

RESOLUTION AGREEMENT
Chicago Public Schools District 299
OCR Complaint Nos. 05-15-1178 and 05-17-1062

Chicago Public Schools District 299 (District) enters into this agreement to resolve the allegations in OCR Docket Nos. 05-15-1178 and 05-17-1062 and ensure the District's compliance with the requirements of 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, which prohibit discrimination on the basis of sex in any education program or activity operated by a recipient of Federal financial assistance from the Department. Each item of this Resolution Agreement applies to all District-operated schools, District-operated charter schools, contract schools, and/or alternative schools.

I. TITLE IX STRUCTURE

- A. The District will ensure that the Title IX Coordinator reports directly to the Chief Executive Officer of the District, and that the Title IX Coordinator has the appropriate authority to effectively coordinate the District's compliance with Title IX, and that the Title IX Coordinator coordinates all of the District's Title IX investigations. The District will make any necessary changes to ensure that the Title IX Coordinator has the proper authority to coordinate all of the District's efforts to comply with and carry out its responsibilities pursuant to Title IX.
- B. To ensure that the District's Title IX responsibilities are discharged with the appropriate independent authority and to avoid potential conflicts of interest, the District will separate the function and responsibilities of all District employees who are directly involved in responding to complaints of sex discrimination from the function and responsibilities of District attorneys involved in litigation or who appear before any state or federal administrative agency on these same matters. Accordingly, the District will ensure that any individual who previously provided legal representation to the District on any matter involving Title IX recuses himself/herself from any representation of the District in litigation or before any state or federal agency on the same matter if:
- the individual previously provided legal advice on or relating to the Title IX matter;
 - the individual exercised oversight over the Title IX matter; or
 - the litigation or proceeding before the state or federal administrative agency involves one or more of the same parties as a Title IX matter over which the individual previously exercised oversight or on which the individual provided legal representation.

REPORTING REQUIREMENT

By November 27, 2019, the District shall submit to OCR for its review and approval documentation indicating that the District's Title IX structure has been realigned in accordance with Item I.A above.

By September 11, 2019, the District shall submit to OCR for its review and approval a written procedure that ensures compliance with Item I.B above.

II. TITLE IX IMPLEMENTATION

- A. To ensure that the District's students, parents or guardians of students, employees, applicants for employment, and sources of referral of applicants for employment are made aware of how to report incidents of sex discrimination in the educational programs or activities which it operates, the District will ensure its Notice of Nondiscrimination is consistent with the requirements of Item III.A below and is posted prominently on its website. In addition, the District will include the Notice of Nondiscrimination in its *Students Rights & Responsibilities, 2019-20* booklet to be provided to all current students by September 6, 2019, and include an acknowledgement of receipt signed by both the student and parent/guardian.
- B. To ensure that the District has a comprehensive process for responding appropriately to all complaints of sex discrimination, the District will issue a statement, distributed to all of its employees, that the District will promptly forward all Title IX complaints of which it is aware to the Title IX Coordinator.
- C. The District will document actions it takes in response to all Title IX complaints at each stage of its investigation and grievance process, including when imposing sanctions against a District-affiliated adult (hereinafter adult) or disciplining a student, and will clearly identify all of the actions it takes that are responsive to Title IX complaints.
- D. The District will require that all final Title IX determinations against staff, faculty, or administrators (hereinafter respondents) be noted in the respondent's personnel file, consistent with state and local laws, District policies, and applicable collective bargaining agreements. The notation shall provide a summary of the nature of the allegations, indicate whether a finding of violation was made and, if so, the sanctions imposed.
- E. The District will develop and implement a plan that ensures that the Title IX Coordinator oversees the development, provision, and monitoring for effectiveness of sexual harassment training for:
 - i. each District employee responsible for any stage of the grievance process regarding the substantive requirements of Title IX;
 - ii. all Office of Student Protections and Title IX (OSP) staff and Office of the Inspector General (OIG) Sexual Allegations Team staff responsible for conducting sexual harassment investigations; and
 - iii. all members of the District community (i.e., administrators, staff, vendors, volunteers, students, and parents/guardians) regarding their Title IX rights and responsibilities.

REPORTING REQUIREMENT

By September 11, 2019, the District shall submit to OCR for its review and approval documentation indicating compliance with the requirements of Items II.A-B above.

By November 27, 2019, the District shall submit to OCR for its review and approval documentation indicating compliance with the requirements of Items II.C-E above.

- F. For a period of three school years beginning with the 2019-20 school year, the District will provide OCR with copies of all completed Title IX complaint files, including final reports and written determinations, processed under the Title IX structure. The data produced will be organized in discrete files and contain all information concerning the particular investigation.

REPORTING REQUIREMENT

The District will provide completed Title IX complaint files to OCR electronically in a mutually agreed format within 60 days of the end of each semester.

III. TITLE IX POLICY AND TITLE IX GRIEVANCE PROCEDURES

By October 31, 2019, the District will review its policies prohibiting sex discrimination, including sexual harassment, and its procedures for providing a prompt and equitable response to student on student and adult on student complaints of sexual harassment, including but not limited to the Comprehensive Non-Discrimination, Harassment, and Retaliation Policy, the OSP Procedure Manual, the Student Code of Conduct and related student and employee discipline policies (hereafter collectively referred to as Title IX Policy and Grievance Procedures). The District will thereafter provide its Title IX Policy and Grievance Procedures to OCR for review and approval to ensure they provide for the prompt and equitable resolution of complaints alleging sexual harassment in accordance with the regulation implementing Title IX at 34 C.F.R. § 106.8(b). The District will ensure that its Title IX Policy and Grievance Procedures are cross-referenced, linked, internally consistent, and do not contain conflicting/contradictory information. The District's Title IX Policy and Grievance Procedures shall:

- A. Provide notice to students, parents, and employees of the Title IX Policy and Grievance Procedures, including where complaints may be filed, that is written in language appropriate to District students, easily understood, and widely disseminated;
- B. Include formal complaint procedures providing for:
 - 1. designated, reasonably prompt timeframes for the major stages of the investigation and for completion of the investigation of a complaint;
 - 2. investigations that are adequate, reliable and impartial;
 - 3. an equal opportunity for both parties to present witnesses and other evidence;
 - 4. a written report summarizing the relevant inculpatory and exculpatory evidence;
 - 5. timely and equal access to all parties of information that will be used during disciplinary meetings and hearings;
 - 6. written notice of the determination to be provided to the parties; and
 - 7. if applicable, a requirement explaining who may appeal the District's determination and the basis for deciding an appeal.
- C. Prohibit retaliation against persons who report sex discrimination, including sexual harassment, or participate in related proceedings;
- D. Apply to complaints alleging sex discrimination carried out by employees, other students,

or third parties, and, with respect to complaints of sexual harassment carried out by adults, describe the coordination between the OSP and the OIG Sexual Allegations Team;

- E. Explain the interim measures that the District, as appropriate, commits to taking on behalf of both the complainant and the respondent student before the final outcome of an investigation to respond to allegations of sexual harassment, which may include but are not limited to counseling, extensions of time or other course-related adjustments, modifications of work or class schedules, building/program escort services, door-to-door transportation to school, restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring of certain areas of campus, and other similar measures; and
- F. Assure that the District will take steps to prevent the recurrence of sexual harassment and correct any discriminatory effects on all impacted students as appropriate.

REPORTING REQUIREMENT

By October 31, 2019, the District will provide OCR its Title IX Policy and Grievance Procedures. Within 90 calendar days of receipt of notice of OCR's approval, the District will submit to OCR documentation that the District has approved, adopted and implemented its Title IX Policy and Grievance Procedures referenced in this Item.

IV. NOTICE OF NONDISCRIMINATION

By September 11, 2019, the District will provide to OCR for approval its revised Notice of Nondiscrimination to all District students, parents, administrators, staff, applicants for employment, and sources of referral of applicants for employment with the District that is compliant with the regulation implementing Title IX at 34 C.F.R. § 106.9(a).

Additionally, by October 16, 2019, the District will widely distribute the Notice of Nondiscrimination including by posting it in common areas throughout the District, including at every District school, Network Office, and Central Office, and by posting it on the District's website and on every District school webpage. Furthermore, by October 16, 2019, the District will email and/or send letters to the entire CPS community—including students, employees, parents, and volunteers/vendors a copy of the Notice of Nondiscrimination, including sending it to District parents, students, administrators, and staff, and printing it in any 2020-21 District and school handbooks and amending any 2019-20 student handbooks. In addition, the District will include it in its *Students Rights & Responsibilities*, 2019-20 booklet to be provided to all current students by September 6, 2019, and include an acknowledgement of receipt signed by both the student and parent/guardian.

REPORTING REQUIREMENT

By September 11, 2019, the District will provide OCR with its Notice of Nondiscrimination for approval. Within 30 calendar days of receipt of notice of OCR's approval, the District will submit to OCR documentation that the approved Notice of Nondiscrimination referenced in this item has been widely published, including a copy of the communication sent to all students,

parents, administrators and staff, relevant pages of the District's websites and parent/student handbook(s), and documentation of the postings at the District.

By September 11, 2020, the District will provide OCR with evidence that the approved Notice of Nondiscrimination has been published in the District and school handbooks for the 2020-21 school year.

V. TRAINING

PERSONNEL

- A. The District will provide annual training to its Title IX Coordinator(s), OSP staff, the designated OIG Sexual Allegations Team and Law Department staff, and school-level administrators (Title IX School Representatives), and other District employees who are designated to be responsible for processing, investigating, adjudicating and/or resolving complaints of sexual harassment to ensure investigations are addressed promptly and equitably. The training will review and include instruction on:
1. the District's Title IX Policy and Grievance Procedure developed pursuant to Item III of this Agreement;
 2. how to respond to complaints of sexual harassment;
 3. how to identify what constitutes sexual harassment, including a hostile environment;
 4. how to conduct and document adequate, reliable, and impartial investigations of sexual harassment;
 5. record retention requirements;
 6. available interim measures and resources for the affected parties;
 7. Title IX prohibitions on retaliation; and
 8. notice to all parties of the outcome of the investigation.
- B. The District will provide annual training to District staff. The training will cover:
1. the District's revised Title IX Policy and Grievance Procedures developed pursuant to Item III of this Agreement;
 2. the obligation of the District's designated employees to report sexual harassment to the Title IX Coordinator and the OSP and to the OIG if the report involves adult on student sexual harassment;
 3. how to identify what constitutes sexual harassment, including a hostile environment;
 4. the District's responsibilities under Title IX to respond to complaints of sexual harassment; and
 5. the resources available to students found to have been subject to sexual harassment.

REPORTING REQUIREMENT

By September 11, 2019 the District will provide to OCR a list of all training and training materials used to train District staff who may be involved in its Title IX response and compliance efforts and all training and training materials used to train all other District staff on its Title IX Policy and Grievance Procedures at the start of the 2019-20 school year.

Within 30 days of OCR's approval of the District's Title IX Policy and Grievance Procedures developed pursuant to Item III of this Agreement, the District will provide OCR a copy of all training materials used to train the District's Title IX Coordinator(s), OSP staff, the designated OIG Sexual Allegations Team and Law Department staff, who are involved in the District's Title IX response and compliance efforts, in the 2019-20 school year.

Within 60 days of OCR's approval of the District's Title IX Policy and Grievance Procedures developed pursuant to Item III of this Agreement, the District will provide OCR a copy of all training materials used to train school-based Title IX school representatives, who are involved in the District's Title IX response and compliance efforts, in the 2019-20 school year.

By July 1, 2020 the District will provide OCR, for its review and approval, a list of all training and training materials: (1) to be used to train District staff who may be involved in its Title IX response and compliance efforts in the 2020-21 school year, and (2) all training and training materials to be used to train all other District staff on its Title IX Policy and Grievance Procedures at the start of the 2020-21 school year that it will deliver pursuant to Items A and B above.

After receipt of OCR approval, the District will deliver that training to District staff at the start of the 2020-21 school year. Within 90 days of the start of the 2020-21 school year, the District will provide OCR documentation that it has provided the approved training referenced in Item V- Personnel, including the delivery method, dates of the training, the names and titles of the trainer(s), and a copy of any materials used or distributed during the training.

STUDENTS

The District will provide annual age-appropriate training for District students and parents that will cover:

- A. the District's revised Title IX Policy and Grievance Procedures developed pursuant to Item III of this Agreement, including where to locate them on the District's website, and the existence of OCR and its authority to enforce Title IX;
- B. the District's Title IX Coordinator, (including contact information), as well as school administrators and their respective roles in coordinating the District's response to complaints of sexual harassment;
- C. what constitutes sexual harassment, the District's prohibition against sex discrimination, including sexual harassment, the District's commitment to having a District environment free from harassment, and a statement that harassment of students based on sex will not be tolerated;
- D. the resources available to students who report sexual harassment or retaliation, including interim measures pending an investigation; and

- E. what students should do if they believe they or other students have been subjected to sexual harassment.

REPORTING REQUIREMENT

By September 11, 2019, the District will provide OCR all materials already delivered to students and parents at the start of the 2019-20 school year, which covers the foregoing items, together with a description of the delivery method employed.

By January 22, 2020, the District will provide to OCR for its review and approval, the District's student training materials and its plan for delivery of the training before the end of the 2019-20 school year. The District will implement the approved training to all students before the end of the 2019-20 school year.

Within 90 days of implementing the approved student training materials, the District will provide OCR with a copy of the training materials that it delivered pursuant to Item V-Students – Items A-E above for the 2019-20 school year.

By January 22, 2020, the District will provide OCR a copy of the training materials and training program that it will make freely available to parents pursuant to Item V-Students-Items A-E and the date(s) on which and methods by which the training materials and training will be made available before the end of the 2019-20 school year.

By July 1, 2020, the District will provide OCR with a copy of the training materials that it will deliver pursuant to Item V- Students – Items A-E above for the 2020-21 school year for OCR's review and approval. The District will implement the approved training to students at the start of the 2020-21 school year. Within 90 days of the start of the 2020-21 school year, the District will provide OCR documentation that it has provided the approved training for the 2020-21 school year referenced in Item V- Students, including the delivery method, the date(s) of the training session(s), the name and title of the presenter(s), a copy of any materials used or distributed during the session(s), and an assurance that the training was provided to all District students.

VI. STUDENT REMEDIES

- A. By September 11, 2019, the District will issue a letter to Student A and her mother acknowledging that Student A was subjected to discrimination based on sex while a District student and that she was not provided with a prompt and equitable response to her complaint allegations. In addition, in the letter the District will provide Student A and her mother with notice of the steps the District has taken and will take pursuant to this Agreement.

REPORTING REQUIREMENT

By September 18, 2019, the District will provide OCR with a copy of the letter issued to Student A and her mother. By December 11, 2019, the District will submit to OCR copies of any responses it received to the letter issued, and documentation of any actions it took as a result.

- B. By September 11, 2019, the District will issue a letter to Student B and her mother providing them with notice of the steps the District has taken and will take pursuant to this Agreement and offering Student B and her mother the opportunity to meet to discuss the District's changes since Student B's mother first complained of sex discrimination on behalf of Student B.

REPORTING REQUIREMENT

By September 18, 2019, the District will provide OCR with a copy of the letter issued to Student B and her mother. By December 11, 2019, the District will submit to OCR copies of any responses it received to the letter issued, and documentation of any actions it took as a result. In the event the District meets with Student B and/or her mother, it shall provide OCR with a narrative description of the meeting that includes, at a minimum, the name and title of each District employee who participated in the meeting and a summary of the discussion.

- C.
 1. By September 30, 2019, the District will post a notice to its website and include information in notices to parents and students that are distributed to students inviting students and former students, who since September 1, 2016, reported to District personnel that they were subjected to sexual harassment by a District student or adult while participating in a District education program or activity and who are in need of remedial services to restore their access to the District's education programs or activities, to file a complaint with the Title IX Coordinator by November 15, 2019.

REPORTING REQUIREMENT

By September 11, 2019, the District shall submit to OCR the draft notice and back-to-school communication(s) for review and approval. Within 15 calendar days of receipt of notice of OCR's approval, the District will submit to OCR documentation indicating compliance with the requirements of subsection VI.C(1).

2. On or before December 1, 2019, the Title IX Coordinator will provide to OCR a summary of all complaints received pursuant to the invitation required in Item VI.C(1). No later than December 15, 2019, the District will submit to OCR for review and approval the individual(s) or entity(ies) that will independently review each of the complaints received pursuant to Item VI.C(1). The District will take reasonable steps to verify the need for remedial action, and, no later than February 3, 2020, respond in writing to each person who filed such a complaint.

REPORTING REQUIREMENT

By February 15, 2020, the District will provide to OCR: a detailed summary of the review performed by the independent reviewer of sexual harassment complaints filed with the District since September 1, 2016 (including but not limited to complaints that were submitted pursuant to Item VI.C above). At a minimum, the summary will include:

- i. the total number of complaints reviewed in the stated timeframe;

- ii. a description of the documentation and information considered by the independent reviewer in conducting the review;
- iii. a list of all witnesses contacted and/or interviewed in connection with the review;
- iv. copies of the notice of outcome provided to the parties;
- v. a summary of each action taken by the District in every case as a result of the review; and
- vi. documentation of any relief offered and/or provided to current or former students as a result of the independent review.

VII. MAINTENANCE OF RECORDS

By September 11, 2019, the District will provide OCR documentation of the record-keeping system currently in place.

By October 31, 2019, the District will develop and implement a record-keeping system and procedures that adequately and accurately document and preserve all complaints of sexual harassment, and the District's responses to and investigations of complaints of sex discrimination, including any written documentation sent to or received in relation to the complaint, interview notes, witness statements, and any relevant correspondence.

The District's record-keeping procedures will require that the District:

- A. Track electronically all Title IX complaints in a manner that includes relevant information related to the complaint, including information related to the complainant and respondent, all identified witnesses of the harassment, the person receiving the complaint, the date/time/nature/location of the incident, the date the District became aware of the incident, and the date the Title IX Coordinator received notice of the incident;
- B. Document all disciplinary sanctions issued to students or employees for violations of the Revised Title IX Policy and Grievance Procedures referenced in Item III;
- C. Maintain a copy of all written determinations and notification letters provided to and received by the parties; and
- D. Document any interim measures, services and resources offered to the parties pending the completion of an investigation.

REPORTING REQUIREMENT

By October 31, 2019, the District will provide OCR with a detailed description of its proposed record-keeping system and procedures for OCR's review and approval. Within 45 calendar days of OCR's approval of the proposed record-keeping system and procedures, the District will provide OCR with documentation that it has implemented the system and adopted and disseminated the procedures.

By April 6, 2020, and within 60 days of the end of every semester until OCR closes its monitoring of this resolution agreement, the District will provide OCR a list of all complaints of sexual harassment, and other sex discrimination complaints the District received during the preceding semester and when the case investigation is completed. The list will include the date of incident, nature of the alleged conduct, the school(s) involved, identity of the parties, including whether the respondent is a student or adult, the date of the notice of outcome to the parties, and any findings. The District will provide OCR access to the complete investigative file, including applicable school-level records, student disciplinary records, employee disciplinary records, OSP files, Law Department files, Human Resources/Personnel files, EOCO files, and OIG Sexual Allegations Team files. The data will be produced electronically in a mutually agreed format, and will be organized as individual files, with all relevant documents for an incident in a discreet labeled file.

VIII. EMPLOYEE SANCTIONS

By September 11, 2019, the District will provide to OCR evidence that it has reviewed the conduct of employees who had notice of or who were reported to have notice of complaints of sexual harassment involving a student and failed to take appropriate action, and describe any sanctions issued to those employees. The review provided on September 11, 2019, will address incidents about which the District had notice on or after June 1, 2018, to the date of this Agreement.

To ensure that the District takes appropriate action to ensure a prompt and equitable response to complaints of student sexual harassment, it will review the actions of all current and former employees who had notice or were reported to have notice of complaints of sexual harassment to ensure appropriate action was taken in accordance with Title IX and District policies. If the District's review determines that the employee failed to adequately respond in accordance with then-applicable laws and policies, the District will determine what responsive actions must be taken with regard to that employee. Responsive actions to be considered include, but are not limited to, the following: training, counseling, disciplinary proceedings, demotion, reassignment, and/or other responsive action(s). Any actions taken will be documented in the employee's or former employee's personnel file.

REPORTING REQUIREMENT

By December 11, 2019, the District will provide OCR with a copy of its documents regarding the review of each employee, including a copy of each written report of its findings. By March 4, 2020, the District will provide OCR with documentation verifying any actions that have been taken with respect to each employee.

The District understands that by signing this Agreement, it agrees to provide the foregoing information in a timely manner in accordance with the reporting requirements of this Agreement. Further, the District understands that during the monitoring of this Agreement, if necessary, OCR may visit the District, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the District has fulfilled the terms of this Agreement and is in compliance with Title IX and its implementing regulation at 34 C.F.R. Part

106. Upon completion of the obligations under this Agreement, OCR shall close and dismiss this case.

The District understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce this Agreement, OCR shall give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

This Agreement will become effective immediately upon the signature of the District's representative below:

____9/10/19____
Date

_____/s/_____
Joseph T. Moriarty
General Counsel

____9/11/19____
Date

_____/s/_____
Adele Rapport
Regional Director