



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

**Effective November 16, 2022  
Version 4.0**



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## I. INTRODUCTION

- A. Purpose:** This **Office of Student Protections & Title IX (OSP) Title IX 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 July 22, 2020. The purpose of this OSP Procedure Manual is to outline the procedures for the prompt and equitable resolution of complaints alleging sex/gender-based discrimination, sex/gender-based harassment, sexual harassment, harassment, sexual misconduct and retaliation, all of which are prohibited by Board Policy 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](#) and [Domestic Violence, Dating Violence and Court Orders of Protection, Restraint or No Contact, Addressing Bullying and Bias-Based Behavior](#)) and student policies ([Student Code of Conduct](#), [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 sex/gender-based discrimination, sex/gender-based harassment, sexual harassment, sexual misconduct and retaliation and ensuring compliance with Title IX. In addition, OSP investigates allegations of physical abuse, corporal punishment and bias-based harm. OSP works with schools to receive reports/complaints, investigate incidents, provide supportive measures, and long-term remedies as needed. OSP also provides connections to counseling and advocacy, as well as 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 IX and sexual misconduct incidents as well as Biased-Behavior incidents.
- **OSP** can be reached at **773-535-4400** and [osp@cps.edu](mailto:osp@cps.edu).
- C. Office of Inspector General (OIG):** OIG is responsible for conducting the investigation of sex/gender-based harassment, sexual harassment, sexual misconduct, and retaliation allegations involving student complainants against Covered Individual Adults. The OIG conducts independent investigations and issues its findings, and the OIG coordinates with OSP in ensuring that students are receiving appropriate supports and in ensuring compliance with Title IX, the Non-Discrimination Policy and this Procedure Manual.
- **OIG** can be reached at **833-TELL-CPS**.
- D. The Equal Opportunity Compliance Office (EOCO):** EOCO is located within OSP and is responsible for conducting investigations into allegations of sex/gender-based discrimination, sex/gender-based harassment, sexual harassment, sexual misconduct and retaliation; as well as all allegations of discrimination, harassment, and retaliation based on a Covered Individual Adult's actual or perceived membership in a Protected Category. **EOCO** can be reached by phone at: **773-553-1013** or by email to: [eoco@cps.edu](mailto:eoco@cps.edu).

- E. Title IX of the Education Amendments of 1972 (Title IX):** As a school district receiving federal financial assistance, **Title IX** 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](http://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](mailto: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 and may occur on or off the school grounds or assigned work location.
- D. Consent is defined as:**
- **Informed.** A person must understand the who, what, when, where and nature of the activity;
  - **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;
  - **Voluntary.** Freely given without the use of force, coercion, manipulation, or threats;
  - **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
  - **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:**
- They are incapacitated from voluntary or involuntary drug or alcohol use;
  - They are asleep or unconscious;

- They have a physical, developmental or cognitive difference that prevents them from understanding what is happening;
  - 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
  - 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. Examples include the deliberate use of physical force with a student (e.g., slapping, hitting, pushing, shaking, twisting, pinching, choking, swatting, head banging, or other physical contact; using any type of object or instrument that has contact with a student) or conduct that does not result in the 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 time out 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 who are free from conflicts of interest and biases and 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 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 and the Non-Discrimination Policy.
- J. 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)
- K. 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](#).

- L. Respondent:** The person accused of causing harm.
- M. 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 the Inspector General.
- N. 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.
- O. 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.

**P. 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.

- Q. Sexual Harassment (Illinois Human Rights Act):** Any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when:
- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment,
  - submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
  - 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.
- R. 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**, defined as:
    - **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**, defined as: 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:
  - Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
  - Dating violence does not include acts covered under the definition of domestic violence.
- **Domestic Violence**, defined as: a felony or misdemeanor crime of violence committed:
  - By a current or former spouse or intimate partner of the complainant;
  - By a person with whom the complainant shares a child in common;
  - By a person who is cohabitating with, or has cohabitated with, the complainant as a spouse or intimate partner;
  - By a person similarly situated to a spouse of the complainant under the domestic or family violence laws of Illinois; or
  - 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**, defined as: engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
  - Fear for the person's safety or the safety of others; or
  - Suffer substantial emotional distress.

For the purposes of this definition:

- 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.
- 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.

**S. Sexual Misconduct** is 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 seven (7) categories to further breakdown 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.

- **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.
- **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:
  - placing the student in reasonable fear of harm to the student's person or property;
  - causing a substantially detrimental effect on the student's physical or mental health;
  - substantially interfering with the student's academic performance; or
  - 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.
- **Sexual Violence:** Sexual conduct, or attempted sexual conduct that occur without the consent of one or more parties, that may or may not involve the use of implicit or implied force. This includes any unwelcome oral, anal or vaginal penetration, however slight, with any object by a person upon another person.
- **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.

T. **Verbal Abuse:** Negative oral or written communication, including via electronic means, or threatening language directed at students, with or without profanity.

### III. REPORTING AND INTAKE PROCEDURES

#### A. Mandatory Reporting Requirements

- **Covered Individual Adults Reporting of Sex/Gender-Based Discrimination, Sex/Gender-Based Harassment, Sexual Harassment, Sexual Misconduct and Retaliation:**
  - All [Covered Individual Adults](#) are required to report to the Chief Title IX

Officer, the District's Title IX Coordinator, all sex/gender-based discrimination, sex/gender-based harassment, sexual harassment, sexual misconduct and retaliation concerns they become aware of in the scope of their role, whether it involves students, adults, or conduct between adults and students.

- Covered Individual Adults must follow the reporting procedures outlined below for all incidents of sex/gender-based discrimination, sex/gender-based harassment, sexual harassment, sexual misconduct, and retaliation of which they become aware. Failure to report may result in discipline/sanctions, up to and including termination and removal from and prohibiting access to District premises.
  - Failure of Covered Individual Adults to report harassment, discrimination, or retaliation that they are experiencing or have experienced is not a policy violation.
- **Mandated Reporting of Child Abuse:**
- 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.
  - "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.

- 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.
- **Title IX and Sexual Misconduct Mandatory Reporting Procedure:** A [Covered Individual Adult](#) must take the following steps upon receiving a report:
  - Ensure the safety and well-being of the party disclosing to you.
  - **If it is an emergency**, per the Student Code of Conduct, **notify 911**.
  - **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)**.
  - Notify your school principal.
  - For additional information, see the “[Mandated Reporting of Child Abuse](#)” section above.
  - Notify **OSP immediately**.
    - **District Schools:** Fill out an Aspen report and answer the two questions related to sexual misconduct.
      1. Does this alleged incident involve a student or adult, sex/gender-based discrimination, sexual harassment (including sexual assault, dating violence, domestic violence, and stalking), sexual misconduct, or retaliation?
      2. Does this alleged incident involve adult on student behavior? For the purposes of this question, adult shall mean a staff member (part or full time), employee of a vendor, LSC member, school-affiliated individual, or volunteer.
    - **Charter Schools:** Fill out a report using the [Online Report Form](#) on the [OSP Website](#).
  - **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](mailto:osp@cps.edu).**
- **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, **773-553-1013** or [eoco@cps.edu](mailto: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 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 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 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 whether or not the report falls under Title IX.

- 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.
- When appropriate, OSP/EOCO will forward matters to OIG for review.

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

■ **Formal Complaint:** In reports falling under Title IX sexual harassment a formal complaint, which is a written document filed by a complainant (parents/guardians have the right to act on behalf of the student) or signed by the Title IX Coordinator alleging a Title IX sexual harassment violation against a respondent, must be filed to request that the District investigate the allegation.

■ 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](#):

- OSP - Mail: 110 N. Paulina Street, Chicago, IL 60612; Phone: 773-535-4400; Email: [osp@cps.edu](mailto:osp@cps.edu)
- EOCO - Mail: 110 N. Paulina Street, Chicago, IL 60612; Phone: 773-553-1013; Email: [eoco@cps.edu](mailto:eoco@cps.edu)
- 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](mailto:osp@cps.edu)

■ When a complaint involves a Covered Individual Adult respondent and a student complainant, the Title IX Coordinator or designee will, absent extenuating circumstances, move forward with filing a formal complaint. The Title IX Coordinator (or designee) will respect the complainant's wishes with respect to whether to investigate unless the Title IX Coordinator determines it is necessary to pursue the complaint in light of a health or safety concern for the community.

■ **Dismissal of a Formal Title IX Sexual Harassment Complaint:**

- **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.
- **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.
- **Dismissal Notification and right to appeal:** Both parties will receive simultaneous notification of complaint dismissal from the Dismissal Determination Decision-Maker and have the opportunity to appeal the dismissal determination according to the [appeals section below](#).
- *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. 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 Sexual Harassment, Sexual Misconduct, Retaliation, and any other conduct or Harassment of a sexual nature by Covered Individual Adults against a 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 students, families and schools any assistance they require 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/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 Districts' 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 (**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.
  - 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](#).
- 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), 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
    - 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.
  - 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 sex/gender-based discrimination, sex/gender-based harassment, sexual harassment, sexual misconduct, and/or retaliation. All relevant reporting and investigative steps are documented in the District's Guardian Case Management Software System.
  - **Special Consideration:** When responding to 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, 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, after an alleged incident of sexual abuse is accepted for investigation by the Department of Children and Family Services or a law enforcement agency, an alleged impacted party will not be interviewed by the District 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 expected to be conducted.

**B. Informal Resolution of all Complaints (Title IX and non-Title IX):** An informal resolution is available to the parties once a formal complaint has been filed and any time prior to a determination being made for a Title IX sexual harassment complaint and at all times for complaints falling outside of Title IX. *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 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 Informal Resolution first in order to pursue the formal 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 confidentiality and/or informal resolution.

**C. Notification of Allegations and Interview to the Parties Following a Formal Title IX Complaint:** The District will provide written notice of allegations and interviews to the parties, including to parent(s)/guardian(s) exercising the right of a party 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 formal notice again to include the additional allegations, copying all parties.

- **Notification of Allegation(s)** 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** 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.
  - The notice will include the following:
    - Date;
    - Time;
    - Location;
    - Participants; and
    - Purpose of the investigative interview or meeting.
  - 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 Interviews may, at the District’s discretion, be combined into one notice containing all required information.**

**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).
  - **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.**

- Each investigation will include the following steps, though not necessarily in this order:
  - Interviewing all parties and witnesses (to include watching recorded forensic interviews when available) and conducting follow-up 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, 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 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;
  - In cases falling under Title IX Sexual Harassment:
    - Writing a comprehensive final investigative report fully summarizing the investigation, all witness interviews, and addressing all relevant inculpatory and exculpatory evidence;
    - A decision-maker reviewing all of the material, rendering a determination of responsibility based upon a preponderance of the evidence standard.
- 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.
- **Investigative Report:** Investigations conducted by OSP, OIG and EOCO will result in an investigative report that fully summarizes the investigation, all witness interviews, and addresses all relevant inculpatory and exculpatory evidence. Investigative reports falling under Title IX sexual harassment will be shared with the parties and their advisors by the investigator pursuant to the requirements of the Title IX Regulations. Prior to completion of the Title IX sexual harassment investigative report, 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:** CPD and DCFS investigations are separate from OSP and OIG investigations, and they may be complementary or simultaneous. A call to CPD and/or DCFS does not suffice a call to OSP and/or OIG, and vice versa.
  - **Non-Title IX Investigations:** Many investigations conducted by the OIG Sexual Allegations Unit (SAU), 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 investigations. Further, OIG, OSP, and EOCO investigations that were initially designated as Title IX investigations but subsequently dismissed under Title IX (see Section III (E) above) will no longer be subject to those procedures, as of the date of dismissal.

■ **OIG Investigations:**

- The following are principles and standards of OIG SAU investigations and procedures for non-Title IX investigations.
  - Fair and Impartial Investigations: The OIG 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.
- **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 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.
- **Reporting to the Board:** The OIG issues reports of its findings and recommendations in a non-Title IX investigation to the Board, OSP and other CPS administration members which can then respond to the report as it determines appropriate.
- **Corrective Action By the District Following an OIG Report:** Employees, Vendors and Volunteers may be subject to appropriate corrective action following a non-Title IX investigation and report:
  - **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 including debarment.

- **Volunteers:** The CPS Law Department will coordinate with the appropriate individual(s) within CPS 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.
- **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.
- **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. Regardless of the outcome of the investigation, the District will take steps to prevent the recurrence of sexual harassment, as well as 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 Determination 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, and allow for additional, limited follow-up questions from each party. The Determination 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 Determination Decision-Maker will issue a written determination regarding responsibility using the preponderance of the evidence standard.

- 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 bases upon which the parties may appeal.

- **Cases falling outside of Title IX - Written Outcome Determinations** - The parties will receive a written outcome determination letter regarding responsibility using the preponderance of the evidence standard.
  - **OSP and School-Based Investigations:** Both parties will 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.
  - **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, 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.
  - **OIG Investigations:** Investigations are forwarded to the CPS Law Department and OSP. 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.

**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 [Non-Discrimination Policy](#).

- **Students:** In Non-Title IX cases, the school is responsible for next steps regarding restorative actions and/or discipline for students. OSP can provide advice and guidance as necessary. In Title IX cases, the Title IX Determination Decision-Maker is responsible for next steps.
  - 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.
  - Discipline should be implemented immediately once the written determination/written outcome determination of an OSP or school-based investigation is communicated.
  - If a student has an IEP/504 plan, consultation with the District Office of Diverse Learning Supports & Services (ODLSS) Representative shall occur.
- **Employees:** Investigations into employee misconduct are forwarded to the CPS Law Department in non-Title IX cases and to the Title IX Determination Decision-Maker in Title IX cases for review and analysis. Employees who violate the Board's [Non-Discrimination Policy](#) 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](#) 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](#) are subject to their authorization to serve as a volunteer being rescinded.

**H. 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, not including appeals, within ten (10) calendar days which can be extended as necessary for appropriate cause by the Title IX Coordinator, with notice to the parties as appropriate.

## I. Appeal Procedures

### ■ Appeal Process for [Written Determination](#) and [Dismissal of a Formal Title IX Sexual Harassment Complaint](#):

- **Making an Appeal Request:** The Complainant and Respondent have the opportunity to appeal a written determination or dismissal of a formal Title IX sexual harassment complaint through a written request, within five (5) calendar days of receiving a written determination letter or notification of dismissal. Appeals can be made on any of the following grounds which must be articulated in the appeal:
  - A procedural irregularity that affected the outcome of the matter;
  - 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;
  - 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; and
  - The sanction is disproportionate to the violation.
- When exigent circumstances exist, limited extensions may be granted at the discretion of the District. Any party may submit their request in person or by mail to the office address listed below, or they may submit their request via e-mail to [ospappeals@cps.edu](mailto:ospappeals@cps.edu) with the subject line of “Appeal for [Student/Employee Name].”
  - Student Protections, Title IX, and the Equal Opportunity Compliance Office  
110 N. Paulina Street, Chicago, IL 60612  
Phone: 773-535-4400  
E-Mail: [ospappeals@cps.edu](mailto:ospappeals@cps.edu)
- Upon receiving an appeal, the Appeal Decision-Maker will notify each party in writing and give the parties an equal opportunity to submit a written

statement in support of, or challenging, the outcome. The response must be received within five (5) calendar days. All responses and appeals will be shared with all parties.

- Should the District receive an appeal that challenges the fairness of the investigation, the investigators, the decision-maker(s), or any hearing (as applicable) may be permitted to submit a response to the appeal or to the appeal response which will be shared with all parties.
- **Receiving a Decision on an Appeal:** The Appeal Decision-Maker shall render a determination within ten (10) calendar days of receiving the written request for appeal or within ten (10) calendar days of the response to the appeal (if applicable). 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.

**J. 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:
  - Relevant information related to the Complainant, Respondent and identified witnesses;
  - Name and title of the person who received the complaint;
  - Date, time, nature and location of reported incident;
  - Date the District became aware of the incident;
  - Date the Title IX Coordinator received notice of the incident;
  - Supportive measures and resources offered to the parties;
  - Final investigative reports;
  - Outcome notification letters provided to the parties; and
  - Disciplinary sanctions issued to individuals found in violation under these procedures.
- All materials used to train coordinators, investigators, decision-makers, and informal resolution facilitators with regard to sexual harassment.

**K. 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 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**

<b>RESOURCE GUIDE</b>		
<p style="text-align: center;"><u>Important Phone Numbers:</u>  <b>Chicago Rape Crisis Hotline</b> - 888-293-2080  <b>Illinois Domestic Violence Hotline</b> - 877-863-6338 (877-TO END DV)  <b>Illinois Department of Children and Family Services (IDCFS)</b> - 800-252-2873 (800-25ABUSE)  <b>Office of Student Protections &amp; Title IX</b> - 773-535-4400</p>		
<b>AGENCY</b>	<b>DESCRIPTION</b>	<b>CONTACT INFORMATION</b>
<b>CPS Employee Assistance Program</b>	Employees of Chicago Public Schools may receive free employee assistance programs through <a href="#">Magellan</a> , including: legal, financial, and mental health services.	800-424-4776 (800-4-CHIPSO) <a href="https://www.magellanassist.com/default.aspx">https://www.magellanassist.com/default.aspx</a>
<b>Chicago Children's Advocacy Center</b>	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 <a href="http://www.chicagocac.org/">http://www.chicagocac.org/</a>
<b>YWCA of Metropolitan Chicago</b>	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 <a href="https://ywcachicago.org/">https://ywcachicago.org/</a>
<b>Resilience</b> (formerly Rape Victim Advocates)	Free trauma therapy, medical, and legal advocacy related to sexual violence at multiple locations	312-443-9603 <a href="https://www.ourresilience.org/">https://www.ourresilience.org/</a>
<b>Mujeres Latinas En Acción</b>	Free bilingual/bicultural individual counseling and therapy for domestic and sexual violence.	773-890-7676 <a href="https://mujereslatinasenaccion.org/">https://mujereslatinasenaccion.org/</a>
<b>Youth Outreach Services</b>	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 <a href="https://www.yos.org/">https://www.yos.org/</a>
<b>Between Friends</b>	Domestic violence multilingual counseling and support services, teen relationship education, and court advocacy. Confidential location.	800-603-4357 <a href="https://www.betweenfriendschicago.org/">https://www.betweenfriendschicago.org/</a>
<b>Garfield Park Behavioral Hospital</b>	Behavioral health and psychiatric support to children and teens ages 3 to 17, including for problematic sexual behavior.	773-265-3700 <a href="https://garfieldparkhospital.com/">https://garfieldparkhospital.com/</a>

<b>Apna Ghar</b>	Sexual and domestic violence services focused on crisis response, counseling, and advocacy for immigrants. Uptown and Skokie.	773-334-4663 <a href="http://www.apnaghar.org/">http://www.apnaghar.org/</a>
<b>KAN-WIN</b> (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 <a href="http://www.kanwin.org/">http://www.kanwin.org/</a>
<b>Lurie Children's Hospital of Chicago</b>	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 <a href="https://www.luriechildrens.org/en/specialties-conditions/gender-identity-children/">https://www.luriechildrens.org/en/specialties-conditions/gender-identity-children/</a>
<b>Broadway Youth Center</b>	A safe haven for LGBTQ youth. Health clinic, drop-in services, counseling and resource advocacy. Uptown.	773-388-1600 <a href="https://howardbrown.org/service/broadway-youth-center/">https://howardbrown.org/service/broadway-youth-center/</a>
<b>Life Span</b>	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 <a href="https://life-span.org/">https://life-span.org/</a>
<b>A Long Walk Home</b>	Uses art to engage and empower adolescent girls around their experiences of violence in a variety of school-based programs.	877-571-1751 <a href="http://www.alongwalkhome.org/">http://www.alongwalkhome.org/</a>
<b>Illinois Safe School Alliance</b>	Promotes healthy development for LGBTQ youth in IL schools through advocacy, education and youth organizing.	312-629-2988 <a href="https://www.ilsafeschools.org/">https://www.ilsafeschools.org/</a>
<b>Illinois Caucus for Adolescent Health</b>	Engage youth and communities through peer education around sexual health and reproductive justice.	312-427-4460 <a href="https://www.icaah.org/">https://www.icaah.org/</a>
<b>Chicago Alliance Against Sexual Exploitation</b>	Individualized legal advice, consultation, and representation following and related to sexual assault.	773-244-2230 <a href="https://www.caase.org/">https://www.caase.org/</a>