



Division of Rehabilitation Services

**Illinois School for the Deaf, Illinois School for the
Visually Impaired, and the Illinois Center for
Rehabilitation & Education - Roosevelt**

Title IX Procedure Manual

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I. INTRODUCTION

A. Purpose: The purpose of this Title IX Procedure Manual (Manual) is to outline the policy and procedures of the Illinois Department of Human Services (IDHS), Division of Rehabilitation Services (DRS), Illinois School for the Deaf (ISD), Illinois School for the Visually Impaired (ISVI), and Illinois Center for Rehabilitation & Education – Roosevelt (ICRE-R) (collectively, the Schools), to ensure prompt and equitable resolutions to complaints of discrimination, harassment, sexual harassment, sexual misconduct, and retaliation by students and employees, in order to provide a safe and secure learning and working environment. The purpose of the Manual is also to further expound on the Title IX Sexual Harassment Grievance Procedure (Procedure). Collectively, the Manual and the Procedure form IDHS’s Policy for compliance with Title IX. IDHS will not tolerate Retaliation against any student or employee as a result of a complaint, or report of Sexual Harassment, or Sexual Misconduct, or information provided related to a complaint, or report being filed. Additionally, no student or employee shall tolerate Discrimination, Harassment, Sexual Harassment, Sexual Misconduct and/or Retaliation as a condition of participation in any educational activity or as a condition of employment, all of which are prohibited by IDHS Policy and Title IX of the Education Amendments of 1972 (Title IX).

B. IDHS Title IX Coordinator: The IDHS Title IX Coordinator is the IDHS official responsible for coordinating the School’s efforts to comply with and carry out responsibilities under Title IX of the Education Amendments of 1972. The Title IX Coordinator must be made aware of all reports, as they will be responsible for addressing any Title IX complaints. The Title IX Coordinator is responsible for:

- Coordinating all Title IX investigations under the Manual and Procedure
- Determining supportive measures, if any, that are necessary to protect student and employee rights.
- Coordinating appropriate next steps, including appropriate remedial support for any identified complainants and respondents, educational program changes required, commencement of student discipline and commencement of employee discipline or dismissal.
- Consulting with other departments, as they deem necessary to determine appropriate actions in accordance with Title IX, other applicable local, state, and federal laws, policies, and collective bargaining agreements.
- Title IX training for DRS stakeholders.

The IDHS Title IX Coordinator can be reached at DHS.DRS.TitleIXCoordinator@illinois.gov.

C. IDHS Bureau of Civil Affairs (BCA): BCA is a Bureau within IDHS and is responsible for conducting the investigations for all allegations of discrimination and harassment based on sex and pregnancy status, sexual harassment, sexual misconduct and retaliation under these procedures. The Title IX Coordinator shall forward all complaints related to or potentially related to sexual harassment, sexual misconduct, retaliation, and other conduct or harassment of a sexual nature to the BCA.

BCA can be reached at (217) 524-7068 or DHS.CivilAffairsComplaints@illinois.gov.

Inquiries related to Title IX can also be made to the **U.S. Department of Education’s Office for Civil Rights, 230 South Dearborn Street, 37th Floor, Chicago, Illinois, 60604, (312) 730-1560, OCR.Chicago@ed.gov.**

D. Title IX of the Education Amendments of 1972 (Title IX): As the Schools receive federal financial assistance, Title IX applies to all IDHS’ Schools, educational programs and activities.

- Title IX states that “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.”
- IDHS’ **Title IX Coordinator** is responsible for coordinating efforts to comply with and carry out the responsibilities under Title IX and its implementing regulations to investigate, stop, prevent, and remedy discrimination and harassment based on sex or pregnancy status, sexual harassment, sexual misconduct, and retaliation.

II. DEFINITIONS

A. Complainant: The individual who is alleged to be the victim of conduct that could constitute sexual misconduct, including Title IX Sexual Harassment. A Complainant is a “party” for purposes of this Policy.

B. Consent: Informed, freely, and mutually understood words or actions that indicate a willingness to participate in agreed upon sexual activity. A person can withdraw consent at any time. There is no consent when there is force, threats, intimidation, or duress. A person’s lack of verbal or physical resistance or manner of dress does not constitute consent. Consent to past sexual activity with another person does not constitute consent to future sexual activity with that person. Consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with another person. A person cannot consent to sexual activity if such person is unable to understand the nature, fact, or extent of the activity or give knowing consent due to circumstances including but not limited to:

- The person is incapacitated due to the use or influence of alcohol or drugs;
- The person is asleep or unconscious;
- The person is under the legal age to provide consent; or,
- The person has a mental or physical disability that prevents the person from having the ability or capacity to give consent.

C. Decision-Maker: Individuals who are free from conflicts of interest and biases and who are trained to serve impartially without prejudging the facts at issue. Decision-makers

have the authority to make the determination regarding whether the Policy was violated, what discipline/sanction is appropriate, and whether a complaint is dismissed.

- D. Document Filed by a Complainant:** A document or electronic submission (such as by e-mail or through an online portal provided for this purpose by the school) that contains the complainant’s physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.
- E. Harassment:** For the purposes of this Manual, “harassment” means unwelcome verbal, nonverbal, visual, or physical conduct that is based on an individual’s actual or perceived sex (including gender identity) or pregnancy status, 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 not be 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.
- F. Respondent:** The individual who has been reported to be the perpetrator of conduct that could constitute Sexual Misconduct, including Title IX Sexual Harassment or discrimination or harassment on the basis of sex. A Respondent is a “party” for purposes of this Policy.
- G. Retaliation:** Any action, or attempted action, directly or indirectly, against any person(s), who, in good faith, reports or discloses a violation of this Policy, files a complaint, and/or otherwise participates in an investigation, proceedings, complaint, or hearing under this Policy. Retaliation includes but is not limited to harassment, threats, job termination, adjustment in pay or responsibilities, or negative impact on academic progress. Actions are considered retaliatory if they have an adverse effect on the working, academic, or living environment of a person; or if they prevent a person from effectively carrying out their educational responsibilities.
- 1. Sex Offenses, Non-forcible:** Non-forcible intercourse.
- a. **Incest** – Unforced sexual intercourse between persons who are related to each other.
 - b. **Statutory Rape** – Unforced sexual intercourse with a person who is under the statutory age of consent of 17 years of age. It is considered statutory rape when the Complainant is 17 or 18 years of age and the respondent is in a position of trust or authority, such as a teacher or coach.
- H. Non-Consensual Sexual Contact:** Inappropriate sexual contact against another involving the mouth, genital area, inner or upper thigh area, anus, buttocks, breast(s), neck or any part of another person’s body, whether directly or indirectly through clothing.

- I. Sexual Harassment:** Any unwelcome or unwanted sexual, sex-based, or gender-based conduct, whether verbal, written, electronic and/or physical in nature:
1. That is (a) sufficiently severe or pervasive; and (b) objectively offensive; and (c) unreasonably interferes with, denies, or limits a person's ability to participate or benefit from educational and/or employment opportunities, assessments, or status at the School; or
 2. By a person having power or authority over another in which submission to such conduct is made explicitly or implicitly a term or condition of educational and/or employment opportunities, participation, assessments, or status at the School;
 3. Any instance of sexual assault (as defined in the Clery Act), dating violence, or stalking as defined in the Violence Against Women Act (VAWA).
- J. Sexual Misconduct:** Any range of behavior used to obtain sexual gratification against another's will or at the expense of another. Sexual misconduct includes sexual harassment, sexual assault, and any conduct of a sexual nature that is without consent or has the effect of threatening or bringing discomfort or unease such as exposing oneself or requesting exposure of private areas from another, this includes pictures and or emails, chats etc. and intimidating the person against whom such conduct is directed.
- K. Supportive Measures:** Individualized services reasonably available that are non-punitive, non-disciplinary, and not unreasonably burdensome to the other party while designed to ensure equal educational access, protect safety, or deter sexual harassment. Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to complainant and respondent.
- L. Title IX:** Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq., a federal law that prohibits sex discrimination, including sexual misconduct, in education programs and activities for institutions that receive federal financial assistance, as well as retaliation for the purpose of interfering with any right or privilege protected by Title IX.
- M. Title IX Coordinator:** The IDHS official responsible for coordinating the School's efforts to comply with and carry out its responsibilities under Title IX of the Education Amendments of 1972. The Title IX Coordinator must be made aware of all reports, as he or she will be responsible for addressing any Office of Civil Rights Title IX complaints or audits. The Title IX Coordinator:
- Coordinates all Title IX investigations under the Policy.
 - Determines supportive measures, if any, that are necessary to protect student and employee rights, and
 - Coordinates appropriate next steps including appropriate remedial support for any identified complainants and respondents, educational program changes required, commencement of student discipline and commencement of employee discipline or dismissal.
 - Consults with other departments, as they deem necessary to determine appropriate actions in accordance with Title IX, other applicable local, state and federal laws, policies, and collective bargaining agreements.

- Training for DRS Title IX stake-holders
 - Maintain record-keeping requirements
- N. Title IX Liaison(s):** Designated person(s) at each School, entrusted to coordinate efforts to comply with Title IX responsibilities, working in conjunction with the Title IX Coordinator.
- O. Title IX Sexual Harassment Grievance Procedure:** general principles that govern IDHS’s policy to ensure a workplace and educational environment free from sexual harassment

III. REPORTING AND INTAKE PROCEDURES

A. Mandatory Reporting Requirements

- **Covered Individual Reporting Discrimination, Harassment, Sexual Harassment, Sexual Misconduct and Retaliation:**
 - Covered individuals include all employees, students, contractors, consultants, vendors, volunteers, visitors, or applicants for employment. Covered Individuals must not be subjected to any discrimination, harassment, sexual harassment, sexual misconduct, or retaliation by another covered individual while employed, working for, attending School or participating in School programs or activities.
 - All covered individuals are required to report to the Title IX Coordinator all discrimination, harassment, sexual harassment, sexual misconduct and retaliation concerns they become aware of in the scope of their role, whether it involves students, adults, or conduct between adults and students.
 - Covered individual must follow the reporting procedures outlined below for all incidents of discrimination, harassment, sexual harassment, sexual misconduct, and retaliation of which they become aware. Failure to report may result in discipline up to and including discharge and removal from and prohibiting access to IDHS premises.
- **Mandated Reporting of Child Abuse:**
 - Mandated reporters include all school personnel (including administrators and both certificated and non-certificated school employees), educational advocates assigned to a child pursuant to the School Code, social workers, registered nurses, licensed practical nurses, recreational program personnel, registered psychologists, psychiatrists, physicians, and others.
 - Mandated reporters who have reasonable cause to believe that a child known to the reporter may have been abused or neglected must immediately report such to the Illinois Department of Children and Family Services (DCFS) by calling the DCFS Hotline at (800) 252-2873 (1-800-25-ABUSE) or (800) 358-5117 (TTY). Mandated reporters must also report to DCFS any interactions or behaviors which suggest that an adult has or had an inappropriately intimate relationship with a child or may be grooming a child, even if the employee does not have

reasonable suspicion that sex abuse is occurring or has occurred.

- **Title IX and Sexual Misconduct Mandatory Reporting Procedure**

- The mandated reporter must remove the student from harm's way and call for assistance (911), if needed.
- A telephone call should then be placed to the DCFS Child Abuse Hotline at (800) 252-2873 (1-800-25-ABUSE) or (800) 358-5117 (TTY).
- After notifying the Hotline, a mandated reporter must notify the School Administrator immediately, following administrative chain of command. The School Superintendent or designee will notify the Director of DRS or designee of the allegations.
- School Superintendent or designee will determine, based on the circumstances of the allegations, if the local police (i.e., Jacksonville Police Department or Chicago Police Department) or the Illinois State Police should be notified. The Superintendent or designee will notify the student's parents/guardians after ensuring the student is out of harm's way, is treated for any medical need and after calling the appropriate law enforcement agency, if warranted.
- The IDHS Title IX Coordinator shall be notified.
- A confidential complaint shall be made to the IDHS Bureau of Civil Affairs (BCA).

- **Procedure for Reporting a Complaint:** All complaints related to sexual harassment, sexual misconduct, retaliation, and other conduct or harassment of a sexual nature, must be reported to BCA at 100 South Grand Avenue East, 3rd Floor, Springfield, IL 62762, (217) 524-7068 or DHS.CivilAffairsComplaints@illinois.gov.

B. Intake and Review of Report:

- **BCA Intake and Review:** Once BCA receives a complaint of misconduct covered herein, its staff will conduct an intake, review the information received, and determine whether the report falls under Title IX jurisdiction. BCA will, at all times, provide support to the parties whether the Bureau has jurisdiction under the Title IX Policy, and whether or not the complaint falls under Title IX. Formal supportive measures under Title IX are the province of the Title IX Coordinator and/or the Schools.
 - Jurisdiction applies to conduct that takes place on School grounds or on property owned, leased, or controlled by the School. It may also apply to conduct that occurs outside of School or work and to online conduct when the School determines that the conduct affects a substantial School interest. Regardless of where the conduct occurred, the School will address all allegations to determine whether the conduct has continuing effects within the School.
 - If BCA has jurisdiction, then BCA will reach out to the complainant, provide information about the ability to file a formal complaint under Title IX, and refer to the Title IX Coordinator to provide supportive measures.

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

- **Formal Complaint:** For incidents falling under Title IX sexual harassment, a formal complaint must be filed to request that the Bureau investigate the allegation. A complaint is a written document filed by a complainant (parents/guardians have the right to act on behalf of the student) or signed by the Title IX Coordinator, alleging a Title IX sexual harassment violation against a respondent.
 - A formal complaint may be filed in person, by mail, by electronic mail, or via the [Online Complaint Form](#) to one or more of the following:
 - IDHS Title IX Coordinator DHS.DRS.TitleIXCoordinator@illinois.gov.
 - BCA at 100 South Grand Avenue East, 3rd Floor, Springfield, IL 62762, (217) 524-7068 or DHS.CivilAffairsComplaints@illinois.gov.
- **Dismissal of a Formal Title IX Sexual Harassment Complaint:**
 - **Mandatory Dismissal:** If any of the following are met, a formal complaint *must* be dismissed without conducting an investigation under Title IX:
 - If at the time of filing a formal complaint, a Complainant is not participating in or attempting to participate in the education program or activity of the School; and/or
 - If the conduct did not occur in the School's education program or activity; and/or
 - If the conduct alleged in the formal complaint would not constitute sexual harassment as defined in herein.
 - **Discretionary Dismissal:** If any of the following are met, a formal complaint *may* be dismissed without conducting an investigation under Title IX:
 - If at any time during the investigation or hearing, a Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations therein;
 - The Respondent is no longer enrolled or employed by the School; or
 - Specific circumstances prevent the School from gathering evidence sufficient to reach a determination as to the formal complaint or allegations.
 - **Dismissal Notification and Right to Appeal:** Both parties will receive simultaneous notification of complaint dismissal from the Decision-Maker and have the opportunity to appeal the dismissal determination according to the appeals section below.
 - When a Title IX sexual harassment complaint is dismissed, the complaint

will be evaluated for other policy violations as defined herein and processed accordingly.

- D. Student Refusal to Participate in Investigation:** Any student may refuse to participate in an investigation. Despite any refusal, the Title IX Coordinator has the discretion to continue to investigate if not clearly unreasonable in light of the known circumstances.
- E. Notification to School:** Within 24 hours of receiving a report from a school, BCA will send the school a designation of investigation and follow-up communication letting the school know what type of investigation, if any, will occur.
- F. Failure to Report:** Any individual who fails to report violations of Title IX is subject to discipline. Depending on the facts and circumstances, this discipline may include discharge and removal from and prohibiting access to the IDHS premises.
- G. Interference with Investigation:** Any person who interferes with an investigation is subject to disciplinary action up to and including discharge. Prohibited interference includes:
- Attempting to coerce, compel, or prevent an individual from providing testimony or relevant information;
 - Removing, destroying or altering documentation relevant to the complaint; and
 - Knowingly providing false or misleading information to, or withholding information from, the Title IX Coordinator, BCA Investigator, Appeal Officer, or Decision-Maker, or encouraging others to do so.
- H. Supportive Measures:** In all incidents, the Title IX Coordinator will coordinate with schools/worksites to provide the parties with supportive measures which are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve access to the School's education program or activity, without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the Schools' educational environment, or deter sexual harassment or other conduct covered herein. Available supportive measures include, but are not limited to, the following:
- Counseling,
 - Course-related adjustments,
 - Modifications of work or class schedules,
 - Campus escort services,
 - Increased security and monitoring of certain areas of the school or campus,
 - Mutual restrictions on contact between involved parties, and
 - Connections to external counseling, support, medical/health services and/or advocacy services. For more information on specific referrals, see the Resource Guide in **Appendix C**.

IV. CASE PROCEDURES

A. General Guidelines: The following procedures will be followed when the School receives a report of discrimination, harassment, sexual harassment, sexual misconduct, and/or retaliation.

- **Special Consideration:** When responding to sexual misconduct incidents, both in the application of case procedures and in the assessment of applicable policies and discipline, the School takes into special consideration other factors, including but not limited to age, language ability, and disability status of students/employees. To the greatest extent possible, and subject to Title IX, the School will make reasonable accommodations in case procedures to avoid potential re-traumatization of a child and to avoid any potential interference with an investigation by the Department of Child and Family Services or a law enforcement agency.
- Subject to Title IX, after an alleged incident of sexual abuse is accepted for investigation by the Department of Children and Family Services or a law enforcement agency, an alleged victim will not be interviewed by the School regarding details of the alleged incident of sexual abuse until after the completion of a forensic interview at a Children's Advocacy Center, if such an interview is expected to be conducted.

B. Informal Resolution of all Complaints (Title IX and Non-Title IX): An informal resolution is available to the parties once a formal complaint has been filed and any time prior to a determination being made for a Title IX sexual harassment complaint, and at all times for complaints falling outside of Title IX. Informal resolution is used on a case-by-case basis, as determined by the School and Title IX Coordinator. This remedy is available only when the Complainant and Respondent agree to informal resolution. A preliminary inquiry will still typically precede this step to ensure that the case is appropriate for an informal resolution.

- The parties shall be provided with written notice that includes:
 - The reported misconduct/allegations;
 - The requirements of the informal resolution process;
 - The right of the parties to withdraw from the informal resolution process and resume the formal grievance process, subject to the circumstances under which, once the informal resolution process is completed, the parties may not change their minds and revert to a formal grievance process;
 - Any consequences resulting from participating in the process, including what sanctions can result, as well as any records that will be maintained and/or can be shared; and
 - Whether the resolution will be binding on the parties.
- It is not necessary to pursue Informal Resolution first in order to pursue the formal process of a complete investigation, and any party participating in Informal Resolution can stop the process at any time and request a complete investigation.
- Prior to implementing Informal Resolution, the School will obtain voluntary, written

confirmation that the Complainant and Respondent wish to resolve the matter through Informal Resolution.

- When, in the opinion of the School, the allegations involve serious misconduct or a pattern of employee misconduct, the School may be unable to honor a request for confidentiality and/or informal resolution.

C. Notification of Allegations and Interview to the Parties: BCA shall provide written notice of allegations and interview to the parties, including to parent(s)/guardian(s) exercising the right of a party of respondent(s) and complainant(s), before a formal interview takes place. If the allegations change at any point over the course of the investigation the School will provide formal notice again to include the additional allegations, copying all parties.

- **Notification of Allegation(s)** will include the following:
 - Details of the allegation:
 - A summary of the allegations made including the date(s) and location(s) of the alleged incident(s);
 - The identities of the parties involved (if known);
 - The classification of allegations made including the conduct that is considered to be sex/gender-based discrimination, sex/gender-based harassment, sexual harassment, and/or sexual misconduct;
 - The type of investigation that will occur;
 - The rights of the parties to supportive measures;
 - In-school and local resources available to the parties; and
 - Applicable section(s) of the policies and procedures alleged to have been violated.
 - A statement that the Respondent is presumed to be not responsible for the alleged conduct until a determination is made according to the process outlined herein.
 - A statement that the parties may have an advisor of their choice, who may be an attorney.
 - A reminder of the expectation of truthfulness in the process, including the consequences of providing false statements or submitting false information.
 - A statement that the information learned and shared during an investigation shall be treated as confidential.
- **Notification of Interview** will be sent to parties at least four (4) calendar days before the initial interview to provide parties with sufficient time to prepare to participate in the interview; however, circumstances may necessitate a shorter or longer time frame.
 - The notice will include the following:
 - Date;
 - Time;
 - Location;
 - Participants; and
 - Purpose of the investigative interview or meeting.
 - If the investigation necessitates additional interviews, notification of subsequent interviews will be provided to parties and the parties may waive the four (4) calendar day timeframe for preparation.

- **Notification of Allegations and Interviews may, at the School’s discretion, be combined into one notice containing all required information.**

D. Investigations

- **Investigation Norms:** All investigations, regardless of type, will be conducted in a prompt, thorough, fair and impartial manner. No information protected by privilege will be used during the investigation, unless the party waives the applicable privilege.
 - Each investigation will include the following steps, though not necessarily in this order:
 - Interviewing all parties and conducting follow-up interviews as needed while notifying the parties of any meeting or interview in advance;
 - Allowing each party the opportunity to provide any inculpatory and exculpatory evidence and suggest witnesses;
 - Interviewing all available relevant witnesses and conducting follow-up interviews as necessary;
 - Completing the investigation as promptly as possible and without unreasonable deviation from the intended timeline;
 - Providing status update notifications to the parties every ninety (90) calendar days throughout the investigation;
 - In cases falling under Title IX Sexual Harassment:
 - Writing a comprehensive final investigation report fully summarizing the investigation, all witness interviews, and addressing all relevant inculpatory and exculpatory evidence;
 - A decision-maker reviewing all the material, rendering a determination of responsibility based upon a preponderance of the evidence standard.
 - In cases falling outside of Title IX Sexual Harassment:
 - Documenting the investigation by summarizing the investigation, all witness interviews, and addressing all relevant inculpatory and exculpatory evidence;
 - A final outcome determination of responsibility based upon a preponderance of the evidence standard.
 - The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the School and not on the parties.

- **Investigative Report:** Investigations conducted by BCA will result in an investigative report that fully summarizes the investigation; all witness interviews, and addresses all relevant inculpatory and exculpatory evidence. Investigative reports falling under Title IX sexual harassment will be shared with the parties and their advisors by the investigator prior to their completion, and investigative reports falling outside of Title IX sexual harassment will not be shared with the parties prior to report completion. Prior to completion of the Title IX sexual harassment investigative report, the investigator will send each party and their advisor for inspection and review a copy of the draft investigative report and any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint. The parties will have ten (10) calendar days to submit a written response, which the investigator will consider prior to completing the investigative report. The finalized investigative report will be provided to the parties and their advisors.

- **Impact of BCA Investigations:**

- **BCA Non-Title IX Investigations:** Many investigations conducted by BCA may not be designated as Title IX investigations. Non-Title IX investigations are not subject to the procedures outlined above for Title IX investigations. Further, BCA investigations that were initially designated as Title IX investigations but subsequently dismissed will no longer be subject to those procedures as of the date of dismissal.
- **Corrective Action by the School Following a BCA Report:** Employees, Vendors and Volunteers may be subject to appropriate corrective action following a non-Title IX investigation and report:
 - **Employees:** Employees who are found to have violated any IDHS policy or applicable law or statute are subject to internal disciplinary action up to and including discharge.
 - **Contractors, Consultants or Vendors:** The IDHS Office of General Counsel will coordinate with the appropriate individual(s) within IDHS to determine the appropriate disciplinary actions for contractors, consultants or vendors which can include legal remedies including debarment.
 - **Volunteers:** The IDHS Office of General Counsel will coordinate with the appropriate individual(s) within IDHS to determine the appropriate disciplinary action for volunteers which can include, but is not limited to, having their authorization to serve as a volunteer rescinded.

E. Determinations: The parties will receive a determination regarding responsibility using the preponderance of the evidence standard. Regardless of the outcome of the investigation, the School will take steps to prevent the recurrence of sexual harassment, as well as all misconduct covered herein, and correct any discriminatory effects on all impacted parties as appropriate.

- **Cases falling under Title IX Sexual Harassment - Written Determinations:** After the School has sent the draft investigative report to the parties, and before reaching a determination regarding responsibility, the Determination Decision-Maker will afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. The Determination Decision-Maker may make a determination that a question is not relevant and will explain to the party proposing the questions any decision to exclude questions as not relevant. The Determination Decision-Maker will issue a written determination regarding responsibility using the preponderance of the evidence standard.
 - The written determination will be simultaneously sent in a prompt and equitable manner to inform the parties and their advisors, including the parent(s)/guardian(s) of respondent(s) and complainant(s), of the following:
 - The section(s) of the policies alleged to have been violated;
 - Findings of fact that support the determination;
 - Conclusions regarding the application of the “findings of fact” to the alleged policy violations;
 - A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the School imposes on the respondent, and whether remedies designed to restore or preserve equal access to the School’s education program or activity will be provided by the recipient to the Complainant; and
 - Procedures for appeal, including the bases upon which the parties may appeal.

F. Discipline

- Employees who violate this Policy are subject to disciplinary action up to and including discharge.
- Students who violate this Policy are subject to disciplinary action under the Illinois School Code and/or the Student Handbook.
- Contractors, consultants, or vendors who violate this Policy are subject to removal from and prohibited access to School premises, remedies of law, and/or remedies under their contract, up to and including contract termination.

G. Resolution Timeframe: Investigations will be completed promptly although some investigations take weeks or even months, depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc.

- BCA will make a good faith effort to complete the resolution process, not including appeals and discipline, within a ninety (90) business days time period, which can be extended as necessary for appropriate cause by the Title IX Coordinator, with notice to the parties as appropriate.

H. Appeal Procedures

- IDHS must offer both parties the option for appeal from:
 - A determination regarding responsibility;
 - The dismissal of a formal complaint or any allegations within the complaint.
- The scope of appeal rights concerns the following:
 - Procedural irregularity that affected outcome;
 - Newly discovered evidence that could affect the outcome; or
 - Title IX personnel had a conflict of interest or bias that affected the outcome.
- The Appeal Officer shall not be the Title IX Coordinator, the BCA Investigator, or the Decision-Maker.
- Making an Appeal Request: The complainant and respondent can appeal a written determination or dismissal of a formal Title IX sexual harassment complaint through a written request, within five (5) business days of receiving a written determination letter or notification of dismissal. Appeals can be made on any of the following grounds, which must be articulated in the appeal:
 - A procedural irregularity that affected the outcome of the matter;
 - New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
 - The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent, that affected the outcome of the matter; and
- When exigent circumstances exist, limited extensions may be granted at the discretion of the School. Any party may submit their request in person or by mail to the office address listed below, or they may submit their request to the Title IX Coordinator.
- Upon receiving an appeal, the Appeal Officer will notify each party in writing and give the parties an equal opportunity to submit a written statement in support of, or challenging, the outcome. The response must be received within five (5) business days. All responses and appeals will be shared with all parties.
- Receiving a Decision on an Appeal: The Appeal Officer shall render a determination promptly but no later than 30 business days of receiving the written request for appeal. The 30-day response time may be extended for good cause. The Appeal Officer shall notify both parties of the decision and shall document that notification in School records.

I. Recordkeeping: The IDHS Title IX Coordinator shall be responsible for maintaining records related to all Title IX complaints received by the School. These records will be maintained for seven (7) years (and available for request by the parties).

- This includes, but is not limited to the following information for each complaint:
 - Relevant information related to the complainant, respondent and identified witnesses;
 - Name and title of the person who received the complaint;
 - Date, time, nature and location of reported incident;
 - Date the School became aware of the incident;
 - Date the Title IX Coordinator received notice of the incident;
 - Interim and supportive measures and resources offered to the parties;
 - Final investigation reports;
 - Outcome notification letters provided to the parties; and
 - Disciplinary sanctions issued to any individuals found in violation under these procedures.

- All materials used to train coordinators, investigators, decision-makers, and informal resolution facilitators regarding sexual harassment and Title IX procedures.

V. LIST OF APPENDICES

- A.** Appendix A: Student Rights in Investigations
- B.** Appendix B: Employee Rights in Investigations
- C.** Appendix C: Resource Guide
 - Jacksonville Schools Referral
 - DRS – ICRE Roosevelt Schools Referral

Appendix A: Student Rights in Investigations

When the Bureau of Civil Affairs & the Title IX Coordinator learn about alleged sexual misconduct, an investigation will be undertaken. As part of the investigation, the students involved will give their side of the story about what happened. Based on this information, the Title IX investigators will decide if something “more likely than not” happened, and if it did, the School will be notified and respond. Below are the students’ rights:

- You have the right to have a prompt, thorough, fair and impartial investigation being conducted.
- You have a right to be heard and to share your experience.
- You have the right to request that the matter be resolved through informal resolution, subject to applicable law. This option is not available when a School employee is the subject of the investigation.
- You have the right to an advisor of your choice present during the process, subject to applicable law.
- You have a right to have a support person you choose in the room with you, subject to applicable law.
- You have a right to let us know if you do not feel safe.
- You have a right to receive individualized supportive services at your school.
- You have a right to meet somewhere private.
- You have a right for us to keep what you tell us as private as possible.
- You have a right to present witnesses, evidence, and information to support your claim, subject to applicable law.
- You have a right to ask for an update on your case.
- You have a right to know the outcome of the investigation.
- You have a right to ask for a review of the outcome of the investigation.
- You have a right to be free from retaliation.

Appendix B: Employee Rights in Investigations

IDHS is committed to providing a safe and secure working and learning environment free from discrimination, harassment, and retaliation. When complaints of discrimination, harassment, or retaliation are received and an investigation is initiated, the parties to the complaint have certain rights during the investigation process. These rights are:

- You have the right to receive written notice of the investigation.
- You have the right to a prompt, reliable, and equitable resolution of the complaint.
- You have the right to receive individualized supportive services.
- You have the right to be referred to available supportive resources if needed.
- If you are a bargaining unit employee, you have the right to have union representation.
- You have the right for the process to respect the confidentiality and reputation of all parties to the extent permitted by applicable law.
- You have the right to request that the matter be resolved through informal resolution when appropriate.
- You have the right to present witnesses, evidence, and information to support your position, subject to applicable law.
- You have the right to obtain notification of the time frames for all major stages of the investigation.
- You have the right to be free from retaliation.
- You have the right to file a complaint with a federal, state, or local agency.
- You have the right to receive a written notice of the outcome of the investigation.

Appendix C: Resource Guide

DRS JACKSONVILLE SCHOOLS REFERRAL

IN AN EMERGENCY OR CRISIS	
For assistance in an emergency	Illinois Department of Children and Family Services (DCFS)
Dial 911	800-25-ABUSE (800-252-2873) Call if you suspect that a child has been harmed or is at risk of being harmed by abuse or neglect.
Crisis Text Hotline	CARES Line (24 hour) Screening, Assessment, Support, and Services (SASS)
Text "HELLO" to 741741 Crisis Text Line serves anyone, in any type of crisis, providing access to free, 24/7 support via a medium people already use and trust: text.	1-800-345-9049 Contact if the child is a risk to themselves or others, having a mental health crisis, or if you would like a referral to services for children, youth, and families.
Urgent Mental Health or Physical Health Issue	
Passavant Memorial Hospital, Jacksonville, IL (217) 245-9541, asks for the Emergency Room.	
DOMESTIC VIOLENCE AND SEXUAL ABUSE RESOURCES	
Prairie Center Against Sexual Assault Jacksonville, IL	National Domestic Violence Hotline
217-753-8081 Assist men, women, children and families through the trauma of sexual violence by providing crisis intervention, medical advocacy and trauma counseling.	1-800-799-SAFE (7233) 1-800-787-3224 (hearing impaired line)
Crisis Center Foundation Jacksonville, IL	
217-243-4357 The Center provides comprehensive, non-judgmental services to victims without regard to age, race, religion, ethnic origin, financial circumstances, gender, sexual preference or physical or mental limitations. Focus is on strengthening the family unit by providing emergency shelter, advocacy and counseling and enabling families to live free from violence and fear.	
National Sexual Assault Hotline	
1-800-656-HOPE (4673)	
MENTAL HEALTH & WELLNESS RESOURCES	
National Suicide Prevention Lifeline	National Runaway Safeline
1-800-273-TALK (8255) (press 2 for Spanish)	1-800-RUNAWAY 1-800-786-2929

MENTAL HEALTH & WELLNESS RESOURCES Continued	
STOP-IT Now	Youth Outreach Services
1-877-606-3158 24-hour Human Trafficking Hotline	773-777-7112 Behavioral health services for youth, including for problematic sexual behavior.
Memorial Behavioral Health	Illinois Mental Health Collaborative
217-245-6126 Memorial Behavioral Health is ready to provide support and treatment. They provide help, hope and the path to wellness for children, youth, adults and families, throughout central Illinois.	1-866-359-7953, TTY: 1-866-880-4459 (Press 2 for the Warm line to talk with someone who will listen during a difficult time)
Illinois Service Resource Center (ISRC) Helpline (24 hours)	
1-800-550-4772 (Voice/TTY) The Illinois Service Resource Center provides behavior support for students who are deaf, hard of hearing, or visually impaired in Illinois. Behavior support can be for individual students with challenges, or at the preventive level with classrooms or school programs. ISRC serves students with hearing loss regardless of communication mode.	
SUBSTANCE ABUSE RESOURCES	
SAMHSA's National Helpline	Gateway Foundation
1-800-662-HELP (4357) http://findtreatment.SAMHSA.gov 24-hour information and referral assistance to local treatment facilities, support groups, and community-based organizations for both substance abuse and mental health services.	877-377-2027 Outpatient programs, residential programs, and aftercare for youth drug and alcohol treatment.
Narcotics Anonymous	
1-888-GET-HOPE (438-4673) (Hopeline) www.na.org/meetingsearch	
Gay, Lesbian, Bisexual, Transgender Support Resources	
GLBT National Help Center	Trevor Project Crisis Line
1-888-843-4564 www.glnh.org	1-866-4-U-TREVOR (488-7386) www.theTrevorProject.org
GLBT National Youth Talkline	
1-800-246-PRIDE (1-800-246-7743) www.glnh.org/talkline	
Illinois Safe Schools Alliance	
312-533-2624 Promotes healthy development for LGBTQ youth in Illinois schools through advocacy, education and youth organizing.	

DRS ICRE-ROOSEVELT SCHOOLS REFERRAL RESOURCES

IN AN EMERGENCY OR CRISIS	
For assistance in an emergency	Illinois Department of Children and Family Services (DCFS)
Dial 911	800-25-ABUSE (800-252-2873) Call if you suspect that a child has been harmed or is at risk of being harmed by abuse or neglect.
ICRE-R Social Service Department	Adult Protective Services (APS) Hotline
312-433-3154 (Charles Billington) 312-433-3152 (Gemillia Staple)	1-866-800-1409, 1-888-206-1327 (TTY) To report suspected abuse, financial exploitation or neglect of an adult with disabilities age 18-59; call the statewide, 24-hour Hotline.
Crisis Text Hotline	CARES Line (24 hour) Screening, Assessment, Support, and Services (SASS)
Text "HELLO" to 741741 Crisis Text Line serves anyone, in any type of crisis, providing access to free, 24/7 support via a medium people already use and trust: text.	1-800-345-9049 Contact if the child is a risk to themselves or others, having a mental health crisis, or if you would like a referral to services for children, youth, and families.
DOMESTIC VIOLENCE AND SEXUAL ABUSE RESOURCES	
Chicago Domestic Violence Help Line	National Domestic Violence Hotline
1-877-863-6338 Information, Options, Counseling, Legal and Shelter Services	1-800-799-SAFE (7233) 1-800-787-3224 (hearing impaired line)
YWCA Metropolitan Chicago	Resilience/Rape Victim Advocates
312-733-2102 Sexual violence support services, including counseling and advocacy. Multiple South Side locations.	312-443-9603 Free trauma therapy, medical, and legal advocacy related to sexual violence in the Loop, Austin, and Ravenswood.
National Sexual Assault Hotline	Chicago Rape Crisis Hotline
1-800-656-HOPE (4673)	1-888-293-2080
Mujeres Latinas en Accion	KAN-WIN
773-890-7676 Bilingual/bicultural individual and group therapy for domestic and sexual violence in Pilsen and Brighton Park.	773-585-1392 Provides domestic and sexual violence support and advocacy focused on Asian American survivors. Confidential location.
Between Friends	Apna Ghar
773-274-5232 x 12 Domestic violence multilingual counseling and support services, teen relationship education, and court advocacy. Confidential location.	773-334-4663 Sexual and domestic violence services focused on crisis response, counseling, and advocacy for immigrants. Uptown and Skokie.

DRS ICRE-ROOSEVELT SCHOOLS REFERRAL RESOURCES

MENTAL HEALTH & WELLNESS RESOURCES	
National Suicide Prevention Lifeline	National Runaway Safeline
1-800-273-TALK (8255) (press 2 for Spanish)	1-800-RUNAWAY 1-800-786-2929
STOP-IT Now	Youth Outreach Services
1-877-606-3158 24-hour Human Trafficking Hotline	773-777-7112 Behavioral health services for youth, including for problematic sexual behavior.
NAMI of Greater Chicago's Mental Health	Illinois Mental Health Collaborative
Helpline: 312-563-0445 1-800-950-NAMI (6264) National Alliance on Mental Illness (NAMI) HelpLine provides information and referral services.	1-866-359-7953, TTY: 1-866-880-4459 (Press 2 for the Warm line to talk with someone who will listen during a difficult time)
Metropolitan Family Services	Ada S. McKinley Community Services
312-986-4000 Provides support to children and adults with chronic mental illness.	773-918-6100 Provides outpatient care for trauma and gang related violence, or for personal trauma related to physical, sexual or emotional abuse.
Lutheran Social Services of Illinois (LSSI)	Association House
773-282-7800 Outpatient and residential counseling, mental health and alcohol/drug treatment services for children and families.	773-772-7170 Mental health services, substance abuse prevention and treatment, and 24 hour supervised residential living, rehabilitation.
SUBSTANCE ABUSE RESOURCES	
SAMHSA's National Helpline	Human Resource Development Institute (HRDI)
1-800-662-HELP (4357) http://findtreatment.SAMHSA.gov 24-hour information and referral assistance to local treatment facilities, support groups, and community-based organizations for both substance abuse and mental health services.	773-745-7107 Child and adolescent outpatient services for substance abuse services to children between 12-17 years. Inpatient substance abuse treatment facility for adolescent girls.
Gads Hill Center	Gateway Foundation
312-226-0963 Group and individual counseling for substance use, gang involvement, anxiety, etc.	773-826-1916 Outpatient programs, residential programs, and aftercare for youth drug and alcohol treatment.
South East Alcohol & Drug Abuse Center (SEADAC)	Narcotics Anonymous
773-731-9100 Clinical outpatient treatment and counseling for adult and youth alcohol and drug abuse.	1-888-GET-HOPE (438-4673) (Hopeline) www.na.org/meetingsearch

DRS ICRE-ROOSEVELT SCHOOLS REFERRAL RESOURCES

Gay, Lesbian, Bisexual, Transgender Support Resources	
GLBT National Help Center	Trevor Project Crisis Line
1-888-843-4564 www.glnh.org	1-866-4-U-TREVOR (488-7386) www.theTrevorProject.org
GLBT National Youth Talkline	Broadway Youth Center
1-800-246-PRIDE (1-800-246-7743) www.glnh.org/talkline	773-388-1600 A safe haven for LGBTQ youth. Health clinic, drop-in services, counseling and resource advocacy in Uptown.
Chicago: Center on Halsted LGBTQ Violence Resource Line	Illinois Safe Schools Alliance
773-871-CARE (2273) Violence Resource Line assists LGBTQH people exposed to violence.	312-533-2624 Promotes healthy development for LGBTQ youth in IL schools through advocacy, education and youth organizing.