

addressing bullying and bias-based behaviors policy

Purpose

The Illinois General Assembly has found that a safe and civil school environment is necessary for students to learn and achieve. Bullying and Bias-based behaviors are directly contrary to this and can cause physical, psychological, and emotional harm to students and interferes with their ability to learn and participate in school activities. It is the goal of the Chicago Board of Education (“Board”) to create a learning environment in all its school communities where all students feel safe and supported, are protected from bullying and Bias-based harm, and are able to succeed academically as well as develop socially and emotionally into responsible, caring individuals.

The Board asks every Chicago Public School (“CPS”) student, with the support of his/her parent(s), guardian(s) and the adults at school, to commit to the following principles, which will apply to everyone on school property and at school-related activities:

- I will not bully or intentionally harm others.
- I will try to help anyone I suspect is being bullied or harmed.
- I will work to include students who are left out.
- If someone is being bullied or harmed, I will tell an adult at school and an adult at home.

Scope

Bullying and Bias-based behaviors are contrary to a number of local, state, and federal laws and statutes. This Policy protect CPS students against interpersonal harm from bullying and bias based behaviors. The Board recognizes a number of protected categories in its Final Comprehensive Non-Discrimination Policy. Please see the definition section below or in the CPS Non-Discrimination Policy for the full list of protected categories. Additionally, the Board recognizes the particular vulnerability of students with actual or perceived disabilities and those who identify as or are perceived to be lesbian, gay, bisexual, or transgender. Nothing in this Policy is intended to infringe upon any expression protected by the First Amendment to the United States Constitution or Section 3 of Article I of the Illinois Constitution.

This Policy is based on the engagement of a range of school stakeholders, including students and parents/guardians. The Board or its designee will re-evaluate this Policy every two (2) years based on an assessment of its outcomes and effectiveness, including, but not limited to, factors such as the frequency of victimization; student, staff and family observations of safety at school; identification of areas of a school where bullying or Bias-based behaviors occur; the types of bullying or Bias-based behaviors utilized; and bystander intervention

or participation. The information developed will be made available on the District's website.

Bullying and Bias-based behaviors are prohibited and are considered a violation of the CPS Student Code of Conduct and subject to discipline:

- 1) during any school-sponsored or school-sanctioned program or activity;
- 2) in school, on school property, on school buses or other Board-provided transportation, and at designated locations for students to wait for buses and other Board-provided transportation ("bus stops");
- 3) through the transmission of information from a CPS computer or computer network, or other electronic school equipment;
- 4) when communicated through any electronic technology or personal electronic device while on school property, on school buses or other Board-provided transportation, at bus stops, and at school-sponsored or school-sanctioned events or activities;
- 5) when it is conveyed that a threat will be carried out in a school setting, including threats made outside school hours with intent to carry them out during any school-related or sponsored program or activity or on Board-provided transportation;
- 6) when it is a Student Code of Conduct ("SCC") Group 5 or 6 behavior that occurs off campus but most seriously disrupts any student's education.

Definitions

"Bias-based Behavior" is any physical, verbal, nonverbal, or other act or conduct, including communications made in writing or electronically, directed toward a member or perceived member of a protected category within the school community that is of a discriminatory or harmful nature.

"Bullying" means any physical or verbal act or conduct, including communications made in writing or electronically, directed toward a student or students, and meets all of the following criteria. *Note: if the behavior or part of the behavior is Bias-based or targeted at a member of a protected category please see the responding to Bias-based behaviors guidelines.*

- 1) An observed or perceived imbalance of power exists between the person(s) engaging in the bullying behavior(s) and the targeted student(s).
- 2) The behaviors are severe or pervasive (repeated over time), or there is a high likelihood that behaviors will be repeated. While bullying is often characterized by repeated acts, sometimes a single incident constitutes bullying depending on the severity and if other elements of bullying are present.
- 3) The intent of the person(s) engaging in the behavior is to cause physical or emotional harm to the targeted student(s).
- 4) The behavior has or can be reasonably predicted to have one or more of the following effects:
 - a) placing the student in reasonable fear of harm to the student's person or property;

addressing bullying and bias-based behavior policy

“Peer Conflict” means disagreements and oppositional interactions that are situational, immediate, and developmentally appropriate. Conflicts arise when two or more students with relatively similar observed or perceived power have differences in opinion or perspectives. When school employees are aware of peer conflict, they are expected to guide students in developing new skills in respectful communication, personal boundaries, and peaceful conflict resolution.

“Racial Discrimination” is any distinction, exclusion, restriction or preference based on race, color, community, 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).

“Retaliation” means any form of intimidation, reprisal, or adverse action or change to educational program or activity taken against a student for having made a complaint or report of bullying or bias based behaviors whether made internally or externally with 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 bullying or bias based behaviors. Retaliation is considered to be a form of bullying and is prohibited according to this policy. All substantiated allegations of retaliation are subject to discipline under the Student Code of Conduct.

“Restorative Practices” means a continuum of school-based alternatives to exclusionary discipline that are adapted to the particular needs of the school and community, contribute to maintaining school safety, protect the integrity of a positive and productive learning climate, teach students the personal and interpersonal skills they will need to be successful in school and society, serve to build and restore relationships among students, families, schools, and communities, and reduce the likelihood of future disruption by balancing accountability with an understanding of students’ behavioral health needs. Restorative Practices are ways of pro-actively developing relationships and community, as well as repairing community when harm is done. After conflict or harm, Restorative Practices provide a way of thinking about, talking about, and responding to issues and problems by involving all participants to discuss their feelings and opinions, identify what happened, describe how it affected everyone, and find solutions to make things better.

Preventing Bullying and Bias-based Behaviors

All CPS principals and staff shall work to develop safe and supportive school environments that prevent bullying and Bias-based behaviors through:

- **Developing supportive school climate strategies**, including clear expectations and share agreements to guide interactions between students, and between staff and students.
- **Teaching all students social and emotional skills** and establish classroom and school-wide practices that promote relationship-building, including teaching all school stakeholders to speak out when they see or hear bullying, degrading language, and bias or prejudice.

- Establishing predictable responses and **effective disciplinary practices** that address root cause, teach skills, build empathy, and repair harm. Ensure all students, staff, and stakeholders know how your school plans to respond to bullying and harassment.
- Committing to welcoming and inclusive practices that center belonging, affirm cultural differences, and address and support the transformation of Bias-based harm.

Addressing Allegations of Bias-based Behavior

Intervening to Address Bias-based Behavior

School based staff who witness or become aware of Bias-based behaviors must immediately take the following steps:

- 1) Establish the safety of everyone involved. Note: If there is concern around the necessity to involve law enforcement please see the Police Notification section of the SCC.
- 2) Denounce the Bias-based behavior as unacceptable to the values of Chicago Public Schools as well as being contrary to board policy.
- 3) Notify the CPS Office of Student Protections (OSP).

For further resources, tools, and directives please refer to the OSP Transforming Bias-based Harm Protocols at cps.edu/osp.

Reporting Bias-based Behavior

School-based staff who witness or become aware of must report any and all instances of Bias-based behaviors to the principal who must complete an Aspen Report and answer the question regarding Bias-based harm.

Students who experience or witness Bias-based behaviors are to report these to a school-based staff member. Alternatively, students can make reports directly to the Office of Student Protections and Title IX in the following ways:

- Online: Complete and submit a complaint form located at cps.edu/osp
- Via Email: Submit complaints to civilrights@cps.edu.
- Via Telephone: Submit complaints to 773-535-4400.
- In Person or By Mail: Submit complaints directly to OSP in person or via USPS mail to 110 N. Paulina St., Chicago, 60612.

Steps for Investigating Bias-based Behavior

Please note that it is important to follow these steps as well as to refer to OSP's Transforming Bias-based Harm Protocols, which include the comprehensive overview of CPS' District Response to Bias-based Behavior as well as a school-based staff document link at cps.edu/osp.

- 1) Establish the present safety of everyone involved as well as plan for continued safety in the process.



- 2) Notify parents/guardians of all involved students.
 - a) Within one school day of receipt of a report of Bias-based behavior, the Principal or Principal Designee shall report to the parent/legal guardian of all involved students the occurrence of any alleged incident of Bias-based behavior and follow the guidelines provided in OSP's Transforming Bias-based Harm Protocols and shall document these notifications in the District student information system.
 - i. Notifications should be made privately to students directly involved and their parent guardians.
 - ii. When incidents have a larger impact on the school community, the Principal or Principal Designee shall provide clear communication to students, staff, and parents to reinforce school-wide expectations of a climate centering belonging, respect, and affirmation of cultural difference.
- 3) Document all allegations of Bias-based behaviors
 - a) School based staff who witness or become aware of must report any and all instances of bias based behaviors to the principal who must complete an Aspen Report and answer in the affirmative the question related to Bias-based and discriminatory behavior within one school day.
 - b) Staff unable to access Aspen or for any questions or assistance, may contact OSP at 773-535-4400 or civilrights@cps.edu.
- 4) Conduct an investigation as directed by OSP.
 - a) After OSP is notified of Bias-based behavior through an Aspen or a direct report OSP will review the report, determine if it will be accepted as an investigation, and if applicable the type of investigation as well as provide guidance for student support:
 - i. OSP Investigation: For severe, complex, or pervasive incidents/civil rights issues an OSP investigator will be assigned to investigate the incident. An OSP investigator will respond to the school upon the OSP's decision to open the report for an OSP investigation. 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.
 - ii. School-Based Investigation: When OSP deems an investigation is able to be carried out at the school level OSP 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 will provide the school guidance. A school must not **conduct an investigation** unless directed to do so by OSP.
 - iii. Resolution Timeframe: Investigations will be completed promptly although some investigations take weeks or even months, depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc.
 1. OSP will make a good faith effort to complete the resolution process, not including appeals and discipline, within a ninety (90) calendar day time period, which can be extended as necessary for appropriate

- cause by the Title IX Coordinator or Designee with notice to the parties as appropriate.
2. School-based investigators will make a good faith effort to complete the investigation process after direction from OSP, not including appeals, within ten (10) calendar days which can be extended as necessary for appropriate cause by the school administrator with notice to the parties as appropriate.
 - b) Supportive Measures: In all incidents, the District will coordinate with schools 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 per the Transforming Bias Based Harm Protocols.
 - 5) Make a determination whether allegation of Bias-based behavior is substantiated or not and document determination.
 - a) OSP Investigation: OSP investigator will consider whether the behavior qualifies as an inappropriate behavior listed in the SCC and according to the definitions listed in this policy, the comprehensive nondiscrimination policy, and the Transforming Bias-based Harm Protocols and will prepare a written outcome determination of the cases substantiation status. If the investigation determines a student engaged in Bias-based behaviors and/or other inappropriate behaviors listed in the SCC, a written outcome determination will be prepared and the finding will be communicated to the school Principal/Designee.
 - b) School-Based Investigation: Principal/Designee shall consider whether the behavior qualifies as an inappropriate behavior listed in the SCC and according to the definitions listed in this policy as substantiated and will prepare a written outcome determination. The Principal/Designee shall ensure the investigation and findings (whether the reported behavior is substantiated or not substantiated) are documented in the District student information system.
 - c) If any investigation determines a student engaged in Bias-based behavior and/or other inappropriate behaviors listed in the SCC, the Principal/Designee shall prepare a Misconduct Report.
 - 6) Notify all involved parties of the outcome of the investigation.
 - a) OSP Investigation: Upon the completion of the investigation OSP will issue outcome letters to the involved students and their parent/legal guardian of the investigation status, findings, and next steps including but not limited to potential discipline by the Principal for substantiated SCC violations.
 - b) School Based Investigation: Upon the completion of the investigation, the school administrator will issue a written outcome determination to all parties 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 student(s) determined to have engaged in SCC violations and their parents/guardians.
 - c) Regardless of the outcome of the investigation, the District will take steps to prevent the recurrence of Bias-based and discriminatory behavior,

as well as all misconduct covered herein, and correct any discriminatory effects on all impacted parties as appropriate.

Addressing Allegations of Bullying Behaviors

Intervening to Address Bullying

A. Responsibilities of CPS Employees and Contractors

All CPS employees and contractors, including security officers, lunchroom staff and bus drivers, who witness incidents of bullying or school violence or who possess reliable information that would lead a reasonable person to suspect that a person is a target of bullying, must:

- 1) intervene immediately in a manner that is appropriate to the context and ensure the safety of all people involved;
- 2) report the incident of bullying or retaliation to the Principal/Designee as soon as practicable, but within 24 hours, on the CPS Bullying Complaint Form (Attachment A); and
- 3) cooperate fully in any investigation of the incident and in implementing any safety plan established by the Principal/Designee.

B. Responsibilities of Students, Parents and Guardians

No student who witnesses bullying may stand by or participate in the bullying, but must notify an adult at school and an adult at home as quickly as practicable. Any parent or guardian who witnesses or is notified of bullying has an obligation to advise the Principal/Designee as quickly as practicable. Reports can be made to any CPS employee or contractor in person, by completing Attachment A and submitting it to the Principal/Designee, by calling the CPS Parent Support Center at (773) 553-3772, or by emailing BullyingReport@cps.edu. Anonymous reports will be accepted by the Principal/Designee. No disciplinary action will be taken on the sole basis of an anonymous report.

C. Steps for Investigating Bullying Reports

- 1) **Ensure safety.** The Principal or their designee will provide immediate support to any targeted student(s) to ensure safety. If there are overt or implied risks of safety, follow the steps in the CPS Crisis Manual, including immediately notifying the CPS Student Safety Center and the school's Network office. Alleged behaviors targeted at sex, gender, sexual orientation, gender identity, or gender expression should be reported immediately to the Office of Student Protections and Title IX for assistance and support: (773) 535-4400.
- 2) **Notify parents/guardians of all involved students.** Within one school day of receipt of a bullying report, the Principal/Designee shall report to the parent/legal guardian of all involved students, via telephone, personal conference and/or in writing, the occurrence of any alleged incident of bullying, and shall document these notifications in the District student information system.
 - a) Notifications should be made privately to students directly involved and their parent/legal guardians.
 - b) Additionally, when incidents have a larger impact on the school community, the Principal/Designee shall provide clear communication to students,

staff and parents to re-inforce school-wide expectations and a climate of respect and inclusion.

- 3) **Document all allegations of bullying.** Within two school days of receiving a report of bullying, the Principal/Designee will document the allegation in the District student information system as a general incident report and document all notifications made.
- 4) **Conduct an investigation.** The Principal and/or a designee, who is knowledgeable about bullying prevention and intervention, shall perform the investigation. For guidance, contact the Law Department at (773) 553-1700.
Investigation of reported bullying shall be initiated within 5 school days of receipt of a report, documented within the incident report in the District student information system, and completed within 10 school days, unless the Principal grants in writing an additional 5-day extension due to extenuating circumstances. The Principal/Designee shall document the extension in the investigation report and shall notify the parties involved.

The investigation shall include:

- a) Identifying all involved parties, including the student(s) alleged to have engaged in the bullying behaviors, alleged target(s) and bystander(s), as well as any adult who witnessed the incident or may have reliable information about it.
 - b) Conducting an individual interview in a private setting with all involved parties. The alleged target should never be interviewed in public or with the student(s) alleged to have engaged in bullying.
 - c) Determining how often the conduct occurred, any past incident or continuing pattern of behavior, and the impact of the behaviors on the targeted student's education.
 - d) Assessing the individual and school-wide effects of the incident relating to safety.
- 5) **Make a determination whether allegations of bullying are substantiated or not and document determination.** The Principal/Designee shall consider whether the four elements of the bullying definition are met, or if all four elements of bullying are not present, whether the behavior qualifies as another inappropriate behavior listed in the SCC. When the investigation is complete, the Principal/Designee shall ensure the investigation and findings (whether the report of bullying is substantiated or not substantiated) are documented in the District student information system. If the investigation determines a student engaged in bullying behaviors and/or other inappropriate behaviors listed in the SCC, the Principal/Designee shall prepare a Misconduct Report.
 - 6) **Notify all involved parties of the outcome of the investigation.** Within one day of making a determination, the Principal/Designee shall notify, in writing, the parents/legal guardians of all students involved of the outcome of the investigation. Parents/legal guardians of the students who are parties to the investigation may request a personal conference with the Principal/Designee to discuss the investigation, the findings of the investigation, the actions taken to address the reported incident of bullying, and any resources available in or outside the school to help the students address the underlying reasons for the bullying.



When communicating incidents of bullying to the targeted student's parent/guardian, the Principal/Designee should consider whether the student may want to keep certain information confidential. For example, if a student is bullied after coming out as gay, the Principal/Designee shall not disclose the student's sexual orientation to the parent/guardian without the student's permission, unless there is a legitimate, school-related reason for doing so.

If the investigation determines a student engaged in bullying behaviors, the Principal/Designee shall provide the Misconduct Report to the parent/legal guardians of the student who engaged in the behaviors. The Principal/Designee may advise the parent/legal guardian of other involved students that the Student Code of Conduct was followed. They may not advise them of specific consequences imposed, as that would violate the confidentiality of school-record information required by law.

D. Determining an Appropriate Response

The goal of the response is to ensure the targeted student feels safe and welcome, and the student engaging in bullying behaviors understands the harm they caused and changes their behavior. For guidance in determining an appropriate response, contact the Office of Social & Emotional Learning at (773) 553-1830, or see cps.edu/SEL.

- 1) **Identify school risk factors and ensure a universal strategy for school climate improvement and social and emotional development.** Assess and address any issues in supervision, expectations, relationship-building, and emotional learning.
- 2) **Support the targeted student.** Assign school staff to create and implement a plan that will restore a sense of safety for the targeted student and other students who have been impacted. Determine any other interventions that may be appropriate.

If the targeted student has a disability, the school shall convene the IEP Team to determine whether additional or different special education or related services are needed to address the student's individual needs and revise the IEP accordingly. For example, if the student's disability affects social skill development or makes the student vulnerable to bullying, the Principal/Designee shall ask the student's IEP Team to consider whether the IEP should include provisions to reduce vulnerability to bullying.

- 3) **Determine interventions and/or consequences that address the root cause of the students' bullying behaviors.** Consider the nature of the behavior, the developmental age of the student, and the student's history of problem behaviors and performance. Follow the Student Code of Conduct and the *Guidelines for Effective Discipline*, and identify opportunities to teach, build empathy, and repair harm. While suspensions may be necessary in some cases to ensure the safety of the targeted student, keep in mind that suspending or expelling students who bully does not reduce bullying behavior.

If the student who engaged in bullying behavior is a student with a disability, the school shall convene the IEP Team to determine if additional supports and services are needed to address the inappropriate behavior and develop the student's social and emotional skills. The team may also consider examining the environment

in which the bullying occurred to determine if changes to the environment are warranted. For example, the IEP Team should consider a behavior intervention plan for the student or review a current behavior intervention plan and revise if necessary. The Principal/Designee shall comply with the Procedural Safeguards for Discipline of Students with Disabilities/Impairments when considering interventions and consequences for students with disabilities.

Contact the Office of Social & Emotional Learning for school-wide climate and skill-building practices that prevent bullying, and the CPS Law Department for more information about the appropriate and legal consequences for student misconduct.

- 4) **For incidents that impact the larger school community, provide opportunities in safe, structured environments for affected students, staff, and/or parents to speak about the incident, its impact, and what is needed to repair the harm.**

E. What Not To Do

- Solicit an apology from the student who engaged in bullying to the targeted student or mandate a public apology, use peace circles, victim/offender conferences, or any form of mediation that puts the student who engaged in bullying in contact with the targeted student in an immediate attempt to resolve the bullying. Restorative measures may be helpful to repair relationships between the student who engaged in bullying and targeted student, but only if used after other interventions have balanced the power differential between the perpetrator and target.
- Dismiss bullying as typical student behavior or assume it is not serious.

Appeal

Any party who is not satisfied with the outcome of the investigation may appeal to the Office of Student Protections and Title IX, or OSP (telephone: 773 535-4400), within 15 calendar days of notification of the Principal's decision. OSP shall render a final determination in accordance with the timeline and procedures set out in the anti-bullying appeal guidelines established by OSP. OSP may return the incident to the Network Chief, Principal or their designees for further investigation or reconsideration of the consequence(s), direct the imposition of other consequence(s), or deny the appeal. OSP shall notify the party requesting the appeal and the Principal that its decision is final and shall document that notification in the Incident Report in the District student information system.

Consequences for CPS Employees and Contractors

When it is determined that an employee or contractor was aware that bullying and Bias-based and discriminatory behavior was taking place but failed to report it, the employee/contractor will be considered to have violated this Policy. The Principal shall consider employee discipline for such violations, making reference to any applicable collective bargaining agreement. Remedies for offending contractors should be imposed according to their Board contracts.



Notice and Dissemination of Requirements

Principals shall follow the requirements established by the Office of Social & Emotional Learning for posting this Policy on the school's website, in the school building as well as disseminating and presenting this Policy to school staff as part of pre-school-year professional development.

Training and Professional Development

Staff

Professional development will be offered to build the skills of all CPS employees, contractors and volunteers to implement this Policy. The content of such professional development shall include, but not be limited to:

- 1) Developmentally appropriate strategies to prevent incidents of bullying and Bias-based and discriminatory behavior and to intervene immediately and effectively to stop them;
- 2) Information about the complex interaction and power differential that can take place between and among a perpetrator, target, and witness to the bullying and Bias-based and discriminatory behavior;
- 3) Research findings on bullying, including information about specific categories of students who have been shown to be particularly at risk, and any specific interventions that may be particularly effective for addressing Bias-based bullying; and
- 4) Information about Internet safety issues as they relate to cyberbullying.

Student Internet Safety Education

In accordance with the Board's Internet Safety Policy (<http://policy.cps.edu/download.aspx?ID=261>), each school shall incorporate into the school curriculum a component on Internet safety to be taught at least once each school year to all students. The Chief Officer of Teaching and Learning or designee, shall determine the scope and duration of this unit of instruction and topics covered. At a minimum, the unit of instruction shall address: (a) safety on the Internet; (b) appropriate behavior while online, on social media platforms and in chat rooms; and (c) cyberbullying awareness and response. The age-appropriate unit of instruction may be incorporated into the current courses of study regularly taught. Schools shall satisfy the documentation requirements established by the Chief Officer of Teaching and Learning or designee to ensure compliance with this curricular requirement.

addressing bullying and bias-based behavior policy

attachment A

Chicago Public Schools Form for Reporting Bullying and Retaliation

NOTE: The reporter may remain anonymous, but no discipline will be imposed based solely upon an anonymous report.

Please submit this report to the principal or any school staff member. You may also call the Parent Support Center (773 553-3772) or email BullyingReport@cps.edu to make a report.

Victim or Target Information

School: _____

Name(s) and grade(s) of Victim/Target:

Reporting Information (*Optional for students/parents/guardians)

Name & Title of Person Reporting: _____

Relationship to Victim/Target: _____

Phone: _____ Email Address: _____

Incident Information

Name(s) of student(s) accused of engaging in bullying behaviors OR description (if name(s) unknown):

Location of incident: _____

Date and time of incident: _____

Approximate dates, times, and frequency of prior incident(s): _____

Describe what happened and who was present in as much detail as possible

(*Required Information): _____

Date of submission: _____

