

Harassment, Discrimination, Retaliation

Equal Opportunity Compliance Office (EOCO)
Protecting Chicago's Children Training

How to File a Complaint

Equal Opportunity Compliance Office (EOCO)

110 North Paulina Street
Chicago, IL 60622
(773) 553-1013 or EOCO@cps.edu

To file an online complaint please
visit www.cps.edu/eoco

Chief Title IX Officer Camie C. Pratt, JD

42 W Madison St.
Chicago, IL 60602
(773) 535-4400 or osp@cps.edu

Employee Assistance Program (EAP)

If you believe you have experienced discrimination, harassment, and/or retaliation and would like to obtain free and confidential counseling, contact the Employee Assistance Program at 1-800-424-4776 or visit www.magellanascend.com

Magellan will not share information with the EOCO

To report discrimination, harassment, and/or retaliation contact the EOCO directly



Training Outline

1. Comprehensive Policy
2. New Policy Communication
3. What does EOCO handle?
4. Key Definitions
5. Reporting Procedures
6. Violations and Discipline
7. Investigative Procedures
8. Title IX Procedures
9. Informal Resolution

District Policies and Guidelines

- Comprehensive Non-Discrimination, Harassment, Sexual Harassment, Sexual Misconduct and Retaliation Policy (September 2020)
- Guidelines Regarding Transgender and Gender Nonconforming Students/Individuals
- Staff/Student Acceptable Use Policy
- EOCO Procedure Manual (August 2020)

Please note that changes from the U.S. Department of Education as well as the new policy have affected some definitions and CPS procedures. Please consult and collaborate with EOCO if you have questions or concerns.

New Policy Communication

- The Policy will be accessible via the CPS, Board Rules, EOCO, Law, & OSP websites
- Non-Discrimination Statement posters will be displayed at all schools, Central Office, network locations
- Each school must maintain copies of the Policy in its Main Office
- Principals must review the Policy with their staff prior to the start of each school year annually
- Effective 9/3/19 new hires are required to complete the EOCO Harassment, Discrimination, Retaliation and Title IX Training

Complaints by Covered Individuals of discrimination, harassment, and retaliation based on Protected Categories

EOCO - Our Scope

Who does the Policy cover?

- Visitors
- Vendors
- Students
- Volunteers
- Contractors
- Consultants
- Members of the Local School Councils
- Employees and Applicants for Employment
- Members of the Board of Education of the City of Chicago

Protected Categories

Actual or perceived characteristics include but are not limited to:

- Sex
- Race
- Color
- Religion
- Disability
- Age (40 or over)
- Gender Identity
- Sexual Orientation

The Policy also protects association with someone in a Protected Category.



Perception & Association Examples

- **Perception:** Principal A believes Teacher B is Jewish, so Principal A does not invite Teacher B to help with the annual Christmas festival. Teacher B is actually Christian, but Principal A's decision to exclude Teacher B from the Christmas festival was based on a protected category (religion) and may be a violation of the Policy.
- **Association:** Principal A knows that Teacher B has a child living with a disability. As a result, Principal A does not invite Teacher B to serve on a committee because he believes the employee will not have time to take on the additional responsibility and care for his child. The decision to exclude Teacher B from the committee due to his child's disability may be a violation of the Policy.

Where does the Policy apply?

- ❑ Schools
- ❑ Administrative Offices
- ❑ During work-related assignments on or off Board property
- ❑ During school-related or work-related extracurricular or social functions
- ❑ Wherever there is a nexus between the incident and the Board



Key Definitions



Complainant

Individual who is alleged to experience the harm from the conduct

Respondent

Individual who is alleged to be the perpetrator of the conduct

Parties

Refers to the Complainant(s) and Respondent(s)

Witness

Any individual who shares information relating to an allegation of prohibited conduct under this policy

**Advisor
(Title IX)**

A representative of a party's choosing, including an attorney or union representative, who may advise the party on the allegations and may accompany the party to any interviews or meetings during the process

Report

Information brought to the attention of the District alleging conduct prohibited under the Policy; a report is a complaint but is not a Formal Complaint which refers to Title IX Sexual Harassment

Complaint

A report made to the EOCO or the Title IX Officer alleging harassment, discrimination, or retaliation prohibited by the Policy

Formal Complaint (Title IX)

Document filed by a Complainant alleging sexual harassment that contains the Complainant's or the Title IX Officer's signature

Substantiated

The allegation is more likely than not to have occurred (50.01-100% sure)

Unsubstantiated

The allegation is less likely to have occurred (0-50% sure)

**Treating an individual less favorably because
of their actual or perceived membership in
one or more of the Protected Categories**

Discrimination

Discrimination is Prohibited in:

1 RECRUITMENT

2 BENEFITS

3 TRANSFERS

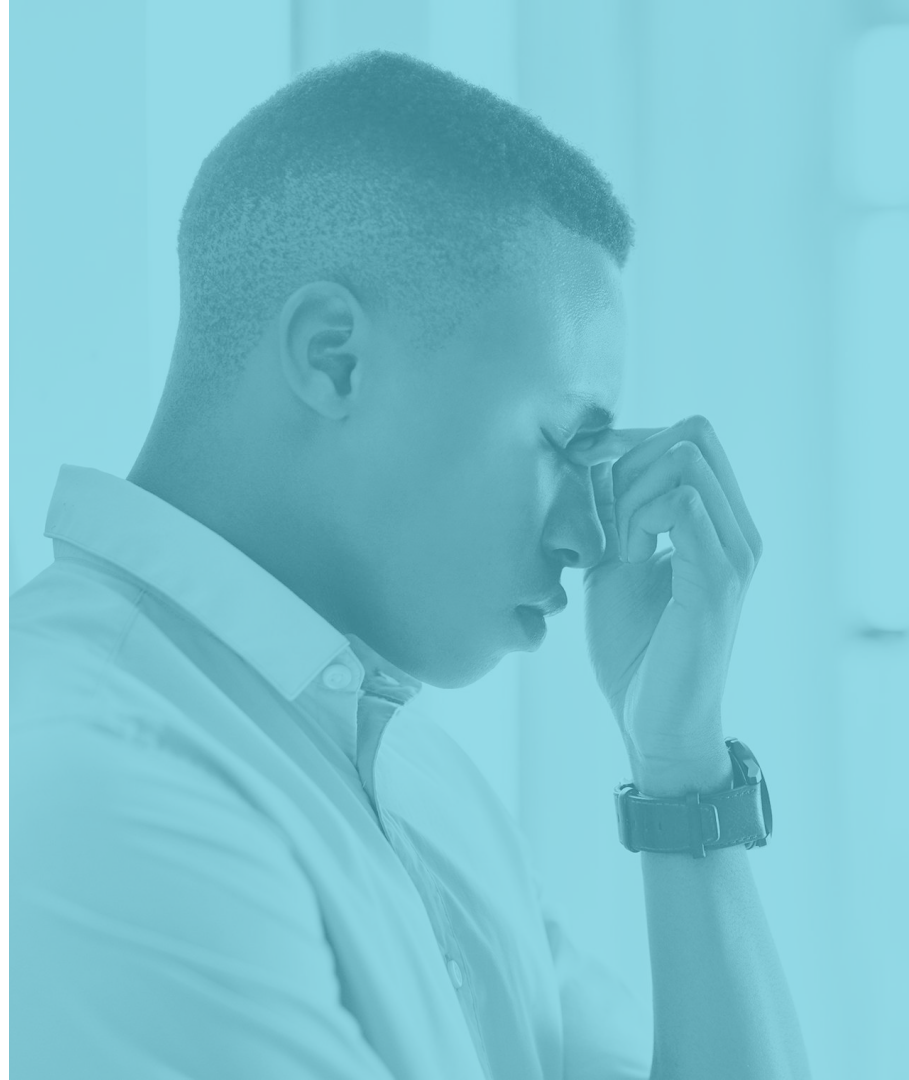
4 HIRING

5 PROMOTION

6 ANY TERM OR
CONDITION
OF EMPLOYMENT

Harassment

Harassment is 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 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



Examples of Harassment

Verbal

- Inappropriate, insulting, or offensive name calling or comments
- Repeatedly asking a coworker out for a date after being told “NO”

Nonverbal

- Provocative, threatening or offensive hand gestures
- Lewd and suggestive leering, posture and body movements

Visual

- Provocative, lewd or suggestive pictures, posters, texts, memes/GIFs or emails
- Inappropriate, derogatory, or offensive social media interactions

Physical

- Unwanted rubbing and/or hugging, touching or pinching an individual
- Providing or receiving unwanted or inappropriate gifts

Sexual Harassment

- **Hostile Work Environment**

Unwelcome conduct determined by a reasonable person to be so severe, pervasive, AND objectively offensive that it effectively denies a person equal access to the District's education program or activity

- **Quid Pro Quo**

Supervisor conditions an employment action on a Covered Individual's agreement to submit to an unwelcome sexual advance

All CPS Covered Individual Adults are required to report discrimination, harassment, retaliation, and sexual harassment of which they are aware

Sexual Harassment Categories

Additional categories of Sexual Harassment:

- Sexual Assault
- Dating Violence
- Domestic Violence
- Stalking

All CPS Covered Individual Adults are required to report harassment & sexual harassment of which they are aware

Sexual Misconduct Definition

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



Retaliation



Retaliation

Any adverse action taken against a Covered Individual for having made a complaint or report or for participating, or aiding, or refusing to participate in an investigation, proceeding or hearing related to a report or complaint of Discrimination, Harassment, Sexual Harassment or Sexual Misconduct under this Policy is strictly prohibited

Reporting Responsibility & Failure to Report



Reporting Responsibility

- The Board's Policy mandates every staff member who becomes aware of harassment or discrimination based on a Protected Category to report the conduct
- Complainants who believe they've experienced Discrimination, Harassment, or Retaliation shall report the Policy violation to EOCO within ninety (90) calendar days of the incident(s). 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.
- Any Principal, Administrator, Assistant Principal, including Network Chiefs, receiving an oral or written complaint must refer it to the EOCO immediately following receipt, or knowledge of, the allegations

Failure to Report

- It is a violation of the Policy for “A Covered Individual adult to intentionally ignore conduct of which they are aware or happens in their presence. An adult intentionally ignores conduct by failing to report that conduct pursuant to Section III of this Policy”
- Employees are subject to disciplinary action up to and including termination
- Contractors, consultants or vendors are subject to removal from and prohibiting access to District premises, remedies of law, remedies under their contract
- Volunteers are subject to their authorization to serve as a volunteer being rescinded

Investigative Procedures

EOCO Receives Inquiry

- Via fax, phone, email in-person, anonymously, etc.
- Determine department owner
- Send Complainant confidential EOCO Discriminations forms
- Case file is opened

EOCO Investigates

- Case assigned to an Investigator
- Supportive measures to eliminate or reduce contact between parties if necessary
- Investigator interviews parties involved & collects evidence
- Conducts analysis of the case

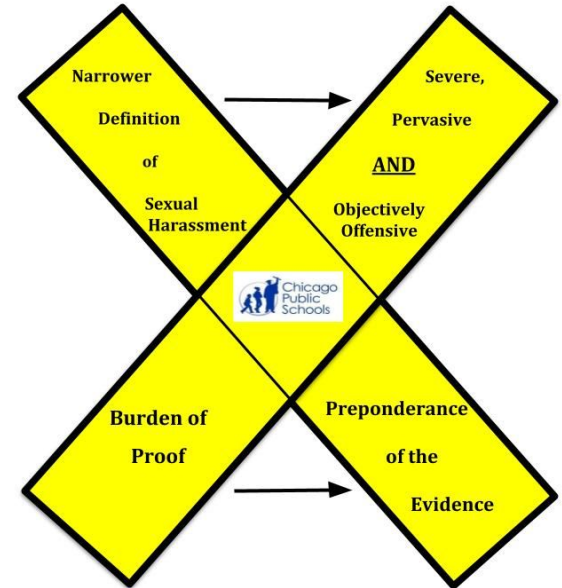
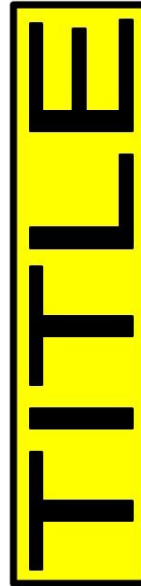
Determination Rendered

- Substantiated
- Unsubstantiated
- Referral for discipline
- Corrective Action rendered at EOCO discretion

TITLE IX

Title IX of the Education Amendments Act of 1972 is a federal civil rights law that states:

"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 education program or activity receiving federal financial assistance."



Informal Resolution

The Chief Title IX Officer, the District's designated Title IX Coordinator, can designate an EOCO Investigator to work with the parties to reach a mutually acceptable resolution. Investigators assigned to facilitate this process are free from conflicts of interest, bias, and are trained to serve impartially.

- Informal resolution is a voluntary process. You are not required to participate and you do not waive your right to a formal investigation if you choose to participate
- Both parties have the right to withdraw from the informal resolution process at any time before agreeing to a resolution

When allegations involve serious misconduct or a pattern of employee misconduct, the District may be unable to fully honor a request for informal resolution.

Title IX Procedures

EOCO Receives Formal Complaint

- A formal complaint is necessary
- Complainants & Respondents are given notice of allegations
- Parties are given an opportunity to select an advisor
- EOCO discusses informal resolution process

Title IX Investigation

- Presumption that the respondent is not responsible
- No “gag orders”
- At conclusion of the investigation, parties will be given a 10 day opportunity to review and respond to the draft report and all evidence collected

Determination and Appeal

- Independent decision-maker
- Decision-maker’s report is shared with parties for review
- Both parties have an equal opportunity to appeal

Thank You



Equal Opportunity Compliance Office (EOCO)

EOCO Main Line: 1-773-553-1013
110 N Paulina St. Chicago, IL 60612
www.cps.edu/EOCO - EOCO@cps.edu

Chief Title IX Officer Camie C. Pratt, JD : 1-773-535-4400
42 W Madison St. Chicago, IL 60602
www.cps.edu/OSP - OSP@cps.edu

[This presentation will be available for your review on the EOCO website](#)