

May 22, 2019

**RESCIND BOARD REPORT 16-0525-PO1  
COMPREHENSIVE NON-DISCRIMINATION, TITLE IX AND SEXUAL HARASSMENT POLICY  
AND ADOPT NEW COMPREHENSIVE NON-DISCRIMINATION,  
HARASSMENT, AND RETALIATION POLICY**

**THE CHIEF EXECUTIVE OFFICER RECOMMENDS:**

That the Board rescind Board Report 16-0525-PO1 Comprehensive Non-Discrimination Title IX and Sexual Harassment Policy and adopt a new Comprehensive Non-Discrimination, Harassment, and Retaliation Policy effective September 3, 2019

**I. PURPOSE**

The Board is committed to providing a safe and secure working and learning environment free from Discrimination, Harassment, and Retaliation, as these terms are defined in Section III in this Policy, in any program or activity it conducts. This Policy establishes procedures for the reporting, investigating and resolving complaints of Discrimination, Harassment and/or Retaliation.

For requests for accommodations due to a disability and/or complaints of Discrimination, Harassment, and/or Retaliation due to a disability, please refer to CPS' Americans with Disabilities Act Policy ([Click Here](#))

**II. GENERAL PROVISIONS**

- A. Working & Learning Environment:** 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 shall enjoy the right to work and learn in an environment that is free of Discrimination, Harassment and/or Retaliation. No person shall be required to endure Discrimination, Harassment and/or Retaliation as a condition of employment or in pursuit of academic endeavors.
- B. Conduct Prohibited.** The Board prohibits Discrimination, Harassment, Retaliation, intimidation and/or bullying based on any Protected Categories, as defined in Section III, in any of its programs or activities.
- C. Covered Individuals:** No employee, student, contractor, consultant, vendor, volunteer, or member of the Board of Education of the City of Chicago or local school council (collectively referred to as "Covered Individuals") shall be subjected to or engage in any Discrimination, Harassment, and/or Retaliation, as these terms are defined in Section III of this Policy, against another while employed, working for, attending school or participating in district programs or activities.
- D. Scope:** This Policy covers all phases of employment and academic status, including, but not limited to, recruitment, hiring, evaluations, upgrading, 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.

- 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 and/or Retaliation with any agency with jurisdiction over such charge or complaint.

### III. DEFINITIONS

- A. **Discrimination:** Unjust or prejudicial treatment, including harassment and sexual misconduct, towards individuals due to the person's real or implied membership in one or more of the Protected Categories, as defined below in Section III-C.
- B. **Harassment:** Unwelcome verbal, nonverbal, visual, and/or physical conduct that is the person's real or implied membership in one or more of the Protected Categories, as defined below in Section III-C. 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 and/or any other persistent, pervasive or severe conduct that interferes with work performance or a student's access to or participation in education, athletic, or other extracurricular activities.
- C. **Protected Categories:** Actual or perceived sexual orientation, gender or sex (includes gender identity, gender expression, pregnancy, childbirth, breastfeeding, and pregnancy related medical conditions), race or ethnicity, ethnic group identification, ancestry, nationality, national origin, religion, color, mental or physical disability, age (40 and above), immigration status, marital status, registered domestic partner status, genetic information, political belief or affiliation (not union related), military status, unfavorable discharge from military service, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics, or any other basis protected by federal, state or local law, ordinance, or regulation.
- D. **Retaliation:** Adverse employment action or adverse change in academic status, such as discipline or denial of or access to a service or benefit, against any person for having made a complaint or report of Discrimination, Harassment, or Sexual Misconduct, whether made internally, or externally with a federal, state, or local agency, or participating or aiding in an investigation of Discrimination, Harassment, or Sexual Misconduct, whether internal, or external with a federal, state, or local agency, is strictly prohibited. Any person who believes that he or she has been subjected to Retaliation should refer to Section IV Procedures.
- E. **Sexual Misconduct:** Any conduct of a sexual nature that is unwelcome or inappropriate, including but not limited to, sexual harassment, sexual assault, grooming, child sexual abuse, dating violence, and inappropriate touch or electronic recordings of a sexual nature.

**IV. PROCEDURES**

- A.** For inquiries or complaints related to student-to-student Sexual Misconduct, Harassment and/or Retaliation based on actual or perceived gender or sex (includes gender identity, gender expression, pregnancy, childbirth, breastfeeding, and pregnancy related medical conditions), please refer to the Office of Student Protections & Title IX (OSP) Procedure Manual and additional information, including the contact information for the Board’s Title IX Officer, ([Click Here](#)) For inquiries or complaints related to equity in athletics, please also refer to OSP Procedure Manual
- B.** For inquiries or complaints related to Covered Individual Adults-to-student Sexual Misconduct, Harassment and/or Retaliation based on actual or perceived gender or sex (includes gender identity, gender expression, pregnancy, childbirth, breastfeeding, and pregnancy related medical conditions), please contact the Office of Inspector General’s hotline, 833-TELL-CPS
- C.** For inquiries or complaints related to student-to-student Discrimination, Harassment and/or Retaliation based on Protected Categories other than those outlined in Section IV(A) above, please refer to the Student Code of Conduct ([Click Here](#)) and/or the Anti-Bullying Policy ([Click Here](#))
- D.** For inquiries or complaints related to Covered Individual Adults-to-Covered Individual Adults, student-to-Covered Individual Adults Discrimination, Harassment and/or Retaliation or for Covered Individual adult assistance related to the Americans with Disabilities Act, including requests for accommodations, please refer to Equal Opportunity Compliance Office (EOCO) Procedure Manual ([Click Here](#))
- E.** For inquiries or complaints related to student-to-student or Covered Individual Adults-to-student Discrimination, Harassment and/or Retaliation based on a student’s disability, please email Office of Diverse Learning Supports + Services (ODLSS) Manager Section 504 Compliance at [Section504@cps.edu](mailto:Section504@cps.edu) or refer to the Section 504 Procedural Manual ([Click Here](#))

**V. VIOLATIONS AND DISCIPLINE**

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

  - 1 Any Covered Individuals to engage in Discrimination, Harassment, Sexual Misconduct, and/or Retaliation, as defined in Section III above,
  - 2 Any employee, contractor, consultant or vendor to intentionally ignore Discrimination, Harassment, Sexual Misconduct, and/or Retaliation, as defined in Section III herein, by a Covered Individual that occurs in their presence, by failing to report that conduct, regardless of whether or not the Covered Individual complains about the conduct,
  - 3 Any employee, contractor, consultant or vendor to fail to fulfill their duties and responsibilities as described in Section IV above,
  - 4 Any employee, contractor, consultant or vendor to refuse to participate and/or provide truthful information in an investigation conducted by the OSP, OIG, EOCO, or ODLSS, and

- 5 Any Covered Individual to intentionally bring allegations in bad faith, and which the OSP, OIG, EOCO, or ODLSS finds to be false

**B. Discipline:**

- 1 Employees who violate this Policy are subject to disciplinary action
- 2 Students who violate this Policy are subject to disciplinary action pursuant to the Student Code of Conduct, which may be occasionally amended
- 3 Contractors, consultants or vendors who violate this Policy are subject to remedies of law or remedies pursuant to their contract
- 4 Volunteers who violate this Policy are subject to their authorization to serve as a volunteer being rescinded

**VI. NOTICE AND TRAINING**

All new employees shall receive information on this Policy within the first 30 days of hire. Annually, the Policy will be distributed to all active Covered Individual Adults, and posted on the Board of Education's website.

Each school shall maintain copies of this Policy in its Main Office and annually the Principal shall advise all Covered Individuals, including students, who attend/work for/provide services to their school about this Policy.

Notice to Covered Individuals regarding prohibited Discrimination, Harassment and/or Retaliation will be posted in a prominent location at all schools, Network offices and in each Central Office location.

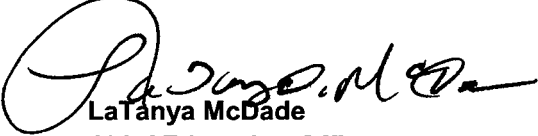
The CEO or their designee shall conduct annual training on this Policy to all employees.

**VII. PUBLICATIONS**

Beginning September 3, 2019, the following statement will be used in any new publication of the Student Code of Conduct, HR4U webpage, and cps.edu: "It is the policy of the Board to prohibit discrimination on the basis of any classifications protected 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 discrimination 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, ethnic group identification, ancestry, nationality, national origin, religion, color, mental or physical disability, age (40 and above), immigration status, marital status, registered domestic partner status, genetic information, political belief or affiliation (not union related), military status, unfavorable discharge from military service, or on the basis of a person's association with a person or group with one or more of these actual or perceived characteristics."

**LEGAL REFERENCES:** 20 U S C §1681 et seq , 29 U S C §764, 29 U S C §621 et seq , 29 U S C §206 et seq , 42 U S C §1981, 42 U S C §2000a et seq , 42 U S C §2000d et seq , 42 U S C §2000e et seq , 42 U S C §12101 et seq , 775 ILCS 5/7A-102, Chicago Mun Code § 2-160-020 (1990)

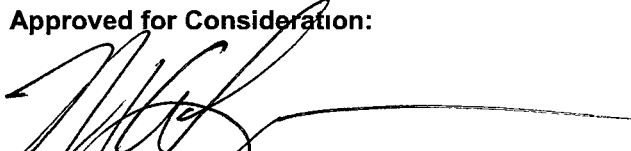
**Approved for Consideration:**

  
LaTanya McDade  
Chief Education Officer

**Respectfully Submitted:**

  
Janice K. Jackson  
Chief Executive Officer

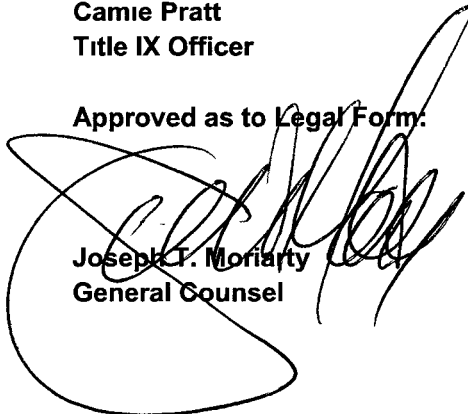
**Approved for Consideration:**

  
Matthew Lyons  
Chief Talent Officer

**Approved for Consideration:**

  
Camie Pratt  
Title IX Officer

**Approved as to Legal Form:**

  
Joseph T. Moriarty  
General Counsel