



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

**Effective August 14, 2023
Version 5.0**



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

Effective August 14, 2023

Version 5.0 - Last Revised on 8.14.23

TABLE OF CONTENTS

I. Introduction

- A. [Purpose](#)
- B. [Office of Student Protections & Title IX \(OSP\)](#)
- C. [Equal Opportunity Compliance Office \(EOCO\)](#)
- D. [Office of Inspector General \(OIG\)](#)
- E. [Title VI of the Civil Rights Act of 1964 \(Title VI\)](#)
- F. [Title IX of the Education Amendments of 1972 \(Title IX\)](#)

II. Definitions

- A. [Biased-Based Behavior](#)
- B. [Complainant](#)
- C. [Conduct Unbecoming](#)
- D. [Consent](#)
- E. [Corporal Punishment](#)
- F. [Covered Individual Adults](#)
- G. [Decision-Maker](#)
- H. [Discrimination](#)
- I. [Failure to Report](#)
- J. [Harassment](#)
- K. [Insubordination](#)
- L. [Microaggressions](#)
- M. [Failure to Act](#)
- N. [Physical Abuse](#)
- O. [Protected Category](#)
- P. [Racial Discrimination](#)
- Q. [Respondent](#)
- R. [Retaliation](#)
- S. [Sex/Gender-Based Discrimination](#)
- T. [Sex/Gender-Based Harassment](#)
- U. [Sexual Harassment \(City of Chicago\)](#)
- V. [Sexual Harassment \(Illinois Human Rights Act\)](#)
- W. [Sexual Harassment \(Title IX\)](#)

- X. [Sexual Misconduct \(Illinois School Code\)](#)
- Y. [Sexual Misconduct](#)
- Z. [Verbal Abuse](#)

III. [Reporting and Intake Procedures](#)

- A. [Mandatory Reporting Requirements](#)
- B. [Amnesty](#)
- C. [Request to Not Investigate](#)
- D. [Intake and Review of Report](#)
- E. [Title IX Sexual Harassment](#)
- F. [Conduct Covered Outside of Title IX Sexual Harassment](#)
- G. [Designation of Investigation Type](#)
- H. [Student Refusal to Participate in Investigation](#)
- I. [Notification to School](#)
- J. [Supportive Measures](#)

IV. [Case Procedures](#)

- A. [General Guidelines](#)
- B. [Informal Resolution of all Complaints \(Title IX and non-Title IX\)](#)
- C. [Notifications](#)
- D. [Advisors](#)
- E. [Investigations](#)
- F. [Determinations](#)
- G. [Discipline/Sanction](#)
- H. [Corrective Action Training](#)
- I. [Resolution Timeframe](#)
- J. [Appeal Procedures](#)
- K. [Recordkeeping](#)
- L. [Related OSP Procedures](#)

V. [List of Appendices](#)

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

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) [Comprehensive Non-Discrimination, Harassment, Sexual Harassment, Sexual Misconduct and Retaliation Policy](#) (Non-Discrimination Policy) approved by the Board on September 28, 2022. 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 of the Civil Rights Act of 1964 (Title VI), and Title IX of the Education Amendments of 1972 (Title IX). Additionally, this OSP 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](#)).
- 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 and/or harassment based on a Protected Category, abuse, and retaliation, 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, retaliation, and abuse incidents.
- **OSP** can be reached by phone at **773-535-4400** 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 of the Civil Rights Act of 1964 (Title VII), and/or Title IX.
- **EOCO** can be reached by phone at **773-553-1013** 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@cpsoig.org. Complaints can also be reported online via the OIG

website at: cpsoig.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 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. Identical to Title VI, Title IX also applies to CPS, including all of its 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/gender-based discrimination, sex/gender-based harassment, sexual harassment, 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:

Camie Pratt, Chief Title IX Officer

110 N. Paulina St. Chicago, IL 60612

773-535-4400 | osp@cps.edu.

II. DEFINITIONS

- A. Bias-Based Behavior:** any physical, verbal, nonverbal, microaggression, 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.
- B. Complainant:** The person who has experienced the alleged harm. This person is considered a complainant regardless of whether they choose to file a complaint.
- C. Conduct Unbecoming:** Behaviors that disrupt the orderly educational or work process

in the classroom, in the school, or in the office, which may occur on or off the school grounds and at or not at one's assigned work location.

D. Consent is defined as:

1. **Informed.** A person must understand the who, what, when, where, and nature of the activity;
2. **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;
3. **Voluntary.** Freely given without the use of force, coercion, manipulation, or threats;
4. **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
5. **Ongoing.** A person can take back consent at any time. Once consent is taken back, all activity must stop.

■ **A person cannot give consent if:**

1. They are incapacitated from voluntary or involuntary drug or alcohol use;
2. They are asleep or unconscious;
3. They have a physical, developmental, or cognitive difference that prevents them from understanding what is happening;
4. 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
5. The other person is in a position of authority or trust.

E. Corporal Punishment: Punishment designed to cause pain or discomfort to a child in response to a child's behavior, including the deliberate use of punishment or conduct that does not result in any physical contact with a student (e.g., humiliating a student, forcing a student to stand or kneel for an inordinate period of time, forcing a student into a physical position that causes pain, or requiring isolated timeouts that violates isolated timeout procedures).

F. 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.

G. Decision-Maker: Individuals free from conflicts of interest and biases, who are trained to serve impartially without prejudging the facts at issue. Decision-makers have the authority to make the determination regarding whether the policy was violated, whether or not a complaint is dismissed, and final appeal determinations. Discipline will be imposed only after consultation with a student's principal or, for Covered Individual Adults, the CPS Law Department. Discipline will be imposed pursuant to applicable CPS discipline policies.

H. Discrimination: Treating an individual less favorably because of their actual or perceived membership in one or more of the Protected Categories.

- I. Failure to Report:** Failing to timely and properly report harassment, discrimination, sexual harassment, sexual misconduct, physical abuse, verbal abuse, conduct unbecoming, corporal punishment, bias-based harm, or retaliation as required by this Procedure Manual; the [Non-Discrimination Policy](#); and [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.
- J. 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, sexual advances, requests for sexual favors, conduct of a sexual nature, or any other sex-based conduct.
- K. 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.
- L. Microaggressions:** The everyday verbal, nonverbal, and environmental slights, snubs, or insults, whether intentional or unintentional, which communicate hostile, derogatory, or negative messages to target persons based solely upon their actual or perceived Protected Category membership such as race, sexual orientation, and gender identity (Adapted from Wing Sue, Derald. "Racial Microaggressions in Everyday Life," 2010)
- M. 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.
- N. Physical Abuse:** Inflicting, causing to be inflicted, or allowing to be inflicted physical injury, by other than accidental means, which creates a substantial risk of causing death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function. 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](#).
- O. 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, 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.

- P. Racial Discrimination:** Any distinction, exclusion, restriction, preference, or adverse act based on race, color, community, or national or ethnic origin which has the impact of nullifying or impairing the recognition, enjoyment or exercise, of a right to an equitable educational experience and fundamental freedoms in the social, economic, cultural, political, and linguistic aspects of school, school and district life (Adapted from United Nations, 2019).

- Q. Respondent:** The person accused of causing harm.

- R. Retaliation:** Any adverse action to employment or academics, or adverse change in employment or academic status, taken against a Covered Individual for having made a complaint or report of Discrimination, Harassment, Sexual Harassment 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, Harassment, Sexual Harassment or Sexual Misconduct under the Board's [Non-Discrimination Policy](#), whether internal, or external with a federal, state, or local agency, is strictly prohibited. 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, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, constitutes retaliation. 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 Inspector General (OIG).

- S. Sex/Gender-Based Discrimination:** Treating an individual less favorably because of their actual or perceived sexual orientation, gender or sex (includes gender identity, gender expression, pregnancy, childbirth, breastfeeding, and pregnancy-related medical conditions) and gender equity in athletics or academics.

- T. Sex/Gender-Based Harassment:** Unwelcome verbal, nonverbal, visual, or physical conduct that is based on an individual's actual or perceived sex/gender, sexual orientation or gender identity. Unwelcome conduct may include 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, sexual advances, requests for sexual favors, conduct of a sexual nature, sex-based conduct and any other persistent, pervasive or severe conduct that is objectively offensive and unreasonably interferes with, limits, or denies an individual's educational or employment access, benefits, or opportunities.

- U. Sexual Harassment (City of Chicago):** Sexual harassment means any:

- (1) unwelcome sexual advances or unwelcome conduct of a sexual nature;
- (2) 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
- (3) 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.

- V. Sexual Harassment (Illinois Human Rights Act):** Any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when:
- (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment,
 - (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
 - (3) 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.

- W. Sexual Harassment (Title IX):** Conduct on the basis of sex that satisfies one or more of the following:
- An employee of the District conditioning the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct;
 - 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; or
 - Sexual Assault:
 1. **Sex Offenses:** Any sexual act or attempted sexual act directed against a complainant, without the consent of the complainant including instances where the complainant is incapable of giving consent.
 - **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.
 - **Sodomy:** Oral or anal sexual intercourse with another person, forcibly and/or against that person's will (non-consensually) or not forcibly or against the person's will in instances where the complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
 - **Sexual Assault With An Object:** To use an object or instrument to penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will (non-consensually) or not forcibly or against the person's will in instances where the complainant is incapable of giving consent

- because of age or because of temporary or permanent mental or physical incapacity.
- **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 against that person's will (non-consensually) or not forcibly or against the person's will in instances where the complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
 - **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by Illinois law.
 - **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).
- **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:
1. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 2. Dating violence does not include acts covered under the definition of domestic violence.
- **Domestic Violence:** A felony or misdemeanor crime of violence committed:
1. By a current or former spouse or intimate partner of the complainant;
 2. By a person with whom the complainant shares a child in common;
 3. By a person who is cohabitating with, or has cohabitated with, the complainant as a spouse or intimate partner;
 4. By a person similarly situated to a spouse of the complainant under the domestic or family violence laws of Illinois; or
 5. 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.
- **Stalking:** engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
1. Fear for the person's safety or the safety of others; or
 2. Suffer substantial emotional distress.
- For the purposes of this definition:
3. 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.
4. 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.

X. 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:

- (1) A sexual or romantic invitation.
- (2) Dating or soliciting a date.
- (3) Engaging in sexualized or romantic dialog.
- (4) Making sexually suggestive comments that are directed toward or with a student.
- (5) Self-disclosure or physical exposure of a sexual, romantic, or erotic nature.
- (6) A sexual, indecent, romantic, or erotic contact with the student.

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

Y. 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 six (6) categories to further break down sexual misconduct incidents. In addition, sexual harassment allegations, as defined above, may be investigated as non-Title IX sexual misconduct allegations if they do not meet all jurisdictional requirements under Title IX and/or are dismissed under Title IX.

- **Grooming:** When someone builds a relationship, trust and/or emotional connection with a child or young person so they can manipulate, exploit and/or abuse them.
- **Inappropriate Touching:** Knowingly or intentionally making or attempting to make unwelcome physical contact with genitals, anus, groin, or breasts, whether direct or indirect through clothes or with an object or any other intentional bodily contact in a sexual manner, regardless of the purpose or degree of force used, if any.
- **Sexual Electronic Communication:** Intentionally viewing, creating, possessing, or sharing sexual language or images/recordings without the consent of one or more parties.
- **Sexual Bullying:** Severe, pervasive or persistent unwelcome conduct of a sexual nature or based on a person's sexuality or gender that is based on an imbalance of power or power and control with an intent to cause harm. Such behavior has or can be reasonably predicted to have one or more of the following effects:
 1. placing the student in reasonable fear of harm to the student's person or property;
 2. causing a substantially detrimental effect on the student's physical or mental health;
 3. substantially interfering with the student's academic performance; or

- 4. substantially interfering with the student's ability to participate in or benefit from the services, activities, or privileges provided by a school.
- **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.
- **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.

- Z. Verbal Abuse:** Negative oral or written communication, including via electronic means, or threatening language directed at students by a District affiliated adult, with or without profanity.

III. REPORTING AND INTAKE PROCEDURES

A. Mandatory Reporting Requirements

- A Covered Individual Adult must take the following steps upon receiving a report of Title VI, Title IX, sexual misconduct, abuse, discrimination and/or harassment and/or retaliation based on a Protected Category (including all biased-based harm, corporal punishment, physical abuse, and verbal abuse):
 1. Ensure the safety and well-being of the party disclosing to you.
 2. Notify your school principal.
 3. Notify **OSP immediately**. In most cases, this means within one day, absent extenuating circumstances.
 4. **If it is an emergency**, per the Student Code of Conduct, **notify 911**.
 5. **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)**.
- For more information, see the "Mandated Reporting of Child Abuse" section below.
- Failure of Covered Individual Adults to report harassment, discrimination, abuse or retaliation that they are experiencing or have experienced is not a policy violation.
- **District Schools and Non-District Schools Utilizing ASPEN:** Fill out an ASPEN ICT and answer the four questions related to the incident.
 1. 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?
 2. 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.
 3. 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.
4. 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.
- **Charter Schools, Alternative Schools, and Contract Schools:** Fill out a report using the OSP [Online Report Form](#) on the [OSP Website](#).
1. 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.
- **Mandated Reporting of Child Abuse:**
1. 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.
 - 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.
 2. "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.
 3. For more information, see the Board policy on [Reporting of Child Abuse, Neglect and Inappropriate Relations between Adults and Students](#).

- OSP coordinates supportive measures for cases that may fall out of our purview as well, such as home-based abuse and inadvertent exposure.
- **Procedure for Reporting a Covered Individual Adult Complaint:** 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**, via email to eoco@cps.edu, or by completing the [Online Report Form](#) on the [EOCO webpage](#).
- **Former Students May File A Complaint** of Sex/Gender-Based Discrimination, Sex/Gender-Based Harassment, Sexual Harassment, Sexual Misconduct, Title VI, Title IX, and Retaliation.

- B. Amnesty:** CPS supports and encourages reporting and considers addressing all misconduct a priority. A 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 more serious policy violations such as physical abuse of another, sexual misconduct, or illicit drug distribution.
- C. 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.

- D. 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, determine whether the District has jurisdiction (as defined in the [Non-Discrimination Policy](#)) to process the report, and determine whether the report falls under Title IX. 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, such as other forms of discrimination, harassment, retaliation, and abuse.
 1. If the District has jurisdiction, then OSP/EOCO will reach out to the complainant, provide information about the ability to file a formal complaint under Title IX (if applicable), and coordinate supportive measures.
 2. When appropriate, OSP/EOCO will forward matters to OIG for review and continue to coordinate supportive measures.

E. Title IX Sexual Harassment: Reports that fall within the definition of *sexual harassment* under Title IX will be processed as follows:

- **Formal Complaint:** In reports falling under [Title IX sexual harassment](#), a formal complaint alleging a Title IX sexual harassment violation against a respondent, must be filed to request that the District investigate the allegation. A formal complaint is a written document filed by a complainant (parents/guardians have the right to act on behalf of the student for purposes of filing a complaint) or signed by the Title IX Coordinator.
- A formal complaint may be filed in person, by mail, by electronic mail, or via the [Online Report Form](#) on the [OSP Website](#) or the [EOCO Website](#):
 1. OSP - Mail: 110 N. Paulina Street, Chicago, IL 60612; Phone: 773-535-4400; Email: osp@cps.edu
 2. EOCO - Mail: 110 N. Paulina Street, Chicago, IL 60612; Phone: 773-553-1013; Email: eoco@cps.edu
 3. Title IX Coordinator - Mail: Chief Title IX Officer, Camie C. Pratt, 110 N. Paulina Street, Chicago, IL 60612; Phone - 773- 535-4400; Email: osp@cps.edu
- When a complaint involves a Covered Individual Adult respondent and a CPS student complainant, the Title IX Coordinator or designee will, absent extenuating circumstances, move forward with filing a formal complaint. When a complaint does not involve a Covered Individual Adult, the Title IX Coordinator (or designee) will respect the complainant's wishes regarding whether to investigate, unless the Title IX Coordinator determines it is necessary to pursue the complaint in light of health or safety concerns for the community.
- **Dismissal of a Formal Title IX Sexual Harassment Complaint:**
 1. **Mandatory Dismissal:** If any of the following are met, a formal complaint **must** be dismissed without conducting an investigation under Title IX:
 - If the conduct did not occur against a person in the United States; and/or
 - If at the time of filing a formal complaint, a Complainant is not participating in or attempting to participate in the education program or activity of the District; and/or
 - If the conduct did not occur in the District's education program or activity; and/or
 - If the conduct alleged in the formal complaint would not constitute sexual harassment as defined in herein.
 2. **Discretionary Dismissal:** If any of the following are met, a formal complaint **may** be dismissed without conducting an investigation under Title IX:
 - If at any time during the investigation or hearing, a Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations therein;
 - The Respondent is no longer enrolled or employed by the District; or
 - Specific circumstances prevent the District from gathering evidence sufficient to reach a determination as to the formal complaint or allegations.

3. **Dismissal Notification and Right to Appeal:** Both parties will receive simultaneous notification of complaint dismissal and have the opportunity to appeal the dismissal determination according to the [appeal procedures section below](#).
4. *When a Title IX sexual harassment complaint is dismissed, the complaint will be evaluated for other policy violations defined herein and processed accordingly.*

F. Conduct Covered Outside of Title IX Sexual Harassment: Reports that fall outside of the definition of **Title IX sexual harassment** but under misconduct covered herein do not require a formal complaint to be filed.

G. 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:

- **OSP Investigation:** For severe or complex incidents that involve significant factors and for Title IX sexual harassment, an OSP investigator will be assigned to investigate the incident. OSP investigations include reports of 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, access to all parties/students involved, a private location for interviews, and all relevant evidence and documents.
- **School-Based Investigation:** For less severe incidents and those falling outside of Title IX sexual harassment, OSP or EOCO will ask the school and its Student Protections School Representative to conduct a school-based investigation. School-based investigations are led by school administrators and/or Student Protections School Representatives. 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.
- **Office of Inspector General (OIG) Investigation:** Complaints involving concerns of Title IX sexual harassment, sexual harassment, sexual misconduct, retaliation, and any other conduct or harassment 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.
- **EOCO Investigation:** For incidents involving Covered Individual Adult complainants, an EOCO investigator will be assigned who will work in conjunction with the school or worksite to conduct the investigation.

H. 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.

I. Notification to School: Upon receiving a report from a school, OSP 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.

J. Supportive Measures: 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 before or after the filing of a formal complaint or where no formal complaint has been filed. 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 sexual harassment or other conduct covered herein. Available supportive measures include, but are not limited to, the following:

- Check-In/Check Out (CICO) interventions
- Counseling or social work support at school
- 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](#).
- **Safety Plan and No Contact Orders:**
 1. A Safety Plan is a plan designed to provide special 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.
 2. 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.
 3. 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.
 4. 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.
- Connection to external counseling, support, medical/health services, and/or advocacy services. For more information on specific referrals, see the Resource Guide in [Appendix D](#).
- Extensions of time to complete assignments, modifications to course/work schedules, or any other course/work-related adjustments.
- 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.
 1. Emergency removals of student respondents will only occur if the District follows these specific steps:

- 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
 - Provide the student respondent with written notice of the emergency removal; and
 - Provide an opportunity for the student respondent to challenge the decision immediately following notice of the removal.
- 2. 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.
- 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.
- 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.

IV. CASE PROCEDURES

- A. General Guidelines:** The following procedures will be followed when the District receives a report of Title VI, Title IX, discrimination, harassment, retaliation, misconduct, and/or abuse. All relevant reporting and investigative steps are documented in the District's Guardian Case Management Software System.
- 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.
 - 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 (Title IX and non-Title IX): For Title IX sexual harassment complaints, informal resolution measures are available to the parties any time prior to a final determination being made. For sexual harassment complaints falling outside of Title IX, informal resolution measures are available at all times to the parties. *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 and Respondent agree to informal resolution. A preliminary inquiry will still typically precede this step to ensure that the case is appropriate for an informal resolution.

- The parties are provided with a written notice that includes:
 1. The reported misconduct/allegations;
 2. 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;
 3. The right of the parties to withdraw from the informal resolution process and resume the formal grievance process;
 4. 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
 5. Whether the resolution will be binding on the parties.
- 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.
- Prior to implementing informal resolution, the District will obtain voluntary, written confirmation that the Complainant and Respondent wish to resolve the matter through informal resolution.
- When the allegations involve serious misconduct or a pattern of employee misconduct, the District may be unable to honor a request for informal resolution measures, including requests for confidentiality.

C. Notifications

- **Notification of Allegations in Non-Title IX Cases:** The District will provide written notice of complaint received to the parties at the beginning of the case. This notice includes the classification of the allegations and available resources.
- **Notification of Allegations and Notification of Interview to the Parties**
Following a Formal Title IX Complaint: The District will provide written notice of allegations and interviews to the parties before a formal interview takes place. The District may provide written notice of allegations and interviews to parent(s)/guardian(s) of respondent(s) and complainant(s) before a formal interview takes place. If the allegations change at any point over the course of the investigation, the District will provide written notice again to include the additional allegations, copying all parties. The District may provide notice of these additional allegations to the parents/guardians.

1. **Notification of Allegation(s):** For only formal Title IX sexual harassment complaints, written notice of the allegations will include the following:
 - Details of the allegation:

- A summary of the allegations made including the date(s) and location(s) of the alleged incident(s);
- The identities of the parties involved (if known);
- The classification of allegations made, including the conduct that is considered to be sex/gender-based discrimination, sex/gender-based harassment, sexual harassment, and/or sexual misconduct;
- The type of investigation that will occur;
- The rights of the parties to supportive measures;
- In-school and local resources available to the parties; and
- Applicable section(s) of the policies and procedures alleged to have been violated.
- 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.
- A statement that the parties may have an advisor of their choice, who may be an attorney.
- A reminder of the expectation of truthfulness in the process, including the consequences of providing false statements or submitting false information.
- A statement that the information learned and shared during an investigation is expected to be treated as confidential.
- **Notification of Interview:** Written notice will be sent to parties at least four (4) calendar days before the initial interview to provide parties with sufficient time to prepare to participate in the interview; however, circumstances may necessitate a shorter or longer time frame.
 1. The notice will include the following:
 - Date;
 - Time;
 - Location;
 - Participants; and
 - Purpose of the investigative interview or meeting.
 2. If the investigation necessitates additional interviews, notification of subsequent interviews will be provided to parties and the parties may waive the four (4) calendar day timeframe for preparation.
- Notification of allegations and notification of interviews may, at the District's discretion, be combined into one notice containing all required information.
- 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, rendering the District's pre-interview written notification procedure moot.

D. Advisors: All parties have the right to an advisor of their choice present during the process outlined herein, including any related meeting or proceeding. An advisor may be an attorney.

E. Investigations

- **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).
 1. **Schools and CPS employees should never undertake their own 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.**
 2. Each investigation will include a majority of the following steps, though not necessarily in this order:
 - 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;
 - Allowing each party the opportunity to provide any inculpatory and exculpatory evidence;
 - Allowing each party the opportunity to suggest witnesses and questions they wish the investigator to ask of the other party and witnesses;
 - Interviewing all available relevant witnesses and conducting follow-up witness interviews as necessary;
 - Completing the investigation as promptly as possible and without unreasonable deviation from the intended timeline;
 - Providing ninety (90) day status update notifications to the parties throughout the investigation.
 3. 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.
 4. **Investigative Report:** Investigations conducted by OSP, OIG, and EOCO will typically result in an investigative report that fully summarizes the investigation, all witness interviews, and addresses all relevant inculpatory and exculpatory evidence.
 - Prior to completion of the final investigative report falling under Title IX sexual harassment, the report will be shared with the parties and their advisors by the investigator prior to completion. The investigator will send each party and their advisor for inspection and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint. The parties will have ten (10) calendar days to submit a written response, which the investigator will consider prior to completion of the investigative report. In Title IX investigations, the finalized investigative report will be provided to the parties and their advisors.
- **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.

- **Non-Title IX Investigations:** Many investigations conducted by the OIG, OSP, and EOCO may not be designated as Title IX investigations. Non-Title IX investigations are not subject to the procedures outlined above for Title IX sexual harassment investigations. Further, 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 sexual harassment procedures, as of the date of dismissal.

- **OIG Investigations:**

1. The OIG Sexual Allegations Unit (SAU) is responsible for conducting thorough, fair, and independent investigations and reporting.
 - When allegations arise of adult-to-student sexual misconduct, schools and CPS employees **should not undertake their own investigations**, unless specifically directed by OSP to conduct a school-based investigation. Likewise, unless specifically directed to by the OIG or OSP, schools and CPS employees should not collect written statements from complainants, respondents, or witnesses.
 - All parties have the right to the presence of a union representative or an attorney during an OIG interview.
2. **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.
3. **Reporting to the Board:** In some non-Title IX investigations, 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.
4. **Corrective Action By the District Following an OIG Investigation:** Covered Individual Adult respondents may be subject to appropriate corrective action following a non-Title IX investigation:
 - **Employees:** Employees who are found to have violated any CPS policy (including but not limited to the Board's Non-Discrimination Policy) or applicable law or statute are subject to internal disciplinary action up to and including termination.
 - **Charter School Employees:** Charter school employees who are found to have engaged in sexual misconduct are subject to discipline/sanctions in accordance with agreed

upon procedures dictated by the District's Memorandum of Understanding with Charter Operators, which may be amended from time to time and incorporated into the Charter Agreement.

- **Contractors, Consultants, or Vendors:** The CPS Law Department will coordinate with the appropriate individual(s) within CPS to determine the appropriate disciplinary actions for contractors, consultants or vendors which can include legal remedies, such as debarment.
 - **Volunteers:** The CPS Law Department will coordinate with the appropriate individual(s) within CPS, including the Family and Community Engagement (FACE) office, to determine the appropriate disciplinary action for volunteers which can include, but is not limited to, having their authorization to serve as a volunteer rescinded.
5. **Referrals:** The OIG may refer non-Title IX investigations to a relevant CPS department if it determines that the allegations under investigation do not involve adult-to-student conduct of a sexual nature.
 6. **Resolution Timeframes:** Non-Title IX investigations will be resolved as promptly as possible. Due to a variety of factors, including police involvement, collection of evidence from third parties and the availability of witnesses, some investigations may continue for months.

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.

■ **Cases Falling Under Title IX Sexual Harassment - Written Determinations:**

After the District has sent the investigative report to the parties and before reaching a determination regarding responsibility, the Title IX Decision-Maker will afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers (if asked and answered), and allow for additional, limited follow-up questions from each party. The Decision-Maker may make a determination that a question is not relevant and will explain to the party proposing the questions any decision to exclude questions as not relevant. The Decision-Maker will issue a written determination regarding responsibility using the preponderance of the evidence standard.

1. The written determination will be simultaneously sent in a prompt and equitable manner to inform the parties and their advisors, including the parent(s)/guardian(s) of respondent(s) and complainant(s), of the following:
 - The section(s) of the policies alleged to have been violated;
 - A description of the procedural steps taken from the receipt of the formal complaint through the end of the process, including any notifications made to the parties, interviews with parties and witnesses, site visits, other mechanisms used to gather evidence, and hearings held (if applicable);

- Findings of fact that support the determination;
 - Conclusions regarding the application of the “findings of fact” to the alleged policy violations;
 - A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the District imposes on the Respondent, and whether remedies designed to restore or preserve equal access to the District’s education program or activity will be provided by the recipient to the Complainant; and
 - Procedures for appeal, including the basis upon which the parties may appeal.
- **Cases Falling Outside of Title IX Sexual Harassment - Written Outcome Determinations:** In non-Title cases, the parties should receive a written outcome determination letter regarding responsibility using the preponderance of the evidence standard.
1. **OSP and School-Based Investigations:** Both parties should receive a written outcome determination (if requested in School-Based Investigations) stating whether the investigation was substantiated or unsubstantiated. If the case is substantiated, the school administrator will communicate any consequences pursuant to the Student Code of Conduct to the Respondent student and their parents/guardians.
 2. **EOCO Investigations:** The EOCO will issue a written outcome determination to both parties stating whether the investigation was substantiated or unsubstantiated. If the case is substantiated against a student respondent, discipline will be imposed based in alignment with the District’s [Student Code of Conduct](#). If the case is substantiated against a staff respondent, it will be transferred to the CPS Law Department for review. Once the Law Department’s review is final, a written outcome determination will be issued to both parties.
 3. **OIG Investigations:** Investigations are forwarded to the CPS Law Department, OSP, and other CPS departments/offices, if necessary. In substantiated cases, the Law Department issues a written outcome determination to both parties. In unsubstantiated cases, the Law Department or OSP issues a written outcome determination to both parties. If the case is administratively closed or referred to another CPS department/office after a preliminary inquiry, the OIG will notify the respondent’s supervisor or school principal of that outcome.

G. Discipline/Sanction: Appropriate disciplinary action will be taken when an individual is found to have engaged in misconduct or retaliation as described herein in violation of the Board’s policies, and/or rules.

- **Students:** In non-Title IX sexual misconduct cases, 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). In Title IX sexual harassment cases, the Title IX Decision-Maker is responsible for next steps.

1. 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.
2. Discipline should be implemented immediately once a determination of findings is made following an OSP or school-based investigation is communicated.
 3. If a student has an IEP/504 plan, consultation shall occur with a representative from the Office of Diverse Learner Supports and Services (ODLSS), if a Manifestation Determination Review is required.
- **Employees:** Investigations into employee misconduct are forwarded for review and analysis to the CPS Law Department in non-Title IX sexual harassment and staff-to-student physical abuse, verbal abuse, and corporal punishment cases, and to the Title IX Decision-Maker in Title IX sexual harassment cases. 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.
 - **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.
 - **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 can result in discipline if not attended. During a Corrective Action Training session, an OSP representative will review the following:

- The allegation received;
- The status of the investigation as it relates to the training;
- Potential policy concerns;
- Alternatives to concerning behavior; and
- Any available relevant resources

I. Resolution Timeframe: Investigations will be completed promptly, although some investigations take months, depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc.

- OSP, EOCO, and OIG will make a good faith effort to complete the resolution process, not including appeals and discipline, within a ninety (90) calendar day time period from the filing of a formal complaint, which can be extended as necessary for appropriate cause by the Title IX Coordinator (or designee), with notice to the parties as appropriate.
- School-based investigators will make a good faith effort to complete the resolution process within ten (10) calendar days which can be extended as necessary for appropriate cause by the Title IX Coordinator, or designee, with notice to the parties as appropriate.

J. Appeal Procedures

- **Right to Appeal:** Outcome determinations made in non-Title IX matters,

including sexual misconduct, physical abuse, verbal abuse, corporal punishment, biased-based harm, and school-based investigations, are *final* and the parties do not have a right to appeal (or a review of the findings or final decision).

■ **Appeal Process for Written Determination and Dismissal of a Formal Title IX Sexual Harassment Complaint:**

However, in Title IX sexual harassment complaints, the Complainant and Respondent have the opportunity to appeal a written determination or dismissal of a formal Title IX complaint through a written request, within five (5) calendar days of receiving a written determination letter or 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:

1. A procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
3. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent, that affected the outcome of the matter.

- Any party 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.
- Upon receiving an appeal, the Appeal Decision-Maker will notify each party in writing. Both parties will be afforded a reasonable, equal opportunity to submit a written statement in support of or challenging the stated basis for the appeal.

1. **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 outcome of the determination, the nature of any new evidence asserted to have affected the outcome, and the nature of any bias asserted to have affected the outcome, with an explanation of how the outcome 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.
 - The appealing party’s supporting statement 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.

2. **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 outcome of the determination, of any new evidence affecting the outcome, and the nature of any bias asserted to have affected the outcome, with an explanation of how the outcome 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.

- 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.
- 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.
- **Receiving a Decision on an Appeal:** The Appeal Decision-Maker shall render a written determination 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.

- This includes, but is not limited to the following information for each complaint:
 1. Relevant information related to the Complainant, Respondent, and identified witnesses;
 2. Name and title of the person who received the complaint;
 3. Date, time, nature and location of reported incident;
 4. Date the District became aware of the incident;
 5. Date the Title IX Coordinator received notice of the incident;
 6. Supportive measures and resources offered to the parties;
 7. Final investigative reports;
 8. Outcome notification letters provided to the parties; and
 9. Disciplinary sanctions issued to individuals found in violation of any applicable policies, procedures, laws, and/or regulations.
- 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

- **Student Rights in Investigations:** All students involved in an investigation should

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

V. LIST OF APPENDICES

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

Appendix A: **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 of your choice 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 B: **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 of your choosing 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 C: **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/recording; instead, please respond as outlined below.

- Do not ask that the sexually inappropriate images/recording 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/recording.
- If sexually inappropriate images/recording 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 D:
Resource Guide

RESOURCE GUIDE		
<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		
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.apnagharr.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 www.guidanceresources.com

	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 mujereslatinosenaccion.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
---------------------------------	---	--