitable resolution of the complaint.
- You have a right to receive individualized supportive services.
- You have the right to be referred to available supportive resources if needed.
- You have a right to have an advisor and/or a support person present in the room with you during the investigation process, including the opportunity to be accompanied to any related meetings or proceedings.
- You have the right to be treated with respect during the entirety of the process.
- You have a right to request that the matter be resolved through informal resolution when appropriate.
- You have the right to present witnesses, evidence, and information to support your claim.
- You have the right to be free from retaliation.
- You have the right to file a complaint with a federal, state, or local agency.
- You have a right to receive a written notice of the outcome of the investigation.

Appendix D:
Staff Response to Incidents Involving Electronic Communications of a Sexual Nature

Purpose:

While you must notify OSP regarding all electronic communications that are sexually inappropriate, this guidance is focused on electronic communications which are pictures or recordings of a minor's breasts, genitals, buttocks, or engagement in a sex act.

Guidance:

Do not view electronic communication if there is a suspicion of inappropriate sexual images/recordings; instead, please respond as outlined below.

- Do not ask that the sexually inappropriate images/recordings be sent or shown to a staff member, screenshot, uploaded into ASPEN, or shared in any way. Instead, obtain detailed descriptions of the image/recording from the parties (including witnesses) and evaluate the evidence based on the consistency of the descriptions.
- Do not instruct a student to retain possession of the sexually inappropriate images/recordings.
- If sexually inappropriate images/recordings have been shared via a CPS server or device, please contact OSP for guidance on removing the content.

To Respond:

1. Call the Chicago Police Department (CPD) at 312-492-3810 for next steps
 - CPD will either (1) instruct you to ask the student to delete the image, or (2) instruct you to take the phone/device until they retrieve the phone/device.
2. Call OSP at 773-535-4400.
 - OSP will guide you through the next steps.
3. Call DCFS at 800-252-2873 (800-25-ABUSE)
4. Call the National Center for Missing and Exploited Children (1-800-843-5678 or <https://report.cybertip.org/>) if the image has been circulated online or on a social media platform.

**Appendix E:
Resource Guide**

RESOURCE GUIDE		
<p><u>Important Phone Numbers:</u> Chicago Rape Crisis Hotline - 888-293-2080 Illinois Domestic Violence Hotline - 877-863-6338 (877-TO END DV) Illinois Department of Children and Family Services (IDCFS) - 800-252-2873 (800-25ABUSE) Office of Student Protections & Title IX - 773-535-4400</p>		
AGENCY	DESCRIPTION	CONTACT INFORMATION
All Our Children's Advocacy Center	Provides forensic interviews and coordinated services in a child/family friendly environment, where any victim of abuse can relay their experiences in a safe, age-appropriate, informal setting.	(708) 233-1176 www.aocac.org
A Long Walk Home	Uses art to engage and empower adolescent girls around their experiences of violence in a variety of school-based programs.	(877) 571-1751 www.alongwalkhome.org/
Apna Ghar	Sexual and domestic violence services focused on crisis response, counseling, and advocacy for immigrants. Located in Uptown and Skokie.	(773) 334-4663 www.apnaghar.org
Between Friends	Domestic violence multilingual counseling and support services, teen relationship education, and court advocacy. Confidential location.	(800) 603-4357 www.betweenfriendschicago.org
Broadway Youth Center	A safe haven for LGBTQ youth. Health clinic, drop-in services, counseling and resource advocacy. Located in Uptown.	(773) 388-1600 www.howardbrown.org/service/broadway-youth-center
Chicago Alliance Against Sexual Exploitation	Individualized legal advice, consultation, and representation following and related to sexual assault.	(773) 244-2230 www.caase.org
Chicago Children's Advocacy Center	Counseling, advocacy, case management, and referral linkages for child survivors of sexual abuse. Provide services addressing problematic sexual behavior for youth 12 and under.	(312) 492-3700 www.chicagocac.org
CPS Employee Assistance Program	CPS employees may receive free employee assistance through ComPsych GuidanceResources , which includes up to 5 confidential counseling sessions with a licensed behavioral health professional, as well as	(800) 890-1213 https://www.guidanceresources.com/groWeb/login/login.xhtml

	comprehensive online information/resources.	
Garfield Park Behavioral Hospital	Behavioral health and psychiatric support to children and teens ages 3 to 17, including for problematic sexual behavior.	(773) 265-3700 garfieldparkhospital.com
Illinois Caucus for Adolescent Health	Engage youth and communities through peer education around sexual health and reproductive justice.	(312) 427-4460 https://www.icaah.org
Illinois Safe School Alliance	Promotes healthy development for LGBTQ youth in Illinois schools through advocacy, education, and youth organizing.	(312) 629-2988 www.ilsafeschools.org
KAN-WIN (formerly Korean American Women in Need)	Provides domestic violence and sexual violence support and advocacy focused on Asian American survivors. Confidential location.	(773) 583-0880 www.kanwin.org
La Rabida Children's Advocacy Center	Children and adolescents can receive supportive services following allegations of sexual abuse, severe physical abuse, other forms of child maltreatment, or exposure to violent crime.	(708) 481-9799 www.larabida.org/cherry-services/child-abuse-and-trauma
Life Span	Specializes in court advocacy for orders of protection and other civil legal remedies, as well as counseling for domestic violence and sexual violence. Located in the Loop.	(312) 408-1210 life-span.org
Lurie Children's Hospital of Chicago	Provides comprehensive services for transgender, gender expansive, and gender non-conforming youth, as well as offers supports for children and adolescents with sex development conditions.	Gender Development Program: (800) 543-7362 Sex Development Program: (312) 227-6203 www.luriechildrens.org/en/specialties-conditions/gender-identity-children
Mujeres Latinas En Acción	Free bilingual/bicultural individual counseling and therapy for domestic and sexual violence.	(773) 890-7676 mujereslatinasenaccion.org
Resilience (formerly Rape Victim Advocates)	Free trauma therapy, medical, and legal advocacy related to sexual violence at multiple locations	(312) 443-9603 www.ourresilience.org
Youth Outreach Services	Behavioral health counseling and support services for youth and families, including for problematic sexual behavior. Multiple Chicago area locations and in-home services.	(773) 777-7112 www.yos.org
YWCA of	Sexual violence support services, including counseling,	(312) 372-6600

Metropolitan Chicago	case management, and advocacy, including for non-offending family members, as well as prevention education at multiple locations.	ywcachicago.org
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