



Chicago Public Schools
Equal Opportunity Compliance Office (EOCO) Procedure Manual
Effective: November 16, 2022
Version 2.0 - Last Revised on 11.16.22

Table of Contents

I. Introduction

- A. Purpose
- B. Title IX Complaints

II. Definitions

III. Reporting Procedures

- A. Scope of Complaints
- B. Complaints Against Contractor, Consultant, and Vendor Staff
- C. Complaints Against Contractor, Consultant, and Vendor Staff
- D. Complaints by Employees, Contractors, Consultants, Vendors, Volunteers and Members of the Public against CPS Covered Individual Adults
- E. Complaints by Members of the Board of Education of the City of Chicago or Local School Council Members
- F. Timely Reporting
- G. Supervisor Handling, Confirmation, and Reporting
- H. School Department's Involvement
- I. Amnesty
- J. Request Not To Investigate
- K. Student Refusal to Participate in Investigation
- L. Supportive Measures

IV. Case Procedures

- A. Information and Advice
- B. Report
- C. Complaint
- D. Timely Investigation
- E. Alternative Resolution
- F. Law Department Referral

V. Limitations

I. INTRODUCTION

A. Purpose: This Equal Opportunity Compliance Office (EOCO) Procedure Manual is incorporated into the Board's [Comprehensive Non-Discrimination, Harassment, Sexual Harassment, Sexual Misconduct And Retaliation Policy](#) approved by the Board on September 23, 2020. The purpose of this EOCO Procedure Manual is to outline the procedures for the prompt and equitable resolution of adult-to-adult or student-to-adult complaints alleging discrimination, harassment, or retaliation based on race or ethnicity, ethnic group identification, ancestry, nationality, national origin, religion, color, mental or physical disability, age (40 and above), immigration status, marital status, registered domestic partner status, genetic information, political belief or affiliation (not union-related), military status, unfavorable discharge from military service, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics in the educational programs or activities the Board operates.

B. Title IX Complaints: This EOCO Procedure Manual does not apply to the resolution of adult-to-adult, adult-to-student, student-to-student, or student-to-adult complaints alleging sex or gender-based discrimination, harassment, sexual misconduct, or retaliation in violation of Title IX of the Education Amendments of 1972. Such complaints will be handled in accordance with the Office of Student Protections and Title IX (OSP) Title IX Procedure Manual ([Click Here](#))

II. DEFINITIONS - Refer to the [Comprehensive Non-Discrimination, Harassment, Sexual Harassment, Sexual Misconduct And Retaliation Policy](#).

III. REPORTING PROCEDURES

A. Scope of Complaints: Complaints should be made by those who:

1. Believe they are the target of discrimination and/or harassment;
2. Believe that they have been retaliated against for making a good faith complaint of discrimination and/or harassment or for participating or aiding in an investigation of such complaints; or
3. Have knowledge of discrimination, harassment or retaliation against another person.

B. Emergencies: If the situation you are reporting involves an emergency health or safety issue, please contact emergency services at 9-1-1.

C. Complaints Against Contractor, Consultant, and Vendor Staff: Complaints made against employees of contractors, consultants and vendors will be addressed by their organization's internal investigation process. However, Covered Individual adult complainants can still reach out to EOCO to connect them with the appropriate office and to provide them with supportive measures.

D. Complaints by Employees, Contractors, Consultants, Vendors, Volunteers, and Members of the Public against CPS Covered Individual Adults shall be made to:

1. The Principal or the Assistant Principal of the school in which the Complainant works;
2. The department head of the Complainant's office, including the Network Chief if the Complainant is a Principal; or
3. The EOCO Director or EOCO Investigators at:
 - Equal Opportunity Compliance Office Board of Education of the City of Chicago
 - Phone: 773-553-1013 Email: eoco@cps.edu

E. Complaints by Members of the Board of Education of the City of Chicago or Local School Council shall be made to:

1. The Principal or the Assistant Principal of the school in which the local school council member serves; or

2. The EOCO Director or EOCO Investigators at:

- Equal Opportunity Compliance Office Board of Education of the City of Chicago

Phone: 773-553-1013 Email: eoco@cps.edu

F. Timely Reporting: Complaints of discrimination, harassment or retaliation shall be made within ninety (90) calendar days of the discrimination, harassment or retaliation. The ninety (90) day reporting requirement shall be applied, except when the EOCO determines that a waiver of the ninety (90) day reporting requirement is appropriate based on existing circumstances.

G. Supervisor Handling, Confirmation and Reporting: Any Principal, Assistant Principal or department head, including Network Chiefs, receiving an oral or written complaint alleging discrimination, harassment or retaliation by an employee, contractor, consultant, vendor, volunteer, or the public *must* refer it to the EOCO for handling immediately and no more than three (3) calendar days following receipt or knowledge of the allegations.

1. Written Complaint: If the allegation from the Complainant is in writing, that document must be submitted to the EOCO and entered into Aspen.

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

- Guidance for Principals, Assistant Principals or department heads, including Network Chiefs, to ensure the integrity and confidentiality of a complaint:
 - Mark the documents “Confidential” when sending the allegations summary to the EOCO via email.
 - Only send the allegations summary to the EOCO, and not to the parties involved or any other third parties.
 - The allegations summary shall not be disclosed to either party or to any third party unless required by law.

H. School/Department's Involvement: No school-based or department-based investigation or discipline may be initiated or imposed regarding allegations of discrimination, harassment, or retaliation by an employee, contractor, consultant, vendor, volunteer, or the public until the EOCO has been contacted and have determined next steps.

I. 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 or illicit drug distribution.

J. 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.

K. 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.

L. Supportive Measures: In all incidents, the District will coordinate with schools/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 complaint or where no 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 Districts' educational environment, or deter harassment, sexual harassment, discrimination, retaliation or other conduct covered herein. Available supportive measures include, but are not limited to, the following:

- Provide Check-In Supports
- Referral to the Employee Assistance Program (**Magellan/Employee Assistance Program:** 1-800- 424-4776; Website: <https://www.magellanascend.com/>)
- **Safety Plan and No Contact Orders:**
 - A Safety Plan is a plan designed to provide special safety supervision to the parties. The plan includes specific interventions which targets concerning behavior in order 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.
 - 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.
 - If a Safety Plan and/or 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.
 - Limited Contact Order is a directive by the District limiting contact to work-related functions and assignments only. The Order prohibits private contact.
 - Regardless of the outcome of a case, a continued Safety Plan and/or 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](#).
- 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), and Safety and Security to explore additional options of removal or placement.
 - 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
 - (i) Provide the student respondent with written notice of the emergency removal; and

- (ii) Provide an opportunity for the student respondent to challenge the decision immediately following notice of the removal.
 - 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 may 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. Information and Advice: Covered Individuals and members of the public may contact the EOCO to seek advice, information or counseling on matters related to discrimination, harassment and retaliation, and options available under the Policy and this Procedure Manual. The EOCO does not provide legal advice nor act as counsel for any private right of action.

B. Report:

1. A report is the initial contact with EOCO. A report may be received by telephone, email, mail or the completion of an online form. Upon receipt of a report, an EOCO staff member will review the information and determine appropriate next steps.
2. EOCO staff members may contact the reporter for additional information, to sign a complaint form or provide more information.

C. Complaint:

1. **Signed Complaint** - When the EOCO receives a complaint, the EOCO may request that the Complainant sign a complaint form.
2. **Unsigned Complaint or No Complainant** - The EOCO will take appropriate actions regarding allegations of discrimination, harassment, retaliation or other violations of the Policy even if there is no signed complaint. The EOCO may investigate allegations of discrimination, harassment, retaliation or other violations of the Policy even if a Complainant chooses not to pursue the matter. The EOCO may initiate investigations where there is no Complainant.

D. Timely Investigation:

1. After receipt of a complaint, EOCO will confirm receipt of the complaint.
2. When an EOCO Investigator is assigned, EOCO will contact the Complainant to explain the investigative process, clarify the complaint if necessary, and inform the Complainant that if any of the allegations are substantiated and the Board seeks to discipline the Respondent for violation of this Policy or another Board Policy, the Complainant may be called to testify at subsequent disciplinary or other court proceedings. During the investigation, the EOCO may take supportive measures to ensure the safety of all parties. The EOCO will schedule an interview with the Complainant and obtain from the Complainant the identity of witnesses and any other evidence the Complainant chooses to submit in support of their allegations. The EOCO will schedule interviews with relevant witnesses and will review relevant documents and any other relevant evidence provided by any party and/or witness.
3. **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.
4. 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. EOCO may extend the time for an investigation for good cause, with written notice to the parties.

5. At the conclusion of the investigation, the Investigator will prepare and issue an Investigative Findings and Report containing a synopsis of the evidence and whether the allegations are substantiated or unsubstantiated. An Investigator will render a determination of responsibility based upon a preponderance of the evidence standard. At the discretion of the EOCO, the EOCO may recommend corrective action, even if the reported conduct is unsubstantiated. Corrective action is a non-disciplinary training provided to parties and/or witnesses when it is determined that it would be beneficial to review policies, procedures, or other rules that govern the conduct of Covered Individuals. Both the Complainant and the Respondent will receive notification of the investigation outcome.

6. The EOCO findings are final, unless the EOCO determines that a procedural error occurred or new information exists that would substantially change the outcome.

7. Complainants may pursue their right to file a complaint with any external agency that has subject matter jurisdiction, referenced in Section V herein, at any time they deem appropriate.

8. Nothing herein prevents a Complainant from amending a complaint to include new allegations, or from submitting multiple complaints on unrelated incidents.

E. Alternative Resolution:

1. An alternative resolution is available to the parties once a complaint has been filed and any time prior to a determination. Alternative 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 or the Respondent is willing to accept responsibility for a violation. 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:
 - The reported misconduct/allegations;
 - 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;
 - The right of the parties to withdraw from the informal resolution process and resume the formal grievance process;
 - 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
 - Whether the resolution will be binding on the parties.
- It is not necessary to pursue Alternative Resolution first in order to pursue the formal process of a complete investigation, and any party participating in Alternative Resolution can stop the process at any time and request a complete investigation.
- Prior to implementing Alternative Resolution, the District will obtain voluntary, written confirmation that the Complainant and Respondent wish to resolve the matter through Alternative Resolution.
- When the allegations involve serious misconduct or a pattern of employee misconduct, the District may be unable to honor a request for confidentiality and/or alternative resolution.

F. Law Department Referral - Disciplinary Determination - In cases where the EOCO substantiates the allegations, the EOCO Director or EOCO Investigator will submit an Investigative Report to the Law Department for the Law Department to determine appropriate disciplinary action.

V. Limitations: Nothing in this EOCO Procedure Manual is intended nor shall be construed to create a private right of action against the Board or any of its employees. Furthermore, no part of this Procedure Manual shall be construed to create contractual or other rights or expectations. Nothing herein is intended to affect the right of any person to file a charge or complaint of discrimination, harassment or retaliation with any agency with jurisdiction over such charge or complaint. Time limits for filing such complaints vary.

Appendix A: Student Rights in Investigations

When the Office of Student Protections & Title IX (OSP) learns about something that might be negatively impacting a student in a way that is sexual, we will do an investigation. As part of that investigation, we talk with students involved to hear their side of the story and what happened. After that, we decide if something happened, and if it did, we will let your school know and they will respond. Below are your rights 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 have a support person you choose in the room with you.
- 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 access the information gathered during the investigation and the evidence that will be used to make a determination.
- You have a right to know the outcome of the investigation.
- You have a right to ask for a review of the outcome 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 for the process to respect the confidentiality and reputation of all parties to the extent possible.
- 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 obtain notification of the time frames for all major stages of the investigation.
- 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/recordings, please respond as outlined below.

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

To Respond:

1. Call the Chicago Police Department (CPD) at 312-492-3810 for next steps
 - CPD will either (1) instruct you to ask the student to delete the image, or (2) instruct you to take the phone until they retrieve the phone.
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		
<p style="text-align: center;"><u>Important Phone Numbers:</u> Chicago Rape Crisis Hotline - 888-293-2080 Illinois Domestic Violence Hotline - 877-863-6338 (877-TO END DV) Illinois Department of Children and Family Services (IDCFS) - 800-252-2873 (800-25ABUSE) Office of Student Protections & Title IX - 773-535-4400</p>		
AGENCY	DESCRIPTION	CONTACT INFORMATION
CPS Employee Assistance Program	Employees of Chicago Public Schools may receive free employee assistance programs through Magellan , including: legal, financial, and mental health services.	800-424-4776 (800-4-CHIPSO) https://www.magellanassist.com/default.aspx
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 http://www.chicagocac.org/
YWCA of Metropolitan Chicago	Sexual violence support services, including counseling, case management, and advocacy, including for non-offending family members, as well as prevention education at multiple locations.	312-372-6600 https://ywcachicago.org/
Resilience (formerly Rape Victim Advocates)	Free trauma therapy, medical, and legal advocacy related to sexual violence at multiple locations	312-443-9603 https://www.ourresilience.org/
Mujeres Latinas En Acción	Free bilingual/bicultural individual counseling and therapy for domestic and sexual violence.	773-890-7676 https://mujereslatinasenaccion.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 https://www.yos.org/
Between Friends	Domestic violence multilingual counseling and support services, teen relationship education, and court advocacy. Confidential location.	800-603-4357 https://www.betweenfriendschicago.org/
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 https://garfieldparkhospital.com/
Apna Ghar	Sexual and domestic violence services focused on crisis response, counseling, and advocacy for	773-334-4663 http://www.apnaghar.org/

	immigrants. Uptown and Skokie.	
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 http://www.kanwin.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 https://www.luriechildrens.org/en/specialties-conditions/gender-identity-children/
Broadway Youth Center	A safe haven for LGBTQ youth. Health clinic, drop-in services, counseling and resource advocacy. Uptown.	773-388-1600 https://howardbrown.org/service/broadway-youth-center/
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. Loop.	312-408-1210 https://life-span.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 http://www.alongwalkhome.org/
Illinois Safe School Alliance	Promotes healthy development for LGBTQ youth in IL schools through advocacy, education and youth organizing.	312-629-2988 https://www.ilsafeschools.org/
Illinois Caucus for Adolescent Health	Engage youth and communities through peer education around sexual health and reproductive justice.	312-427-4460 https://www.icah.org/
Chicago Alliance Against Sexual Exploitation	Individualized legal advice, consultation, and representation following and related to sexual assault.	773-244-2230 https://www.caase.org/