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Comprehensive Non-Discrimination, Harassment, and Retaliation

Section 102.8A | **Board Report** 26-0625-PO1 | **Date Adopted** June 25, 2026

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THE SUPERINTENDENT/CHIEF EXECUTIVE OFFICER RECOMMENDS:

That the Chicago Board of Education ("Board") amend Board Report 25-0424-PO2 Comprehensive Non-Discrimination, Harassment, and Retaliation Policy and adopt on a final basis, the new Comprehensive Non-Discrimination, Harassment, and Retaliation Policy.

PURPOSE

PURPOSE: The Board is committed to providing a safe and secure working and learning environment free from Discrimination, Harassment, 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, and/or Retaliation. No person must endure Discrimination, Harassment, and/or Retaliation as a condition of employment or participation in any academic/educational program or activity. 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, and/or Retaliation.

POLICY TEXT

I. Policy

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), 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, citizenship or 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)**
   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.

2. **Office of 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 25-0130-RS4, 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

II. Title IX Officer's Responsibilities

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,

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, and

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 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.

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 ongoing 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.

   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. Violations and Discipline for Sanctions

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. Definitions

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. **Microaggression:** 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. **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:**

   a. **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. Physical resistance is not required on the part of the complainant to demonstrate lack of consent.

      i. **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.

ii. **Fondling:** The intentional touching of the clothed or unclothed body parts of the complainant, without the consent of the complainant, for the purpose of sexual degradation, sexual gratification, or sexual humiliation; or, the forced touching by the complainant of the respondent's clothed or unclothed body parts, without the consent of the complainant, for the purpose of sexual degradation, sexual gratification, or sexual humiliation.

b. **Unlawful Sexual Intercourse**

i. **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by Illinois law.

ii. **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).

4. **Dating Violence:** 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:

a. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

b. Dating violence does not include acts covered under the definition of domestic violence.

5. **Domestic Violence:** A felony or misdemeanor crime of violence committed:

a. By a current or former spouse or intimate partner of the complainant;

b. By a person with whom the complainant shares a child in common;

c. By a person who is cohabitating with, or has cohabitated with, the complainant as a spouse or intimate partner;

d. By a person similarly situated to a spouse of the complainant under the domestic or family violence laws of Illinois; or

e. 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:** 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.

   For the purposes of this definition:

   a. 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.

   b. 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.

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

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

   b. submission to or rejection of such conduct by an individual is used as the basis for any employment decision affecting the individual; or

   c. 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 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.

Y. **Citizenship or Immigration Status Discrimination:** Treating a Covered Individual unfavorably because of matters regarding citizenship of the United States or any other country or the authority or lack thereof to reside in or otherwise to be present in the United States, including an individual's nationality and country of citizenship.

V. Examples of Prohibited Conduct

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, Illinois law, 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.

F. **Citizenship or Immigration Status (Illinois Safe Schools for All Act):** No child may be denied a free public education through secondary school in the District based on the actual or perceived citizenship or immigration status of the child or the child's parent or family. Policies, procedures, or practices that directly or effectively exclude or deny the benefits of any educational program or activity because of the perceived or actual citizenship or immigration status of a student or the student's parent or family are prohibited. Prohibited policies, procedures, or practices include, but are not limited to, collecting citizenship or immigration status information (unless required by law); disclosing citizenship or immigration status information (unless required by law); threatening to disclose citizenship or immigration status information; and permitting the unauthorized entry of law enforcement agents to enter a school building or facility in connection to the citizenship or immigration status of a student or the student's parent or family. Pursuant to PA 104-0288, the Office of School Safety and Security shall

develop Procedures for Reviewing and Authorizing Requests to Enter Schools or School Facilities from Law Enforcement Agents (Click here to access)

VI. Additional Resources for Filing Discrimination, Harassment, and Retaliation Complaints

1. **Chicago Commission on Human Relations**
   740 N. Sedgwick, Suite 400, IL 60654
   Tel: 312-744-4111, TTY: 312-744-1088, Email: cchr@cityofchicago.org

2. **U.S. Equal Employment Opportunity Commission (EEOC) Chicago District Office**
   230 South Dearborn St., Suite 1866
   Chicago, Illinois 60604
   Tel: 800-669-4000, TTY: 800-669-6820, ASL Video Phone: 844-234-5122

3. **Illinois Department of Human Rights**
   555 W. Monroe Street, Suite 700
   Chicago, IL 60601
   Tel: 312-814-6200, TTY: 866-740-3953
   https://dhr.illinois.gov/

4. **The U.S. Department of Education, Office for Civil Rights**
   Denver Office
   Cesar E. Chavez Memorial Building
   1244 Speer Boulevard, Suite 310
   Denver, CO 80204-3582
   Tel: 303-844-5695, TDD: 800-877-8339, Email: OCR.Denver@ed.gov

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Policy References

Amends/Rescinds	Amends 25-0424-PO2, 22-0928-PO2, 24-0725-PO1 and 24-0926-PO4
Cross References	25-0828-PO5; 25-0424-PO2; 24-0926-PO4; 24-0725-PO1; 22-0928-PO2; 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
Legal References	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; Safe Schools for All Act, 105 ILCS 5/22-105; Chicago Human Rights Ordinance, Chicago Mun. Code § 2-160-020 (1990), Chicago Ordinance SO2022-665.
Public Comment	Pursuant to Board Rule 2-6 this Policy will be subject to Public Comment from 4/24/26 to 5/25/26. Pursuant to Board Rule 2-6 this Policy was subject to Public Comment from 8/22/22 to 9/22/22. Pursuant to Board Rule 2-6 this Policy was subject to Public Comment from 7/23/20 - 8/17/20.

POLICY MANAGED BY

Office of Student Protections and Title IX

773-535-4400

OSPCOMPLIANCE@CPS.EDU

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