

July 25, 2024

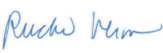
**RESCIND BOARD REPORT 22-0727-PO2 AND ADOPT A NEW FINAL INTERIM COMPREHENSIVE NON-DISCRIMINATION, HARASSMENT, ~~SEXUAL HARASSMENT, SEXUAL MISCONDUCT AND RETALIATION~~ POLICY AND AUTHORIZE THE COMMENCEMENT OF THE PUBLIC COMMENT PERIOD**

That the Board authorize the commencement of the Public Comment Period from July 26, 2024 to August 26, 2024 for the Policy described in the disposition table below. Pursuant to Board Rule 2-6(c), the Board must authorize the commencement of the Public Comment Period.

Current Policy Section/ Current Policy Title	New Policy Section/ New Policy Title	Description of Revision/Disposition
Board Report 22-0928-PO2, Policy 102.8A Comprehensive Non-Discrimination, Harassment, Sexual Harassment, Sexual Misconduct and Retaliation Policy	Comprehensive Non-Discrimination, Harassment, and Retaliation Policy	Adopt on an Interim Basis: Amend Policy Policy 102.8A Comprehensive Non-Discrimination, Harassment, Sexual Harassment, Sexual Misconduct and Retaliation This policy was amended as required by the federal government’s new Title IX regulations and the State of Illinois’ Racism Free Schools Act. Proposed changes include: - Clarification of scope of District’s response to sex-based harassment, based on Office of Civil Rights guidance; - Mandatory non-discrimination training requirement for employees, as required by Title IX; - Updated definitions and inclusion of examples of prohibited conduct, in compliance with Title IX and the Illinois Racism Free Schools Act. This policy is being adopted as an interim policy and authorized for public comment in order to comply with the federal government’s August 1, 2024 implementation requirement.

Approved as to Legal Form:

Approved:

DocuSigned by:  
  
56B562E0FFA44C9  
**Ruchi Verma**  
General Counsel

DocuSigned by:  
  
AA17786A4B2446C  
**Pedro Martinez**  
Chief Executive Officer

**THE CHIEF EXECUTIVE OFFICER RECOMMENDS:**

That the Chicago Board of Education (“Board”) amend Board Report 22-0928-PO2, Comprehensive Non-Discrimination, Harassment, Sexual Harassment, and Sexual Misconduct and Retaliation Policy and adopt on an interim basis, the amended Comprehensive Non-Discrimination, Harassment, and Retaliation Policy. This Policy must be adopted as an Interim Policy to ensure that the District is in compliance with the 2024 Title IX regulations regarding sex-based harassment, effective August 1, 2024. The policy will be subject to public comment following its adoption.

**PURPOSE:** The Board is committed to providing a safe and secure working and learning environment free from Discrimination, Harassment, ~~Sexual Harassment, Sexual Misconduct~~ and/or Retaliation, as these terms are defined in Section I in this policy, in any program or activity it conducts (as required by Title VI, Title VII, and Title IX) including admission and employment. It is the policy of the Board to maintain a safe and secure work and learning environment in which all individuals are treated with dignity and respect. Each employee, student, and all other Covered Individuals have the right to work and learn in an environment that is free of Discrimination, Harassment, ~~Sexual Harassment, Sexual Misconduct~~ and/or Retaliation. No person must endure Discrimination, Harassment, ~~Sexual Harassment, Sexual Misconduct~~ and/or Retaliation as a condition of employment or participation in any academic/educational program or activity. ~~Sexual~~ Discrimination, Harassment, and/or Retaliation are illegal under federal, state, and local law and prohibited by this policy. This includes, but is not limited to discrimination, harassment, and retaliation based on sex, race, color, shared ancestry and national origin.

This policy establishes procedures for the reporting, investigating and resolving complaints of Discrimination, Harassment, ~~Sexual Harassment, Sexual Misconduct~~ and/or Retaliation.

**POLICY TEXT:**

**I. DEFINITIONS Policy**

A. ~~Protected Categories:~~ An individual's actual or perceived sexual orientation, gender or sex (includes gender identity, gender expression, pregnancy, childbirth, breastfeeding, and pregnancy related medical conditions), race or ethnicity (includes hairstyles historically associated with race, ethnicity, or hair texture, including, but not limited to, protective hairstyles such as braids, locks, and twists), ethnic group identification, ancestry, nationality, national origin, religion, color, mental or physical disability, age, immigration or citizenship status, marital status, registered domestic partner status, genetic information, political belief or affiliation (not union related), military status, unfavorable discharge from military service, weight, height, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics, or any other basis protected by federal, state or local law, ordinance, or regulation.

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

C. ~~Harassment:~~ Unwelcome verbal, nonverbal, visual, or physical conduct that is based on an individual's actual or perceived membership in one or more of the Protected Categories, as defined in this policy, that is persistent, pervasive, or severe and objectively offensive and unreasonably interferes with, limits, or denies an individual's educational or employment access, benefits, or opportunities. Unwelcome conduct may include, but is not limited to, bullying, intimidation, offensive jokes, slurs, epithets or name calling, assaults or threats, touching, ridicule or mockery, insults or put downs, offensive objects or pictures, messages sent via email, text or social media, sexual advances,

~~requests for sexual favors, conduct of a sexual nature, or any other sex-based conduct.~~

~~D. **Sexual Harassment (Title IX):** Conduct on the basis of sex that satisfies one or more of the following:~~

~~(1) 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;~~

~~(2) 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~~

~~(3) "Sexual assault," defined as:~~

~~(i) **Sex Offenses, Forcible**—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 that person's 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.~~

~~(ii) **Sex Offenses, Nonforcible**—Nonforcible sexual intercourse:~~

~~—Incest—Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by Illinois law.~~

~~—Statutory Rape—Nonforcible 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)~~

~~(4) "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 this policy's definition of Domestic Violence.~~

(5) ~~“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;~~
- ~~\_\_\_\_\_ 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.

(6) ~~“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:~~

- ~~(i) \_\_\_\_\_ “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.~~
- ~~(ii) \_\_\_\_\_ “Reasonable Person” means a person under similar circumstances and with similar identities to the complainant.~~
- ~~(iii) \_\_\_\_\_ “Substantial Emotional Distress” means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.~~

~~E. \_\_\_\_\_ **Sexual Harassment (Illinois Human Rights Act):** Any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when:~~

- ~~(1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;~~
- ~~(2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or~~
- ~~(3) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.~~

~~F. \_\_\_\_\_ **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.~~

Examples of Sexual Harassment include: Touching an individual by massaging their back, neck or shoulders, hugging, kissing, patting, pinching, fondling, or touching/pulling an individual's clothing or hair; Physical gestures that imply a sexual act or sexual anatomy; Brushing up against another person; standing too close, or lingering; Suggestive behavior such as "elevator eyes" (looking a person up and down), leering, staring, sexual gestures, whistling, catcalls, winking, throwing kisses, making kissing sounds, howling, groaning, or smacking/licking lips; Sexual comments or innuendoes about clothing, anatomy, appearance, or sexual jokes or stories, or playing or singing sexually suggestive songs; Discussions or inquiries about sexual fantasy, preferences, history, or sex life about self or others; Displaying pictures, objects, reading materials, or other materials that are sexually suggestive or demeaning (including any sexual materials on personal devices including a smart phone or tablet, or company-owned computers or devices shared in the workplace); Repeated invitations and/or pressuring/coercion for dates or sexual favors; harassing phone calls, emails, texts, social media posts, or other communication; Giving personal gifts that imply an intimate relationship; Sending sexually suggestive communications (such as e-mails, texts, instant messages, notes, etc.); Displaying or transmitting suggestive visual materials (such as pictures, calendars, and posters); and/or Stalking, following, or blocking an individual's path.

~~G. **Retaliation:** Any adverse action to employment, educational program or activity, or adverse change in employment, educational program or activity, taken against a Covered Individual for having made a complaint or report of Discrimination, Harassment, Sexual Harassment and/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 and/or Sexual Misconduct under this Policy, whether internal, or external with a federal, state, or local agency, is strictly prohibited. Retaliation for reporting sexual harassment is illegal in Chicago. 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. Any person who believes that they have been subjected to Retaliation should refer to Section III. 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.~~

~~H. **Sexual Misconduct:** A form of sex or gender based Discrimination or harassment that includes any conduct that is sex or gender based or of a sexual nature~~

that is unwelcome or inappropriate and unreasonably interferes with, limits, or denies an individual's educational or employment access, benefits, or opportunities. CPS uses six (6) categories to further breakdown sexual misconduct incidents. Those categories are: grooming, inappropriate touching, sexual electronic communication, sexual bullying, sexual exploitation, and exposure/voyeurism/masturbation. With respect to conduct between Covered Individual adults and students, any sexual or romantic conduct constitutes Sexual Misconduct.

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

J. — **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.

K. **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 Protected Category membership such as race, sexual orientation, and gender identity (Adapted from Wing-Sue, Derald. "Racial Microaggressions in Everyday Life," 2010).

#### A. Harassment, Discrimination, and Retaliation Prohibited

It is the policy of the Board to prohibit unlawful discrimination, harassment and retaliation on the basis of any protected category by the Constitution of the United States, the Constitution of the State of Illinois and applicable federal, state or local laws or ordinances, including but not limited to Title VI of the Civil Rights Act of 1964 (Title VI), Title VII of the Civil Rights Act of 1964 (Title VII), Age Discrimination in Employment Act of 1967 (ADEA), Title IX of the Education Amendments of 1972 (Title IX), the Americans with Disabilities Act (ADA), the Individuals with Disabilities Education Act (IDEA), and Section 504 of the Rehabilitation Act of 1973 (Section 504), the Illinois Human Rights Act (775 ILCS 5/1 et seq.), and the Illinois Racism Free Schools Act (105 ILCS 5/22-95) specifically, but not limited to, discrimination, harassment or retaliation on the basis of sexual orientation, gender or sex (includes gender identity, gender expression, pregnancy, childbirth, breastfeeding, and pregnancy related medical conditions), race or ethnicity (includes hairstyles historically associated with race, ethnicity, or hair texture, including, but not limited to, protective hairstyles such as braids, locks, and twists), ethnic group identification, ancestry, nationality, national origin, shared ancestry, religion, color, mental or physical disability, age, 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. Applicability

1. **Covered Individuals:** All employees, students, contractors, consultants, vendors, volunteers, visitors, applicants for employment, and members of the Board or local school council are Covered Individuals and subject to this Policy. Covered Individuals must not engage in any Discrimination, Harassment, and/or Retaliation against another Covered Individual while employed by, working for, or attending or participating in District programs or activities. Covered Individuals must not be subjected to any Discrimination, Harassment, or Retaliation by another Covered

Individual while employed by, working for, or attending or participating in District programs or activities.

2. **Scope:** This policy applies to all District programs and activities and covers all phases of employment and academic status, including, but not limited to, recruitment, hiring, evaluations, rates of pay, the selection for training, promotions, demotions, transfers, layoffs, employment non-renewals, termination, benefits, discipline, expulsions, admissions, educational testing, extracurricular programs, and athletics.
3. **Jurisdiction:** This policy applies to conduct that takes place on school grounds or on property owned, leased, or controlled by the District. This policy also applies at District-sponsored activities or events, and while Covered Individuals are being transported to and from District-sponsored activities or events. This policy may also apply to conduct that occurs outside of school or work when it contributes to a hostile environment in the school environment, and to online conduct when the District determines that the conduct affects a Substantial District Interest. Regardless of where the conduct occurred, the District will address all allegations to determine whether the conduct occurred in the context of employment or an educational program or activity, and whether the conduct has continuing effects within the District. A Substantial District Interest includes any of the following:
  - (a) Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state, or federal law;
  - (b) Any situation in which it appears that a Covered Individual may present a danger or threat to the health or safety of self or others;
  - (c) Any situation that significantly interferes with the rights, property, or achievements of self or others, significantly breaches the peace, or causes social disorder; or
  - (d) Any situation that is detrimental to the educational interests of the District.
4. **Limitations:** Nothing in this policy 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 policy 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, and/or Retaliation with any agency with jurisdiction over such charge or complaint.

### **C. Reporting**

Concerns or inquiries regarding sex-based discrimination, harassment or retaliation can be made to the Board's Title IX Coordinator in the Office of Student Protections (OSP), the Illinois Department of Human Rights (IDHR), the Equal Employment Opportunity Commission, or the U.S. Department of Education Office for Civil Rights (OCR) \_\_\_\_\_

**Notice of Required Reporting Responsibilities:** All Covered Individual adults must report Discrimination, Harassment, and Retaliation to the District's Title IX Coordinator. A Covered Individual adult's failure to report violations of this policy against students is subject to discipline/sanctions, up to and including termination, removal from and access to District premises. The District's Title IX Coordinator shall forward to the Office of Inspector General all complaints related to or potentially related to Covered Individual adult-to-student Sex-based Harassment, Sexual Misconduct, Retaliation, and any other conduct or Harassment of a sexual nature.

**If you are a school-based employee, file an incident report in Aspen. If you do not have access to Aspen, contact the school principal who can enter the incident.**

In compliance with the Board's Policy on Reporting of Child Abuse, Neglect and Inappropriate Relations Between Adults and Students, all school personnel are mandated reporters who are required to immediately call the DCFS Hotline at 1-800-252-2873 (1-800-25-ABUSE) when there is reasonable cause to believe that a child known to the reporter in the reporter's official capacity may have been abused or neglected, as well as 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.

**1. District's Chief Title IX Officer (the District's designated Title IX Coordinator) Office of Student Protections & Title IX (OSP)**

**Acting Chief Title IX Officer Elizabeth Mendoza Browne**

**42 W. Madison Street**

**Chicago, IL 60602**

**Phone: 773- 535-4400 Email: osp@cps.edu**

- Contact OSP for any inquiries or complaints by anyone related to Discrimination, Harassment, and/or Retaliation based on a student's disability and on 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.
- Refer to the OSP Procedure Manual for additional information (Click Here).

**2. Office of the Inspector General (OIG)**

**Phone: 833-835-5277 (833-TELL-CPS)**

- Contact OIG for inquiries or complaints involving, Sexual Misconduct, and/or Retaliation, and any other conduct or Harassment of a sexual nature by a Covered Individual adult(s) directed at a student(s).
- Notwithstanding anything in this policy, the Office of Inspector General, consistent with Board Resolution 20-0624-RS5, shall have sole responsibility to investigate reports of sexual misconduct by employees, vendors, or volunteers where a CPS student may be a victim.

**3. Equal Opportunity Compliance Office (EOCO)**

**110 N. Paulina Street**

**Chicago, IL 60612**

**Phone: 773-553-1013**

- Contact EOCO for inquiries or complaints related to Covered Individual adult complainants regarding Discrimination, Harassment, and Retaliation based on Protected Categories.
- To file a report with EOCO, please complete the report form located on the EOCO website at [www.cps.edu/eoco](http://www.cps.edu/eoco)

**II. GENERAL PROVISIONS-Title IX Officer's Responsibilities**

A. — **Conduct Prohibited:** The Board prohibits unlawful Discrimination, Harassment, Sexual Harassment, Sexual Misconduct and Retaliation on the basis of any protected category as defined by the Constitution of the United States, the Constitution of the State of Illinois, and applicable federal, state or local laws or ordinances, including but not



limited to Title VI of the Civil Rights Act of 1964 (Title VI), Title VII of the Civil Rights Act of 1964 (Title VII), Age Discrimination in Employment Act of 1967 (ADEA), Title IX of the Education Amendments of 1972 (Title IX), the Americans with Disabilities Act (ADA), the Individuals with Disabilities Education Act (IDEA), and Section 504 of the Rehabilitation Act of 1973 (Section 504), and the Illinois Human Rights Act 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. — Covered Individuals:** All employees, students, contractors, consultants, vendors, volunteers, visitors, applicants for employment, members of the Board of Education of the City of Chicago or local school council are Covered Individuals and subject to this Policy. Covered Individuals must not engage in any Discrimination, Harassment, Sexual Harassment, Sexual Misconduct or Retaliation against another Covered Individual while employed by, working for, or attending or participating in District programs or activities. Covered Individuals must not be subjected to any Discrimination, Harassment, Sexual Misconduct or Retaliation by another Covered Individual while employed by, working for, or attending or participating in District programs or activities.

**C. — Scope:** This policy applies to all District programs and activities and covers all phases of employment and academic status, including, but not limited to, recruitment, hiring, evaluations, rates of pay, the selection for training, promotions, demotions, transfers, layoffs, employment non-renewals, termination, benefits, discipline, expulsions, admissions, educational testing, extracurricular programs, and athletics.

**D. — Jurisdiction:** This policy applies to conduct that takes place on school grounds or on property owned, leased, or controlled by the District. This policy also applies at District-sponsored activities or events, and while Covered Individuals are being transported to and from District-sponsored activities or events. This policy may also apply to conduct that occurs outside of school or work and to online conduct when the District determines that the conduct affects a Substantial District Interest. Regardless of where the conduct occurred, the District will address all allegations to determine whether the conduct occurred in the context of employment, educational program or activity and whether the conduct has continuing effects within the District. A Substantial District Interest includes any of the following:

- (1) Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state, or federal law;
- (2) Any situation in which it appears that a Covered Individual may present a danger or threat to the health or safety of self or others;
- (3) Any situation that significantly interferes with the rights, property, or achievements of self or others, significantly breaches the peace, or causes social disorder; or
- (4) Any situation that is detrimental to the educational interests of the District.

**E. — Limitations:** Nothing in this policy 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 policy 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, Sexual Harassment, Sexual Misconduct, and/or Retaliation with any agency with jurisdiction over such charge or complaint.

**A.** In compliance with Title IX, the CEO has created the position of Title IX Officer, the District's designated Title IX Coordinator. The Title IX Officer coordinates the Board's efforts to comply with and carry out its responsibilities under this policy and Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681-1688, and its implementing regulation at 34 C.F.R. Part 106. Specifically, the Title IX Officer:

(1) coordinates all Title IX and other complaint investigations under this policy,

(2) determines supportive measures, if any, that are necessary to protect student and adult rights, and

(3) coordinates appropriate next steps including appropriate remedial support for any identified complainants and respondents, educational programs changes required, commencement of student discipline and commencement of employee discipline or dismissal.

(4) consults with other departments as they deem necessary to determine appropriate actions in accordance with Title IX, other applicable local, state and federal laws, Board Rules and Policies and collective bargaining agreements.

**B.** All complaints of Sex or Gender-Based Discrimination, Harassment, and/or Retaliation will be coordinated by the District's Chief Title IX Officer and investigated using the procedures outlined in the OSP Procedure Manual available at [\(Click Here\)](#).

**C.** Except for complaints of conduct by Covered Individual adults toward students that are exclusively investigated by the OIG (see Section C.2 above), other 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.** The Title IX Officer at all times reports directly to the Board's CEO, must inform the CEO and the Board of the steps being taken to coordinate the Board's efforts to comply with and carry out its responsibilities under this policy and Title IX, and make recommendations to the CEO to improve and enhance such efforts.

**E.** In compliance with Title IX, the Title IX Officer on an annual and on-going basis shall provide notice to the stakeholders listed below via print, electronic or other means of (1) the requirements of this policy and Title IX and (2) the procedures for making complaints regarding alleged policy and/or Title IX violations:

(1) all Board schools and Board enrolled-students (including Charter, Contract and Alternative Schools);

(2) all staff (including network staff, principals, Title IX School Representatives, teachers, paraprofessionals and education support personnel);

(3) parents (including foster parents) or guardians or, where necessary, adults acting *in*

loco parentis, of enrolled students; and,

(4) applicants for admission to a school and employment, sources of referral of applicants for admission to a school and employment, and all unions or professional organizations holding collective bargaining or professional agreements with the Board.

F. The following individuals are required to complete annual mandatory training on harassment, discrimination, reporting policies, and other topics, delivered by the Title IX Officer, in accordance with their roles and responsibilities:

1. All CPS Employees;
2. All Charter Employees; and
3. Investigators, Decisionmakers, and Staff coordinating Title IX Responses.

When an internal or external candidate accepts a new position within the Board, they are required to complete mandatory training in accordance with their new role and responsibilities as soon as practicable. In addition, certain Covered Individual Adults may be directed by the Title IX Officer to attend Corrective Action Training, conducted by the Office of Student Protections, following an allegation of misconduct.

Failure by any individual required by this section to complete trainings assigned by the Title IX Officer, including annual mandatory training, is a violation of this policy.

G. The Title IX Officer must provide training programs, to be delivered on annual basis to the following stakeholders:

1. Students;
2. Parents and/or any individual with parental status, as defined by this policy, over a student covered herein.

### **III. REPORTING AND INVESTIGATING DISCRIMINATION, HARASSMENT, SEXUAL HARASSMENT, SEXUAL MISCONDUCT OR RETALIATION Violations and Disciplinary Sanctions**

~~All Covered Individual adults must report Discrimination, Harassment, Sexual Harassment, Sexual Misconduct and Retaliation to the District's Title IX Coordinator. A Covered Individual adult's failure to report violations of this policy is subject to discipline/sanctions, up to and including termination, removal from and prohibiting access to District premises. The District's Title IX Coordinator shall forward to the Office of the Inspector General all complaints related to or potentially related to Covered Individual adults to student Sexual Harassment, Sexual Misconduct, Retaliation, and any other conduct or Harassment of a sexual nature.~~

~~**A. District's Chief Title IX Officer (the District's designated Title IX Coordinator)  
Office of Student Protections & Title IX (OSP)**~~

~~**Camie C. Pratt**~~

~~**42 W. Madison Street Chicago, IL 60602**~~

~~**Phone: 773-535-4400 Email: osp@eps.edu**~~

~~For any inquiries or complaints by anyone related to Discrimination, Harassment, Sexual Harassment, Sexual Misconduct, and/or Retaliation based~~

~~on a student's disability and on 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.~~

~~—— Refer to the OSP Procedure Manual for additional information (Click Here).~~

**~~B. Office of the Inspector General (OIG) Phone: 833-835-5277 (833-TELL-GPS)~~**

~~—— For inquiries or complaints involving students against Covered Individual adults related to Sexual Harassment, Sexual Misconduct, and/or Retaliation, and any other conduct or Harassment of a sexual nature.~~

~~—— Notwithstanding anything in this policy, the Office of the Inspector General, consistent with Board Resolution 20-0624-RS5, shall have sole responsibility to investigate reports of sexual misconduct by employees, vendors, or volunteers where a GPS student may be a victim.~~

**~~C. Equal Opportunity Compliance Office (EOCO)~~**

**~~110 N. Paulina Street~~**

**~~Chicago, IL 60612~~**

**~~Phone: 773-553-4013~~**

~~—— For inquiries or complaints related to Covered Individual adult complainants regarding Discrimination, Harassment, Sexual Harassment, Sexual Misconduct and Retaliation based on Protected Categories.~~

~~—— To file a report with EOCO, please complete the report form located on the EOCO website at [www.cps.edu/eoco](http://www.cps.edu/eoco)~~

~~—— Refer to the EOCO Procedure Manual (Click Here)~~

**~~D. If you are a school-based employee, file an incident report in Aspen. If you do not have access to Aspen, contact the school principal who can enter the incident.~~**

**A. Violations:** It is a violation of this policy for:

(1) Any Covered Individuals to engage in Discrimination, Harassment, or Retaliation;

(2) A Covered Individual adult to intentionally ignore conduct directed toward students (including by other students or by a Covered Adult) of which they are aware or happens in their presence. An adult intentionally ignores conduct by failing to report that conduct pursuant to Section III of this policy.

(3) Any Covered Individual Adult to fail to report Discrimination, Harassment, or Retaliation directed toward students;

(4) Any Covered Individual adult to refuse to cooperate, participate and/or provide truthful information in an investigation conducted in compliance with this policy (This does not apply to Title IX investigations);

(5) Any Covered Individual to knowingly report false allegations and/or knowingly provide false information during the course of an investigation, and

(6) Any Covered Individual to fail to complete a mandatory training assigned by the Title IX Coordinator or their designee.

**B. Discipline/Sanctions:**

(1) Employees who violate this policy are subject to disciplinary action up to and including termination.

(2) Students who violate this policy are subject to disciplinary action under the Student Code of Conduct, as amended.

(3) Contractors, consultants or vendors who violate this policy are subject to removal from and prohibiting access to District premises, remedies of law, and/or remedies under their contract.

(4) Local School Council members who violate this policy are subject to removal from their elected office.

(5) Volunteers who violate this policy are subject to their authorization to serve as a volunteer being rescinded and/or being barred from District premises.

(6) Visitors who violate this policy are subject to being barred from District premises.

**IV. TITLE IX OFFICER'S ROLE AND RESPONSIBILITY Definitions**

A. In compliance with Title IX, the CEO has created the position of Title IX Officer, the District's designated Title IX Coordinator. The Title IX Officer coordinates the Board's efforts to comply with and carry out its responsibilities under this policy and Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681-1688, and its implementing regulation at 34 C.F.R. Part 106. Specifically, the Title IX Officer:

~~(1) coordinates all Title IX and other complaint investigations under this policy;~~

~~(2) determines supportive measures, if any, that are necessary to protect student and adult rights, and~~

~~(3) coordinates appropriate next steps including appropriate remedial support for any identified complainants and respondents, educational programs changes required, commencement of student discipline and commencement of employee discipline or dismissal;~~

~~(4) consults with other departments as they deem necessary to determine appropriate actions in accordance with Title IX, other applicable local, state and federal laws, Board Rules and Policies and collective bargaining agreements.~~

~~B. All complaints of Sex or Gender-Based Discrimination, Harassment, Sexual~~

~~Harassment, Sexual Misconduct, and/or Retaliation will be coordinated by the District's Chief Title IX Officer and investigated using the procedures outlined in the OSP Procedure Manual available at (Click Here):~~

~~C. — 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 EOGO to connect them with the appropriate office and to provide them with supportive measures:~~

~~D. — The Title IX Officer at all times reports directly to the Board's CEO, must inform the CEO and the Board of the steps being taken to coordinate the Board's efforts to comply with and carry out its responsibilities under this policy and Title IX, and make recommendations to the CEO to improve and enhance such efforts:~~

~~E. — In compliance with Title IX, the Title IX Officer on an annual and on-going basis shall provide notice to the stakeholders listed below via print, electronic or other means of (1) the requirements of this policy and Title IX and (2) the procedures for making complaints regarding alleged policy and/or Title IX violations:~~

~~(1) all Board schools (including Charter, Contract and Alternative Schools);~~

~~(2) all staff (including network staff, principals, Title IX School Representatives, teachers, paraprofessionals and education support personnel);~~

~~(3) parents (including foster parents) or guardians or, where necessary, adults acting in loco parentis, of enrolled students; and,~~

~~(4) applicants for admission to a school and employment, sources of referral of applicants for admission to a school and employment, and all unions or professional organizations holding collective bargaining or professional agreements with the Board.~~

~~F. — The Title IX Officer must provide training programs to be delivered on an annual basis that informs the stakeholders listed below of (a) the requirements of this policy and Title IX; (b) the procedures for making complaints regarding alleged policy and/or Title IX violations; (c) signs and ways to recognize when Sex Discrimination, Sexual Harassment, Sexual Misconduct, and Retaliation has occurred; (d) the rights of parties when a complaint has been filed, including the right to on-going notices with respect to the status of a complaint and the right for all parties to have a prompt and equitable resolution of the complaint; and (e) the rights of all parties to a complaint to have supportive measures put in place to ensure that the right to a free and appropriate education has been honored:~~

~~(1) all Board schools (including Charter, Contract and Alternative Schools);~~

~~(2) all staff (including Network staff, principals, teachers, paraprofessionals and education support personnel); and~~

~~(3) students and parents (including foster parents) or guardians or, where necessary, adults acting in loco parentis, of enrolled students.~~

~~The Title IX Officer must also provide annual training to employees on sexual harassment as required by the Illinois Human Rights Act and CPS Employees shall participate in a minimum of one hour of sexual harassment prevention training annually. Anyone who supervises or manages employees shall participate in a minimum of two hours of sexual harassment prevention training annually and all employees must participate in one hour of bystander training annually.~~

~~Any inquiries regarding the application of Title IX should be addressed to the District's Chief Title IX Officer and/or to the Office for Civil Rights (OCR), U.S. Department of Education, 230 South Dearborn Street, 37th Floor, Chicago, Illinois, 60604, Telephone (312) 730-1560; Email: OCR.Chicago@ed.gov~~

- A. **Admission:** selection for part-time, full-time, special, associate, transfer, exchange, or any other enrollment, membership, or matriculation in or at an education program or activity operated by the District.
- B. **Applicant:** a person who submits an application, request, or plan required to be approved by a Department official, or by the District, as a condition to becoming a student or employee.
- C. **Bias-Based Behavior:** Any physical, verbal, nonverbal, or other act or conduct, including communications made in writing or electronically, directed toward a member or perceived member of a protected category within the school community that is of a discriminatory or harmful nature.
- D. **Complainant:** (1) A student or employee who is alleged to have been subjected to conduct that could constitute Harassment or Discrimination, and/or Retaliation as covered under this policy or (2) A person other than a student or employee who is alleged to have been subjected to conduct that could constitute Harassment or Discrimination, and/or Retaliation as covered by this policy, and who was participating or attempting to participate in the District's education program or activity at the time of the alleged Harassment or Discrimination, and/or Retaliation.
- E. **Discrimination:** Treating an individual less favorably because of their actual or perceived membership in one or more of the Protected Categories.
- F. **Disciplinary Sanctions:** consequences imposed on a respondent following a determination that the respondent violated the District's prohibition on harassment and/or discrimination.
- G. **Grooming:** Behavior an adult in a position of trust or authority uses to build an emotional connection with a child or young person, including a student who may be over 18 years of age, to gain their trust and break down their inhibitions for a sexual purpose.

The definition of grooming under this Policy includes but is not limited to the following:

1. A Covered Adult commits grooming when they knowingly use a computer on-line service, internet service, local bulletin board service, or any other device

capable of electronic data storage or transmission, performs an act in person or by conduct through a third party, or uses written communication to seduce, solicit, lure, or entice, or attempt to seduce, solicit, lure, or entice, a child, a child's guardian, or another person believed by the person to be a child or a child's guardian, to commit any sex offense in Section 2 of the Illinois Sex Offender Registration Act, to distribute photographs depicting the sex organs of the child, or to otherwise engage in any unlawful sexual conduct with a child or with another person believed by the person to be a child.

2. A Covered Adult may be "grooming" a child or engaging in inappropriate intimate behavior with a child when the person engages in behavior that includes but is not limited to:
  - a. Creating or engaging in isolated, one-on-one interactions with a child (e.g., transporting a child without the written authorization of the principal and the parent, texting or direct messaging the child);
  - b. Giving or attempting to give gifts to a particular child (e.g., money, clothing);  
or
  - c. Crossing physical boundaries (e.g., touching, giving prolonged frontal hugs, or making the child sit on their lap).
  
- H. **Harassment:** Unwelcome verbal, nonverbal, visual, or physical conduct that is based on an individual's actual or perceived membership in one or more of the Protected Categories, as defined in this policy, that is persistent, pervasive, or severe and objectively offensive and unreasonably interferes with, limits, or denies an individual's educational or employment access, benefits, or opportunities. Unwelcome conduct may include, but is not limited to, bullying, intimidation, offensive jokes, slurs, epithets or name calling, assaults or threats, touching, ridicule or mockery, insults or put-downs, offensive objects or pictures, messages sent via email, text or social media.
  
- I. **Microaggressions:** Brief and commonplace verbal, behavioral, or environmental indignities, whether intentional or unintentional, that communicate hostile, derogatory, or negative slights toward people based on their membership in a Protected Category.
  
- J. **National Origin / Shared Ancestry Discrimination:** Treating Covered Individuals unfavorably because they are from a particular country or part of the world, because of ethnicity or accent, because of shared ancestry, or because they appear to be of a certain ethnic background (even if they are not), or based on citizenship or residency in a country with a dominant religion or distinct religious identity. Discrimination also can involve treating people because they are associated with a person of a certain national origin or shared ethnic characteristics. Discrimination can occur when the victim and the person who inflicted the discrimination are of the same national origin.
  
- K. **Parental Status:** the status of a person who, with respect to another person who is



under the age of 18 or who is 18 or older but is incapable of self-care because of a physical or mental disability, is:

- (1) A biological parent;
- (2) An adoptive parent;
- (3) A foster parent;
- (4) A stepparent;
- (5) A legal custodian or guardian;
- (6) In loco parentis with respect to such a person; or
- (7) Actively seeking legal custody, guardianship, visitation, or adoption of such a person.

- L. **Party:** a complainant or respondent in any action under this policy.
- M. **Peer Retaliation:** retaliation by a student against another student.
- N. **Pregnancy or Related Condition:** (1) Pregnancy, childbirth, termination of pregnancy, or lactation; (2) Medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or (3) Recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.
- O. **Racial Discrimination:** Treating a Covered Individual unfavorably because they are of a certain race or because of personal characteristics associated with race (such as hair texture, skin color, or certain facial features.) Color discrimination involves treating a Covered Individual unfavorably because of skin color complexion.
- P. **Remedies:** Measures provided, as appropriate, to a party identified as having had their equal access to the District's education program or activity limited or denied by harassment and/or discrimination. These measures are provided to restore or preserve that person's access to the District's education program or activity after a determination that harassment and/or discrimination occurred.
- Q. **Respondent:** A person who is alleged to have violated the District's prohibition on discrimination and/or harassment, as covered by this policy.
- R. **Retaliation:** Any adverse action to employment, educational program or activity, or adverse change in employment, educational program or activity, taken against a Covered Individual for having made a complaint or report of Discrimination and/or Harassment based on protected categories, 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 and/or Harassment based on protected categories under this Policy, whether internal, or external with a federal, state, or local agency, is strictly prohibited. Retaliation for reporting sexual harassment, as defined by Municipal Ordinance and Illinois State Law, is illegal in Chicago. 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 against any person by the Board, a student, or an employee or other person authorized by the Board to provide aid, benefit, or service under the Board's education program or activity, for the purpose of interfering with any right or privilege

secured by Title IX or its regulations, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under the Title IX regulations constitutes Retaliation. Any person who believes that they have been subjected to Retaliation should refer to Section III. 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.

- S. **Sex-based Harassment:** a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity, that is:

(1) Quid pro quo harassment. An employee, agent, or other person authorized by the Board to provide an aid, benefit, or service under the Board's education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct;

(2) Hostile environment harassment. Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the Board's education program or activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:

(i) The degree to which the conduct affected the complainant's ability to access the District's education program or activity;

(ii) The type, frequency, and duration of the conduct;

(iii) The parties' ages, roles within the District's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;

(iv) The location of the conduct and the context in which the conduct occurred;  
and

(v) Other sex-based harassment in the District's Education program or activity;  
or

(3) Specific offenses.

(i) Sexual assault meaning an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;

(ii) Dating violence meaning violence committed by a person:

(A) Who is or has been in a social relationship of a romantic or intimate nature with the complainant ; and

(B) Where the existence of such a relationship shall be determined based on a consideration of the following factors:

(1) The length of the relationship;

(2) The type of relationship; and

(3) The frequency of interaction between the persons involved in the relationship;

(iii) Domestic violence meaning felony or misdemeanor crimes committed by a person who:

(A) Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of the District, or a person similarly situated to a spouse of the victim;

(B) Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;

(C) Shares a child in common with the victim; or

(D) Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction;  
or

(iv) Stalking meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

(A) Fear for the person's safety or the safety of others; or

(B) Suffer substantial emotional distress.

**T. 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.

**U. Sexual Harassment (Illinois Human Rights Act):** Any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when:

(1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment.

(2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or

(3) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

**V. Sexual Misconduct:** A form of sex or gender-based Discrimination or Harassment, including any conduct of a sexual nature that is unwelcome or inappropriate and unreasonably interferes with, limits, or denies an individual's educational or employment access, benefits, or opportunities. CPS uses six (6) categories to further classify sexual misconduct incidents. Those categories are: grooming, inappropriate touching, sexual communication (including electronic, verbal, or written), sexual bullying, sexual exploitation, and exposure/voyeurism/masturbation. With respect to conduct between Covered Individual adults and students, any sexual or romantic conduct constitutes Sexual Misconduct.

**W. Student with a Disability:** a student who is an individual with a disability as defined in the Rehabilitation Act of 1973, as amended, 29 U.S.C. 705(9)(B), (20)(B), or a child with a disability as defined in the Individuals with Disabilities Education Act, 20 U.S.C. 1401(3).

**X. Supportive Measures:** Individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without fee or charge to the complainant or respondent to:

(1) Restore or preserve that party's access to the District's education program or activity, including measures that are designed to protect the safety of the parties or the District's educational environment; or

(2) Provide support during the grievance procedures described in this policy, and/or during the informal resolution process described under this policy.

## **V. VIOLATIONS AND DISCIPLINE/SANCTIONS Examples of Prohibited Conduct**

A. ——— Violations: It is a violation of this policy for:

~~(1) Any Covered Individuals to engage in Discrimination, Harassment, Sexual Harassment, Sexual Misconduct, or Retaliation;~~

~~(2) A Covered Individual adult to intentionally ignore conduct of which they are aware or happens in their presence. An adult intentionally ignores conduct by failing to report that conduct pursuant to Section III of this policy.~~

~~(3) Any employee, contractor, consultant or vendor to fail to report Discrimination, Harassment, Sexual Harassment, Sexual Misconduct or Retaliation;~~

~~(4) Any Covered Individual adult to refuse to cooperate, participate and/or provide truthful information in an investigation conducted in compliance with this policy (This does not apply to Title IX investigations); and~~

~~(5) Any Covered Individual to knowingly report false allegations and/or knowingly provide false information during the course of an investigation.~~

#### **B. — Discipline/Sanctions**

~~(1) Employees who violate this policy are subject to disciplinary action up to and including termination.~~

~~(2) Students who violate this policy are subject to disciplinary action under the Student Code of Conduct, as amended.~~

~~(3) Contractors, consultants or vendors who violate this policy are subject to removal from and prohibiting access to District premises, remedies of law, and/or remedies under their contract.~~

~~(4) Local School Council members who violate this policy are subject to removal from their elected office.~~

~~(5) Volunteers who violate this policy are subject to their authorization to serve as a volunteer being rescinded.~~

~~(6) Visitors who violate this policy are subject to being barred from District premises.~~

In compliance with the Illinois Racism Free Schools Law, the City of Chicago's sexual harassment prevention laws, and other local, State, and Federal laws, Chicago Public Schools' Comprehensive Non-Discrimination Policy describes and provides examples of harassment and/or discrimination covered by this policy. While each set of facts is evaluated individually and these examples are not comprehensive, this section provides clear, concrete descriptions of behaviors that would be covered by this policy, including patterns of behavior, including microaggressions, that, taken as a whole over time, rise to the level of violating this policy. Examples are adapted from the Equal Opportunity Employment Commission, the U.S. Department of Education Office for Civil Rights, and the City of Chicago Ordinances as noted.

- A. **Color:** Although sometimes related to harassment and/or discrimination based on race or national origin, color-based harassment due to an individual's pigmentation, complexion, or skin shade or tone is independently covered. For example, if a supervisor harasses or denies opportunities to Black employees with darker complexions but does not harass or deny opportunities to Black employees with lighter skin tones, this may be evidence that the harassment was due to color. (EEOC)
- B. **National Origin / Shared Ancestry:** Harassment and/or discrimination based on national origin or shared ancestry includes ethnic epithets, derogatory comments about individuals of a particular nationality, shared ancestry, and/or use of stereotypes about the complainant's national origin. It also can include harassment regarding traits or characteristics linked to an individual's national origin or shared ancestry, based on citizenship or residency in a country with a dominant religion or distinct religious identity such as physical characteristics, ancestry, or ethnic or cultural characteristics (e.g., attire, diet, language). Mocking a person's accent or denying them the chance to participate in an after school club because of ethnic attire, language, or accent are examples of prohibited conduct.
- C. **Race:** Harassment and/or discrimination is based on a complainant's race if it is because the complainant is Black, Asian, White, multiracial, or another race. Examples of harassing conduct based on race include racial epithets or offensive comments about members of a particular race, or harassment based on stereotypes about the complainant's race. It also can include harassment based on traits or characteristics linked to an individual's race, such as the complainant's name, cultural dress, accent or manner of speech, and physical characteristics, including appearance standards (e.g., harassment based on hair textures and hairstyles commonly associated with specific racial groups, or discrimination like preventing a person from participating in an activity because of their race or cultural hair style)
- D. **Retaliation:** Retaliation occurs when someone intimidates, threatens, coerces, or discriminates against anyone for participating in the grievance process, reporting information, making a complaint, participating in an investigation (or refusing to participate in the Title IX process), even if they are not a complainant or respondent in a proceeding. A coach refusing to allow an individual who was a respondent in a case to try out for the baseball team after a finding of non-responsibility, simply because they were a respondent in a case, would be an example of retaliation.
- E. **Sexual Harassment (City of Chicago):** Examples of Sexual Harassment include: Touching an individual's body- hugging, kissing, patting, fondling; Physical gestures that imply a sexual act or sexual anatomy; Brushing up against another person, standing too close, or lingering; Suggestive behavior such as looking a person up and down, leering, staring, whistling, catcalls, winking, -groaning, or smacking/licking lips; Sexual comments or innuendoes about clothing, anatomy, appearance, or sexual jokes or stories. Discussions or inquiries about sexual fantasy, preferences, history, or sex life about self or others; Displaying pictures, objects, reading materials, or other materials that are sexually suggestive. Pressuring/coercion for dates or sexual favors; harassing phone calls, emails, texts, social media posts, giving personal gifts that imply an intimate

relationship; Sending sexually suggestive communications; and/or Stalking, following, or blocking an individual's path.

**VI. NOTICE-Additional Resources for Filing Discrimination, Harassment, Sexual Misconduct, and Retaliation Complaints**

~~A. Notice of this policy will be regularly and widely disseminated as follows:~~

~~(1) A copy of this written policy will be provided to all new employees in their primary language within the first calendar week from the date of hire. Annually, the policy will be distributed to all active Covered Individual adults, and posted on the Board of Education's website.~~

~~(2) Each school must maintain copies of this policy in its Main Office and annually the Principal should advise all Covered Individuals, including students, who attend, work for, or provide services to their school about this policy.~~

~~(3) Notice to Covered Individuals regarding prohibited Discrimination, Harassment, Sexual Harassment, Sexual Misconduct and Retaliation will be posted in a prominent location at all schools, Network offices, in each Central Office location and on the District's website.~~

~~(4) The District's Non Discrimination Statement (Click Here) will be posted in common areas throughout the District, including at every District school, Network Office, and Central Office, on the District's website, and on every District school webpage.~~

~~(5) Posters designed by the City's Commission on Human Relations about the prohibitions on sexual harassment will be posted in common areas throughout the District including every District school, Network Office, and Central Office, in both Spanish and English.~~

(1) Chicago Commission on Human Relations

740 N. Sedgwick, Suite 400, IL 60654

Tel: 312-744-4111 TTY: 312-744-1088 [cchr@cityofchicago.org](mailto:cchr@cityofchicago.org)

(2) U.S. Equal Employment Opportunity Commission (EEOC) Chicago District Office

230 South Dearborn St., Suite 1866

Chicago, Illinois 60604

Tel: 321-872-9744, 866-740-3953 (TTY)

(3) Illinois Department of Human Rights

555 W. Monroe Street, Suite 700

Chicago, IL 60601

Tel: 312-814-6200, 312-740-3953 (TTY) | <http://www.illinois.gov/dhr>

(4) The U.S. Department of Education, Office for Civil Rights

500 W. Madison St.

Chicago, IL 60661  
Tel: 312-730-1560, (800) 877-8339 (TTY)  
ocr.chicago@ed.gov

**VII. ADDITIONAL RESOURCES FOR FILING DISCRIMINATION, HARASSMENT, SEXUAL HARASSMENT, SEXUAL MISCONDUCT, AND RETALIATION COMPLAINTS**

(1) — Chicago Commission on Human Relations 740 N. Sedgwick, 4th Floor Chicago, IL 60654 Tel: 312-744-4111 [cchr@cityofchicago.org](mailto:cchr@cityofchicago.org)

(2) — U.S. Equal Employment Opportunity Commission (EEOC) Chicago District Office 230 South Dearborn St., Suite 1866 Chicago, Illinois 60604 Tel: 321-872-9744, 866-740-3953 (TTY)


(3) — Illinois Department of Human Rights 555 W. Monroe Street, Suite 700 Chicago, IL 60601 Tel: 312-814-6200, 312-740-3953 (TTY)

<b>Amends/Rescinds</b>	Amends 22 0928 PO2
<b>Cross References</b>	20-0722-PO1 Rescinds 19-0522-PO1; 16-0525-PO1; 12-0425-PO1; 09-1216-PO1; 08-0123-PO4; 03-0326-PO02; 97-1119-PO2; 86-1008-PE17; 86-1008-PE18 and 81-51-1
<b>Legal References</b>	Title VI of the Civil Rights Act of 1964, 42 U.S.C. §2000a et seq.; Title VII of the Civil Rights Act of 1964, 42 U.S.C. §1981; Age Discrimination in Employment Act of 1967 (ADEA), 29 U.S.C. §§ 621–634; Title IX of the Education Amendments of 1972, 20 U.S.C. §1681 et seq.; Americans with Disabilities Act (ADA), 42 U.S.C. §12101 et seq.; Individuals with Disabilities Education Act (IDEA), 20 U.S. Code § 1400; Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 701 et seq.; Illinois Human Rights Act, 775 ILCS 5/7A-102; Chicago Human Rights Ordinance, Chicago Mun. Code § 2-160-020 (1990), Chicago Ordinance SO2022-665.
<b>Interim/Final</b>	<p>This Policy was adopted on a Final basis at the September 28, 2022 Board Meeting [Board Report 22-0928-PO2]</p> <p>This Policy was adopted on an Interim basis at the July 27, 2022 Board Meeting [Board Report 22-0727-PO2]</p> <p>This Policy was adopted on a Final basis at the September 23, 2020 Board Meeting [Board Report 20-0923-PO2]</p>



<b>Public Comment</b>	<p>Pursuant to Board Rule 2-6 this Policy was subject to Public Comment from 8/22/22 to 9/22/22</p> <p>Pursuant to Board Rule 2-6 this Policy will be subject to Public Comment.</p> <p>Pursuant to Board Rule 2-6 this Policy was subject to Public Comment from 7/23/20 - 8/17/20</p>
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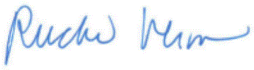
**Approved for Consideration:**

DocuSigned by:  
  
5B6390BC4FA34FE  
**Elizabeth Mendoza Browne**  
**Acting Chief Title IX Officer**

**Approved:**

DocuSigned by:  
  
DE6322D400044D3  
**Pedro Martinez**  
**Chief Executive Officer**

**Approved as to Legal Form:** 

DocuSigned by:  
  
56B562E0FFA44C9...  
**Ruchi Verma**  
**General Counsel**