



TITLE IX FINAL RULES TRAINING

HUNTLEY COMMUNITY
SCHOOL DISTRICT 158

July 27, 2023

Maureen A. Lemon



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TITLE IX

"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 educational program or activity receiving federal financial assistance."

Protection
under Title IX
extends to:

Sex stereotypes

Sex characteristics

Pregnancy or related conditions

Sexual orientation

Gender identity

Title IX prohibits sex-based discrimination in:

- Comparable Facilities
- Access to classes and schools
- Extra-curricular activities
- Athletics
- Pregnancy
- Standards for measuring skill/progress in PE classes

Sexual harassment = Sexual discrimination

Preventing



Males harassing females
Females harassing males
Males harassing males
Females harassing females

**Know your
Board
policies!**

2:260 - Uniform Grievance Procedure

Applies to violation of laws including
sexual harassment under other laws

2:265 – Title IX Sexual Harassment

Know your Board policies!

EMPLOYEES:

5:10

5:20

STUDENTS:

7:10

7:20

7.180

7.185

Sexual Harassment under Title IX: eff. 8/14/20

1. QUID PRO QUO

2. SEXUAL ASSAULT, VIOLENCE, STALKING

3. HOSTILE ENVIRONMENT

#1:

QUID PRO QUO



THIS

FOR

THAT



#2:

SEXUAL
ASSAULT,
etc.

Sexual assault

(20 U.S.C. §1092(f)(6)(A)(v))

Dating violence

(34 U.S.C. §12291(a)(10))

Domestic violence

(34 U.S.C. §12291(a)(8))

Stalking

(34 U.S.C. §12291(a)(30))

Sexual Assault

An offense classified as a forcible or nonforcible sex offense under the FBI's uniform crime reporting system.

Forcible Rape

Forcible Sodomy

Forcible Fondling

Incest

Assault

Statutory Rape

Assault with object

Dating Violence

Violence committed by a person:

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

(B) where the existence of such a relationship is determined based on considering the following factors:

(i) The length of the relationship.

(ii) The type of relationship.

(iii) The frequency of interaction between the persons involved in the relationship.

Domestic Violence

Felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under domestic or family violence laws, or by any other person against an adult or youth victim who is protected from that person's acts under domestic or family violence laws.


Stalking

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

(A) fear for his or her safety or the safety of others;

or

(B) suffer substantial emotional distress.



“Consent”

720 ILCS 5/11-1.70

a freely given agreement to the sexual act in question. Lack of verbal or physical resistance or submission by the victim resulting from the use of force or threat of force by the accused shall not constitute consent. The victim’s manner of dress at the time of the offense shall not constitute consent.

(c) A person who initially consents to a sexual act is not deemed to have consented to any sexual conduct that occurs after he or she withdraws consent during the course of that sexual conduct.

Consent

Informed

Freely given

Of age

Mentally and physically capable of consent

Not incapacitated

Consent

Active, not passive

“No” means “no”

Silence means “no”

May be withdrawn at any time

#3:

HOSTILE
ENVIRONMENT

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 recipient's education program or activity

Unwelcome conduct: Totality of Circumstances

- Even if one voluntarily participates in it?
- Even if one remains silent?
- Ask whether a 'reasonable person' would find this conduct unwelcome?
- A child under age 18 cannot 'welcome' inappropriate conduct based on sex.



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*School District
Liability under
Title IX*

**3 APPLICABLE
U.S. SUPREME COURT
CASE LAWS**

#1

*Franklin v.
Gwinnett Public
Schools
503 U.S. 60 (1992)*

Andrew Hill, a male teacher/coach, sexually harassed Franklin, a female 10th grade student by:

kissing on her mouth in the school parking lot.

asking about her sexual experiences with her boyfriend and asking if she would consider sex with an older man.

#1

*Franklin v.
Gwinnett Public
Schools
503 U.S. 60 (1992)*

The school became aware of and investigated the sexual harassment but took no action to stop it.

The school discouraged Franklin from pressing charges.

Franklin's family sued for damages under Title IX.

RULING: Monetary damages are available as a remedy under Title IX.

#2

Gebser v. Lago Vista I.S.D.
524 U.S. 274 (1998)

Waldrop, a high school teacher, was grooming and eventually began a sexual relationship with Gebser, a female high school student. The relationship spanned two school years. They often had sex during class time, but never on school property. While Gebser realized that Waldrop's conduct was inappropriate, she wanted the relationship to continue. Waldrop was arrested when a police officer discovered him having sex with Gebser off school property.

#2

Gebser v. Lago Vista I.S.D.
524 U.S. 274 (1998)

RULING: A school district may be liable for a teacher's sexual harassment of a student **ONLY IF** the school district:

A. Had **actual knowledge** of the harassment, and

B. Responded in a manner that was **deliberately indifferent**.

#3

*Davis v. Monroe
County Bd. of Ed.
526 U.S. 629
(1999)*

From Dec. 1992 until May 1993, a 5th grade boy did the following toward Davis, a female classmate:

- “I want to feel your boobs” & “I want to get in bed with you”
- Touched her breasts and genitals
- Placed a doorstop in his pants and made sexually suggestive gestures at her
- Rubbed up against her in a sexually suggestive way

#3

*Davis v. Monroe
County Bd. of Ed.
526 U.S. 629
(1999)*

Davis and her mother each repeatedly reported the behavior to multiple teachers. After she complained for 3 months, Davis' assigned seat was finally moved away from the male student.

When Davis tried to speak with the principal, she was told, "If he wants to talk with you, he'll call you." When Davis' mother spoke with the principal, he stated, "I guess I'll have to threaten him a little harder." No action was taken.

#3

*Davis v. Monroe
County Bd. of Ed.
526 U.S. 629
(1999)*

Davis' grades declined during the five-month period.

Davis wrote a suicide note and told her mother that she didn't know how much longer she could keep the male student off her.

The conduct stopped when the male student pleaded guilty to sexual battery.

The family sued under Title IX.

#3

*Davis v. Monroe
County Bd. of Ed.
526 U.S. 629
(1999)*

RULING: A school district may be liable for **peer-to-peer** sexual harassment under Title IX if:

- 1) The harassment is so **severe, pervasive and objectively offensive** that it has a concrete, negative effect on one's ability to receive an education, and
- 2) The district had **actual knowledge** of the harassment, and
- 3) The district was **deliberately indifferent** to the harassment.

#3

Davis v. Monroe County

“Indeed, at least early on, students are still learning how to interact appropriately with their peers. It is thus understandable that, in the school setting, students often engage in insults, banter, teasing, shoving, pushing, and gender-specific conduct that is upsetting to the students subjected to it.”

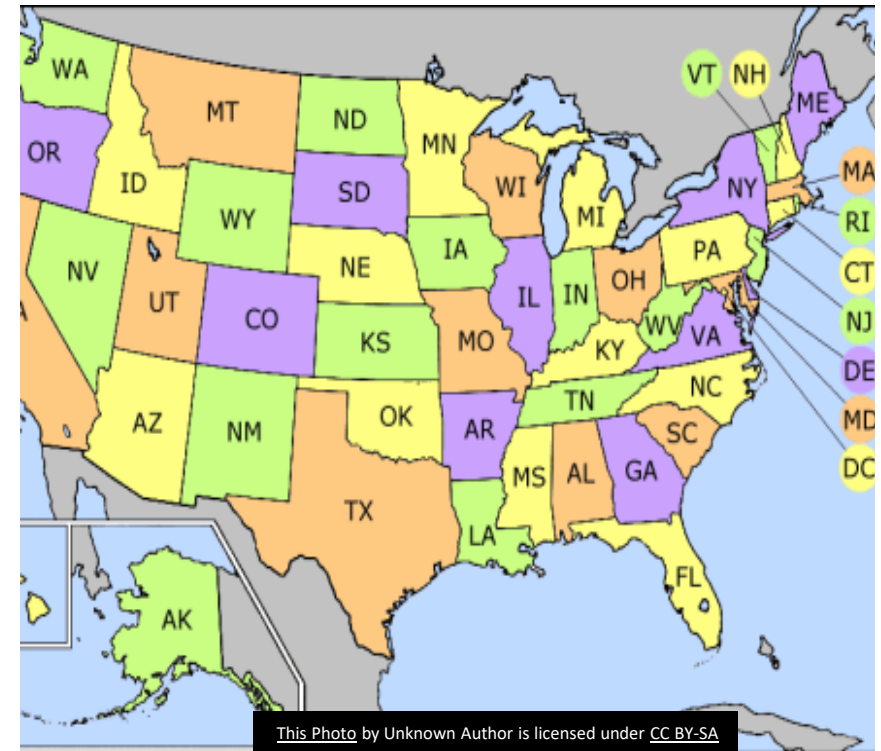
#3

Davis v. Monroe County

*“Damages are not available for simple acts of teasing and name-calling among school children, however, even where these comments target differences in gender. Rather, in the context of student-on-student harassment, damages are available only where the behavior is **so severe, pervasive, and objectively offensive** that it denies its victims the equal access to education that Title IX is designed to protect.”*

WHEN must a school respond to Title IX Sexual Harassment?

- When it has actual knowledge of the sexual harassment
- In an educational program or activity of the recipient
- Against a person in the United States



WHO has to have ACTUAL KNOWLEDGE (Notice)?

**Any
employee!**



WHAT is an 'educational program or activity'?

Includes locations, events, or circumstances over which the recipient exercises substantial control over:

1. The respondent, and
2. The context in which the sexual harassment occurs



WHAT IS THE SCOPE OF YOUR EDUCATIONAL PROGRAM?

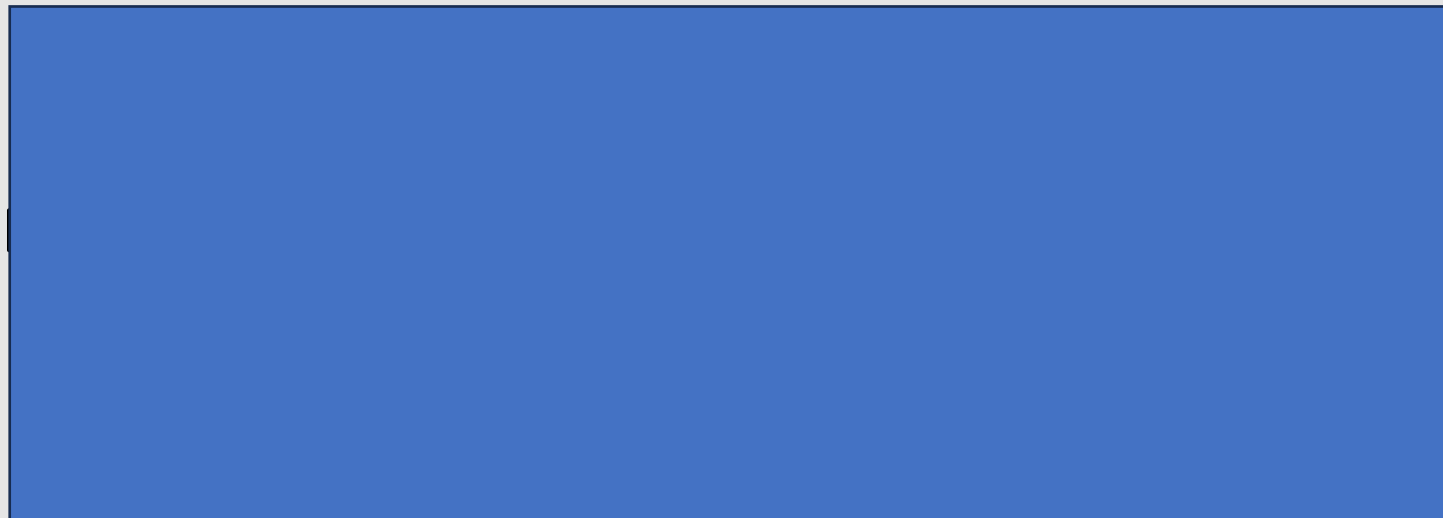


LOOKING FOR TITLE IX ISSUES

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FACT SCENARIO #1



FACT SCENARIO #1



In all situations Ask “whom should I call?”

DCFS?

911?

Parent?

**TIX
Coord'r?**

Student Sexual Abuse Claim against School Employee

See Board Policy 5:90:
Abused & Neglected Child Reporting

Limits the role of school personnel to
interrogate student victim

Limits the timing of when school personnel can
interrogate student victim

105 ILCS 5/22-85



FACT SCENARIO #2



FACT SCENARIO #2



FACT SCENARIO #3



FACT SCENARIO #3



FACT SCENARIO #4



FACT SCENARIO #4



HOW must the school district respond?

Promptly

*In a manner that
is not
**DELIBERATELY
INDIFFERENT***

WHAT is *Deliberately Indifferent*?

A response that
is clearly
unreasonable

under the
circumstances

GRIEVANCE PROCESS

1. Notice
2. Preliminary Steps
3. Investigation
4. Decision
5. Appeal



A magnifying glass with a silver handle and a white pen are resting on a dark, textured surface. The magnifying glass is positioned over the text '1. Notice'.

GRIEVANCE PROCESS

1. Notice

Notify the Title IX Coordinator ASAP!

See Board
Policy 2:265

By anyone, at
any time, by
any means

**ODHC FORM 1: Sexual
Harassment Incident
Report Form**

A magnifying glass with a white handle and a silver-colored ring is positioned over a dark, textured surface. A white pen with a silver-colored ring is also visible, lying horizontally to the right of the magnifying glass. The background is dark and slightly out of focus.

GRIEVANCE PROCESS

2. Preliminary Steps

**INITIAL
RESPONSE**

Title IX Coordinator

Promptly Contacts Complainant to:

1

**Discuss availability
of supportive
measures**

2

**Consider
Complainant's
wishes**

3

**Explain process to
file a formal
complaint**

Treat Complainant and Respondent *equitably*

1. Offer *supportive measures* to the Complainant
2. Follow the Title IX *grievance process* before imposing discipline against Respondent

SUPPORTIVE MEASURES

Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to complainant or respondent.

Designed to restore or preserve equal access to the school's education program/activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the educational environment, or deter sexual harassment.

**ODHC FORM 2A-D: Notice of
Available Supportive
Measures**

SUPPORTIVE MEASURES

A 3D illustration of a staircase with four steps. An orange figure is standing on the top step. Below the staircase, a line of blue figures is holding up the steps with their arms. The background is white.

- Counseling
- Extension on deadlines
- Modified work / class schedule
- No-contact order
- Increased Campus Security
- Leave of Absence
- Other

**ODHC FORMS 3A&B:
Notice of Supportive
Measures Provided**

To the extent possible,
schools must maintain as
CONFIDENTIAL any
supportive measures



SUPPORTIVE MEASURES



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Administrative Leave of Employee Respondent

Pending grievance process

**ODHC FORM 6: Notice of
Administrative Leave**

Comply with Section 504 and ADA

Follow Board policies / union contract provisions

Emergency Removal of Student Respondent

**ODHC FORM 7: Notice of
Emergency Removal**

1. After individualized safety and risk analysis
2. Justified by an immediate threat to the physical health or safety of the student or other individual arising from allegations of sexual harassment
3. Given notice and opportunity to challenge the decision immediately following removal

Emergency Removal of Student Respondent

Pending Title IX
Grievance Process

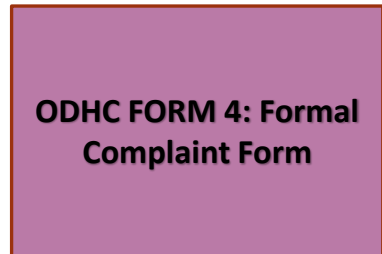
Comply with IDEA,
Section 504 and
ADA

Follow Board
policies re:
suspension /
expulsion

Document *filed* by a Complainant *or signed* by the Title IX Coordinator

Alleging sexual harassment against a respondent

Requesting an investigation



Formal Complaint

When should Title IX Coordinator Sign a Formal Complaint?

Age of alleged victim?

Seriousness of alleged conduct?

Pattern of alleged conduct?

Use of weapons or violence?

Steps upon Formal Complaint





DISMISSAL OF FORMAL COMPLAINT

Mandatory Dismissal of Formal Complaint

The allegations, even if true, do not meet the Title IX sexual harassment definition

The conduct did not occur in the educational program or activity

The conduct did not occur in the United States

Permissive Dismissal of Formal Complaint

Complainant notifies TIXC in writing that they want to withdraw the formal complaint or any of its allegations

The Respondent is no longer enrolled or employed by the school district

Specific circumstances prevent school district from gathering evidence sufficient to reach determination

If Formal Complaint is Dismissed:



NOTIFY PARTIES IN WRITING



EITHER PARTY MAY
APPEAL



INVESTIGATE UNDER
ANOTHER BOARD POLICY?

**ODHC FORM 8: Notice of
Dismissal of Formal Complaint**

Grievance Process Timeline

'Reasonably prompt'

Policy 2:265-AP2: Within 90 school business days after receipt of a formal complaint

School business days = days the District's main office is open

May be delayed / extended for a limited time for Good Cause

Good Cause for Temporary Delay / Extension of Time

The absence of a party, party advisor or witness

Concurrent law enforcement activity

Need for language assistance or disability accommodation

ODHC FORM 26

INFORMAL RESOLUTION PROCESS

Limitations on Informal Resolution Process

1. Parties must voluntarily consent in writing to participate
2. Cannot use unless a formal complaint has been filed
3. Cannot use if Respondent is no longer employed or enrolled
4. Cannot use if Complainant is student and Respondent is employee
5. Cannot use if determination re: responsibility has been made

Informal
Resolution
Process (IRP)
Written Notice

Allegations

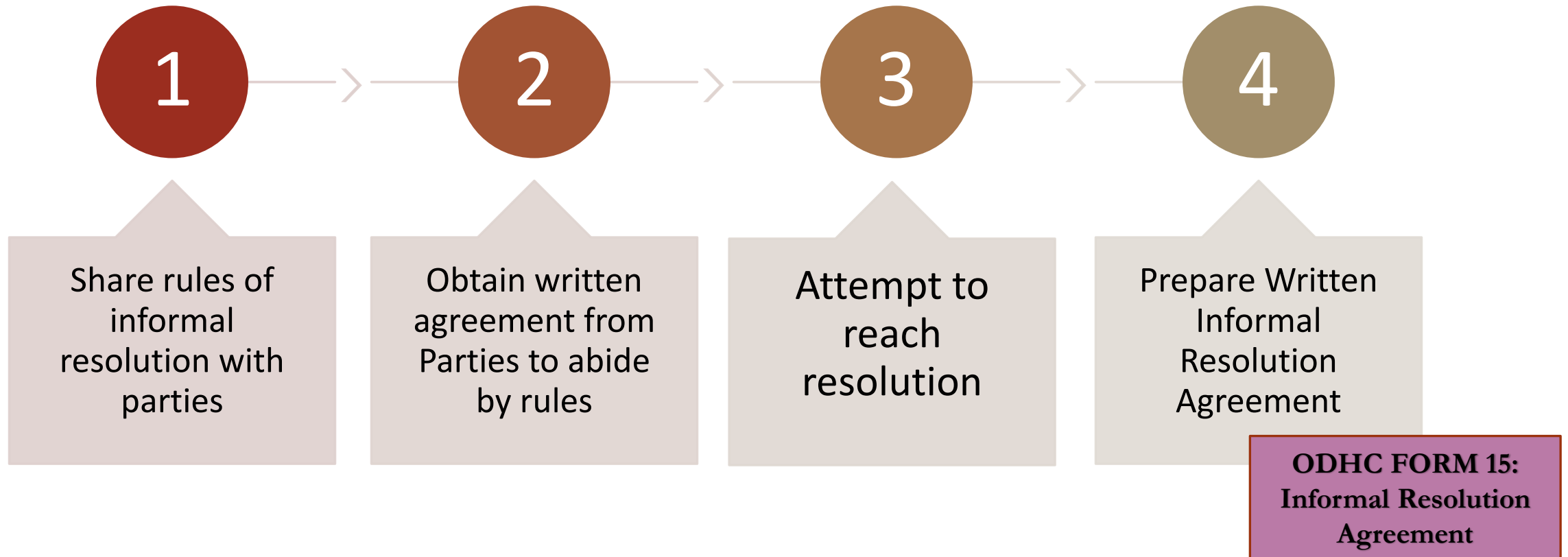
IRP requirements, including circumstances under which it precludes the parties from resuming the formal complaint arising from same allegations

At any time prior to resolution, a Party may withdraw from IRP and resume grievance process

Consequences resulting from participating in IRP, including records that will be maintained or could be shared

**ODHC FORM 14: Informal
Resolution Process Participation
Agreement**

Informal Resolution Facilitator Duties



**FORMAL
COMPLAINT
RESPONSE**

Title IX Coordinator Must:

01

**Send written
notice to Parties
of Formal
Complaint**

02

**Assign
Investigator**

03

**Ensure
compliant
investigation**

WRITTEN NOTICE TO PARTIES OF FORMAL COMPLAINT

- Allegations including sufficient details known at the time (party identities, conduct allegedly constituting sexual harassment, date and location of incident)
- Presumption that Respondent is not responsible and a determination regarding responsibility is made at the conclusion of the process
- Each party may have ADVISOR of own choice, including attorney
- Each party may inspect and review evidence

**ODHC FORM 5A-B:
Notice of Formal
Complaint**

WRITTEN NOTICE TO PARTIES OF FORMAL COMPLAINT (cont'd)

- Given with sufficient time to prepare a response before initial interview
- Reference school code of conduct that prohibits knowingly making false statements or knowingly submitting false information
- Include copy of grievance process (Board Policy 2:265 and procedures)
- [Supplement later if ADDITIONAL ALLEGATIONS are added to investigation]

**ODHC FORM 25:
Notice of Additional
Allegations**

In addition to parent/guardian

May be 'anyone'

May attend all meetings, hearings
and interviews

Participation may be limited as long
as limits apply equally to all parties

Advisor of
Choice

GRIEVANCE PROCESS

A magnifying glass with a silver handle and a white pen are resting on a dark, textured surface. The magnifying glass is positioned over the text 'GRIEVANCE PROCESS'. The pen is positioned over the text '3. Investigation'. A vertical white line is positioned to the right of the text '3. Investigation'.

3. Investigation



TITLE IX INVESTIGATOR ASSIGNMENT

**ODHC FORM 9: Investigator
Assignment Notice**

Investigator Duties

Be

prompt, thorough & impartial

Confer

with TIXC, H.R. Dept., attorneys

Identify

and interview witnesses

Gather

relevant information and evidence

Investigator Duties

Obtain

written statements

Maintain

thorough/accurate notes

Share

evidence w/ parties & advisors

Prepare

written Investigative Report that
fairly summarizes relevant evidence

Investigator Qualifications

Trained

Impartial

Unbiased

No conflict
of interest

Impartial

Without prejudging

Treating all parties
with respect,
dignity & sensitivity

Bias

Against / in favor of
Complainants, *in general*

Against / in favor of
Respondents, *in general*

Against / in favor of *this*
Complainant

Against / in favor of *this*
Respondent

Conflict of Interest

Personal relationship with a Party?

Professional relationship with a Party?

Institutional conflict of interest?

Other?

Investigation Requirements

- School has burden of proof / gathering evidence to make responsibility determination
- Cannot access party's medical treatment records without voluntary written consent
- Parties have equal opportunity to present witnesses (fact/expert)
- Parties have equal opportunity to present inculpatory and exculpatory evidence

Written Notice of Investigative Interview or Other Meeting

Send prior to any meeting / interview / hearing with sufficient time to prepare:

- Date
- Time
- Location
- Participants
- Purpose

**ODHC FORM 10A-E Investigator
Meeting Notice**

Investigation Requirements (cont'd)

- Cannot restrict parties from discussing **ALLEGATIONS** under investigation or to gather/present relevant evidence

**ODHC FORM 11A-B: Party Rights
and Non-Disclosure Agreement**

- Parties have equal opportunity to have others present, including chosen **ADVISOR**, at meetings / interviews

**ODHC FORM 13: Advisor's
Participation and Non-Disclosure
Agreement**

- May limit advisor's participation in proceedings

Investigation Requirements (cont'd)

Parties and witnesses have a right to not be subjected to retaliation

**ODHC FORM 12: Notice of
Witness Rights**

Retaliation

No school or person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in any investigation, proceeding, or hearing.

Retaliation

. . . . includes charging an individual with a code of conduct violation that does not involve sex discrimination / sex harassment, but arises out of the same facts or circumstances, for the purpose of interfering with Title IX rights/privileges.

Investigation Requirements (cont'd)

- Parties have equal opportunity to inspect / review evidence that is directly related to the allegations raised in the formal complaint ***including evidence the school does not intend to rely in reaching a determination of responsibility and inculpatory / exculpatory evidence regardless of source***
- Prior to completion of Investigative Report, each party / advisor receives evidence subject to inspection / review in electronic format or hard copy

**ODHC FORM 16: Notice to Parties of
Evidence Review**

Investigation Requirements (cont'd)

Each Party has 10 school business days to submit a response to the evidence, which will be shared with the other Party & advisor

**ODHC FORM 16: Notice to Parties
of Evidence Review**



INVESTIGATOR BEST PRACTICES

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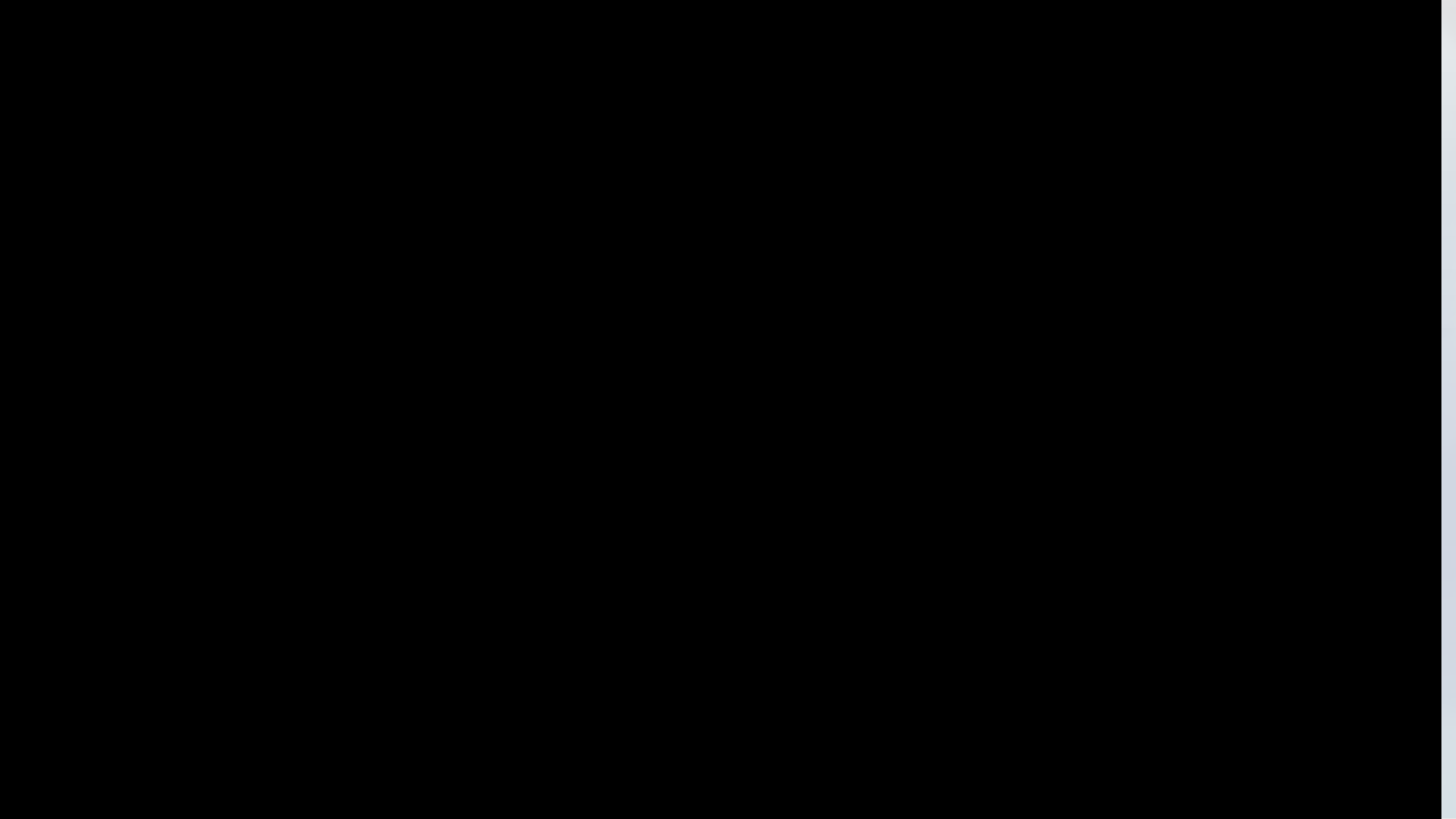
BOARD POLICIES

JOB DESCRIPTIONS

UNION CONTRACTS

EMPLOYEE / STUDENT HANDBOOKS

Know
Relevant
Documents



Investigation Checklist



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Be Prompt



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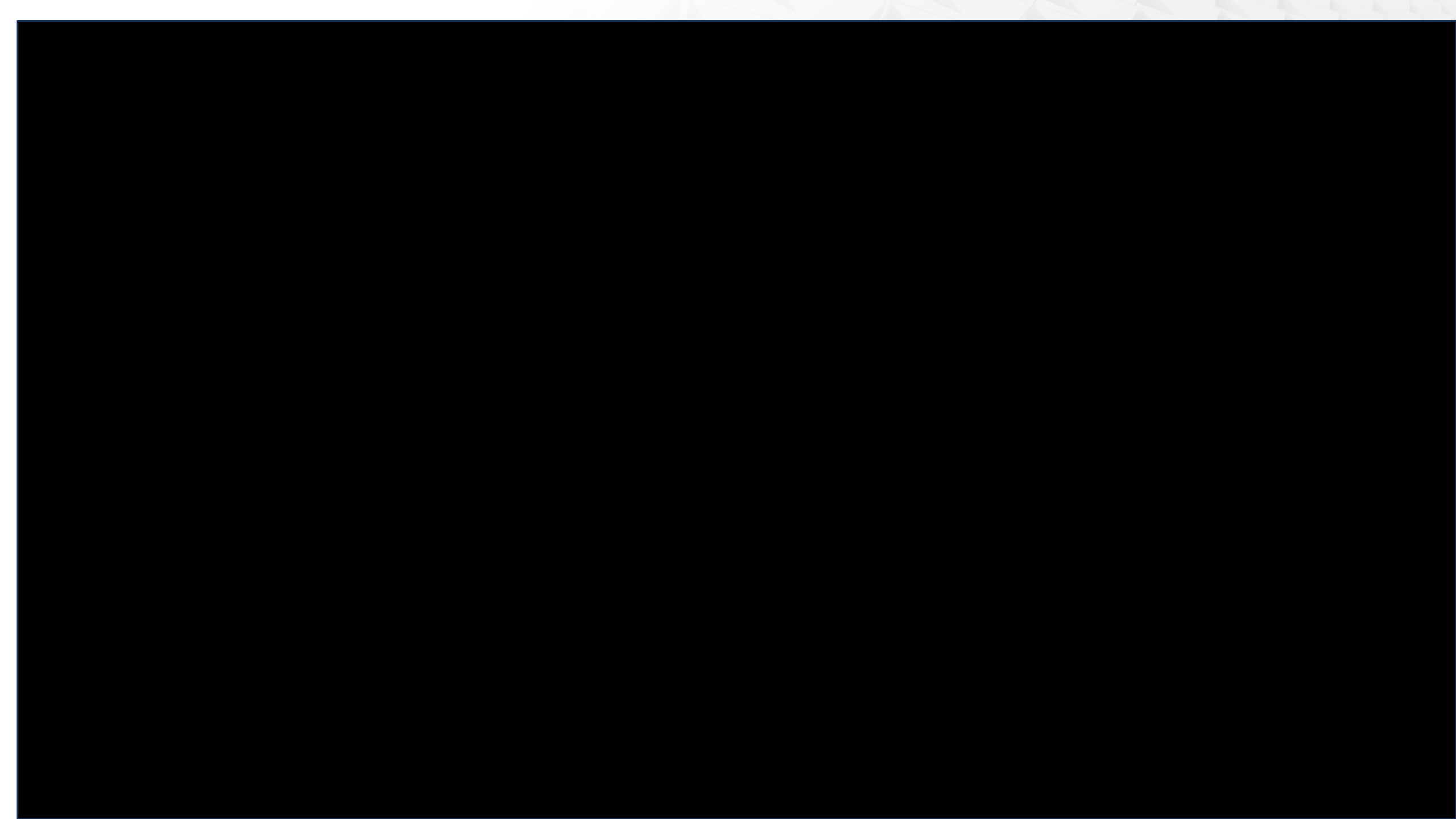
Be Confidential



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Make NO
Assumptions



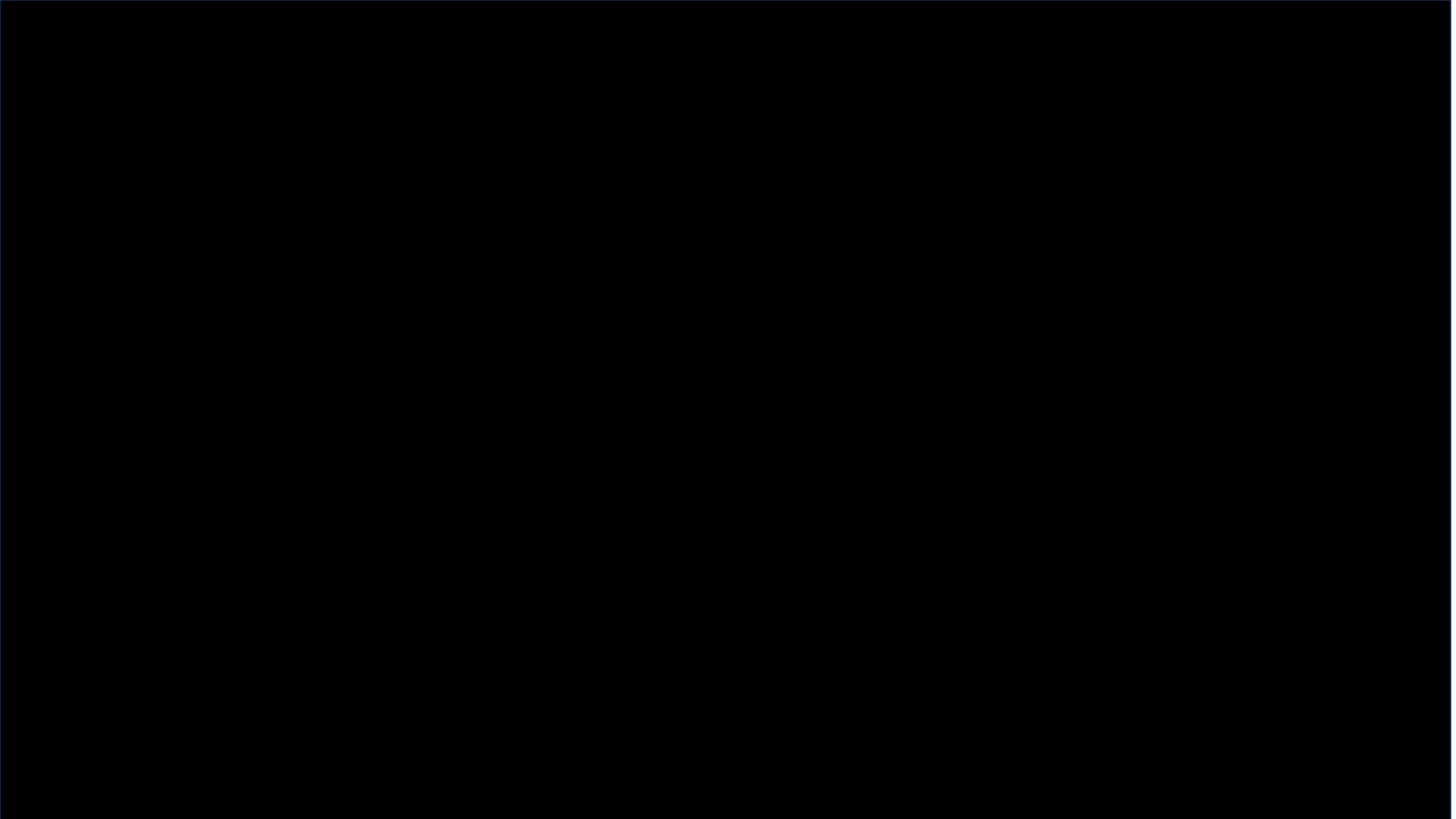


Request for Factual Information

In ALL interviews, obtain details regarding:

- Date / Time / Location
- Who was present
- What happened / Antecedents / reactions
- Who knows about the incident – how?
- Any documents / records / recordings of the incident
- Motives





Investigation Checklist #2

Assess

- Claims and Defenses
 - Security video / audiotapes; phone records; texts, etc.
- Materials provided by Parties and others

Involve

- Title IX Coordinator
H.R.
Student Services
Legal counsel

Consider

- Whether additional (re)interviews are necessary;

Whether to add new allegations;

Whether to dismiss

Due Process Concerns

Rules apply equally to both Parties

All 'relevant' evidence must be considered

... Even evidence that won't be relied on

May not limit Parties' right to discuss allegations

“Relevant” evidence

Ask: Is the evidence pertinent to proving whether a fact material to the allegations under investigation are more or less likely to be true?

Regarding the alleged policy violation?

Regarding an individual’s credibility?

“Irrelevant” evidence

- Not material to the allegations under investigation
- **Protected by legally-recognized privilege, unless waived**
- Party’s treatment records made/maintained by physician, psychiatrist, psychologist, or other professional without the Party’s voluntary, written consent
- Complainant’s sexual history unless offered to prove someone other than Respondent committed the conduct or to prove consent with Respondent

“Credibility”

Is the individual / information reliable? Accurate?

If there corroborating testimony / evidence?

Is there a reason for inaccuracy? Memory error? Avoidance?

Are the inconsistencies relevant?

Investigative Report

Description of Allegations

Applicable Board policies and procedures

Detailed timeline of investigation

Fair summary of relevant evidence

ODHC FORM 17: Investigative Report Template

Send Investigation Report

To
Decision
Maker

In
electronic
format or
hard copy

With
complaint
& all
evidence

**ODHC FORM 19: Investigative Report
Cover Letter to Decision-Maker**

Send Investigation Report

To
Parties &
Advisors

In electronic
format or
hard copy

For review
& written
response

**ODHC FORM 18: Investigative
Report Cover Letter to Parties
Inviting Response / Questions**

Party Right to Submit Response / Questions

**10 school business
days to submit
response**

To Decision-Maker

**May include relevant
questions for other
Party or witness
identified in
Investigative Report**

A magnifying glass with a silver handle and a white pen are resting on a dark, textured surface. The magnifying glass is positioned over the text '4. Decision'.

GRIEVANCE PROCESS

4. Decision

Decision-Maker Review of Questions

Notify Party / witness of submitted questions

Notify Party of excluded questions

**ODHC FORM 20: Notice to
Party/Witness of Submitted
Questions**

Notify Parties of answers to submitted questions

Allow limited follow-up questions?

**ODHC FORM 21: Notice to Party
of Excluded Questions**

Decision-Maker Duties

Apply

- *preponderance of evidence* standard

Decide

- if Board policy/ies were violated

Be

- fair and unbiased

Prepare

- Written Determination of Responsibility



Preponderance of evidence standard

More likely
than not

50.1%



Decision-Maker Written Determination of Responsibility Includes:

Allegations of
sexual
harassment

Procedural
steps taken

Findings of fact
supporting
determination

Conclusions
applying
policies/proc.
to facts

- Statement of and rationale for the result:
 - Determination of responsibility
 - Any disciplinary sanctions against Respondent
 - Remedies provided to Complainant designed to restore / preserve equal access to educational program/activity
- Appeal procedures and bases

ODHC FORM 22: Decision-Maker's Written Notice of Determination Template

Decision-Maker Written Determination of Responsibility includes:

GRIEVANCE PROCESS

5. Appeal

Appeal by either Party of:



DISMISSAL OF FORMAL
COMPLAINT



DETERMINATION REGARDING
RESPONSIBILITY

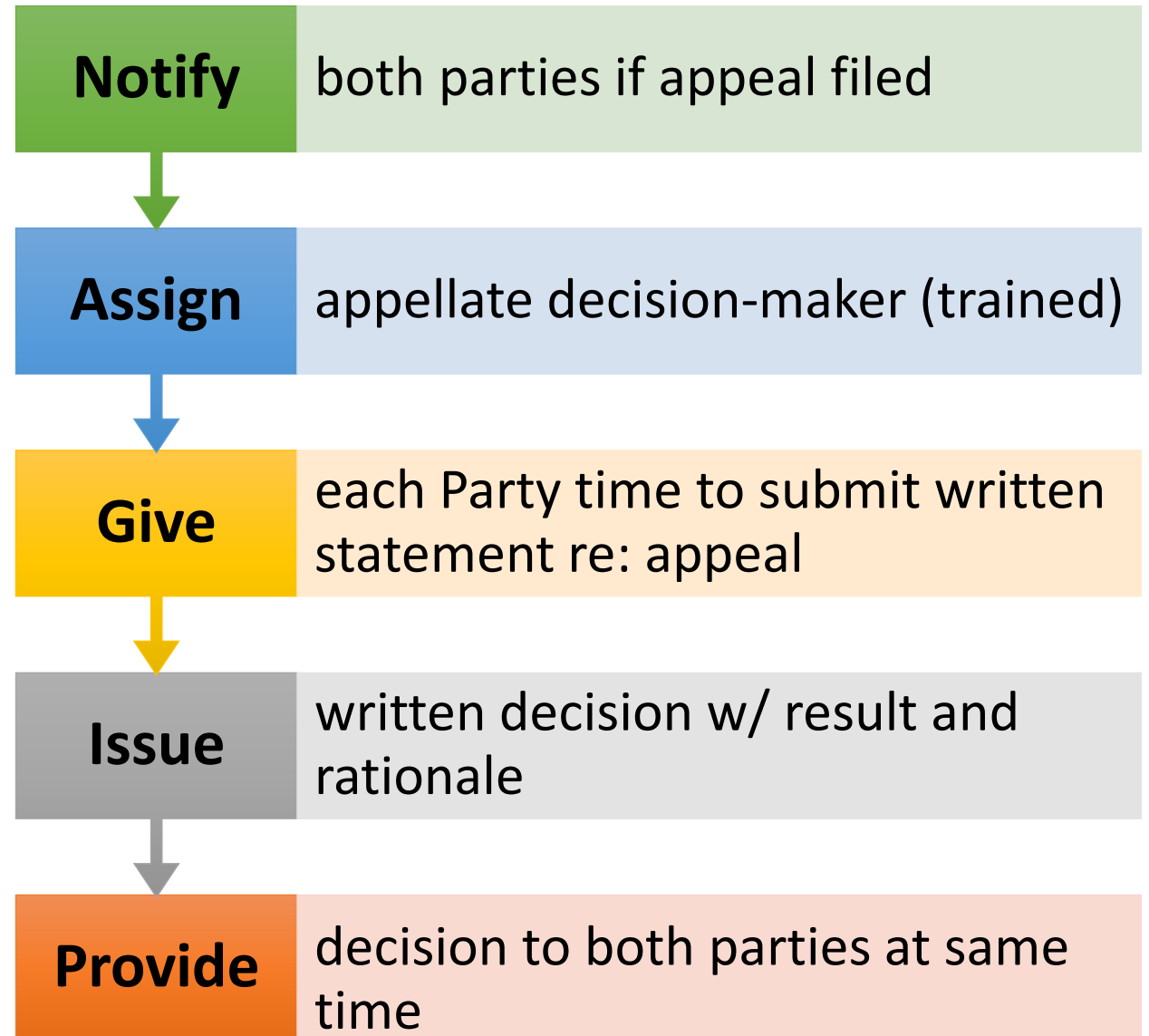
ODHC FORM 23: Notice of Appeal



Reasons for Appeal (that affected outcome):

1. Procedural irregularity
2. New evidence that was not reasonably available when decision was made
3. Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias

Appeal Process



Appellate Decision-Maker Duties

Limit

inquiry to basis
of appeal

Review

Investigative
Report or other
materials

Be

fair and
unbiased

Prepare

Written Appeal
Decision

**ODHC FORM 24: Appellate
Decision-Maker Decision**

If formal Title IX Complaint

Prescriptive
investigatory
process: **Policy
2:265**

No **discipline** can
be issued until
process is
concluded

Results in Fact-
finding report,
Decision and
Appeal

Complainant and
Respondent both
see all relevant
evidence

Options if *not* Title IX complaint

Regular student
disciplinary
matter?

Regular employee
disciplinary
matter?

Investigation
under Policy
2:260?

Board Policy 7:180

Prevention of and Response to Bullying, Intimidation, and Harassment

Anti-Bullying Law

105 ILCS 5/27-23.7

Bullying on the basis of **actual or perceived** race, color, religion, sex, national origin, ancestry, age, marital status, physical or mental disability, military status, sexual orientation, gender-related identity or expression, unfavorable discharge from military service . . .

Anti-Bullying Law

. . . association w/ person or group with one or more of these actual/perceived characteristics, **or any other distinguishing characteristic**

Anti-Bullying Law

updated 6/9/23

**. . . .physical appearance,
socioeconomic status, academic
status, pregnancy, parenting status,
homelessness . . .**

Bullying Prevention (Board Policy 7:180)

Any severe or pervasive physical or verbal act or conduct, including communications made in writing or electronically, directed toward a student or students that has or can be reasonably predicted to have the effect of one or more of the following:





(1) placing the student or students in reasonable fear of harm to the student's or students' person or property;

(2) causing a substantially detrimental effect on the student's or students' physical or mental health;

(3) substantially interfering with the student's or students' academic performance; or

(4) substantially interfering with the student's or students' ability to participate in or benefit from the services, activities, or privileges provided by a school.



Inform parents / guardians of all students involved in the alleged incident of bullying

OLD: “promptly”

NEW: Within 24 hours
after the school’s
administration is made
aware of the student’s
involvement in the
incident

Inform parents / guardians of all students involved in
the alleged incident of bullying

NEW: Utilize all contact information the school has
available or that can be reasonably obtained within the
24-hour period

Notice to parents / legal guardians
of all involved students
shall include:

OLD: Individual instances of bullying

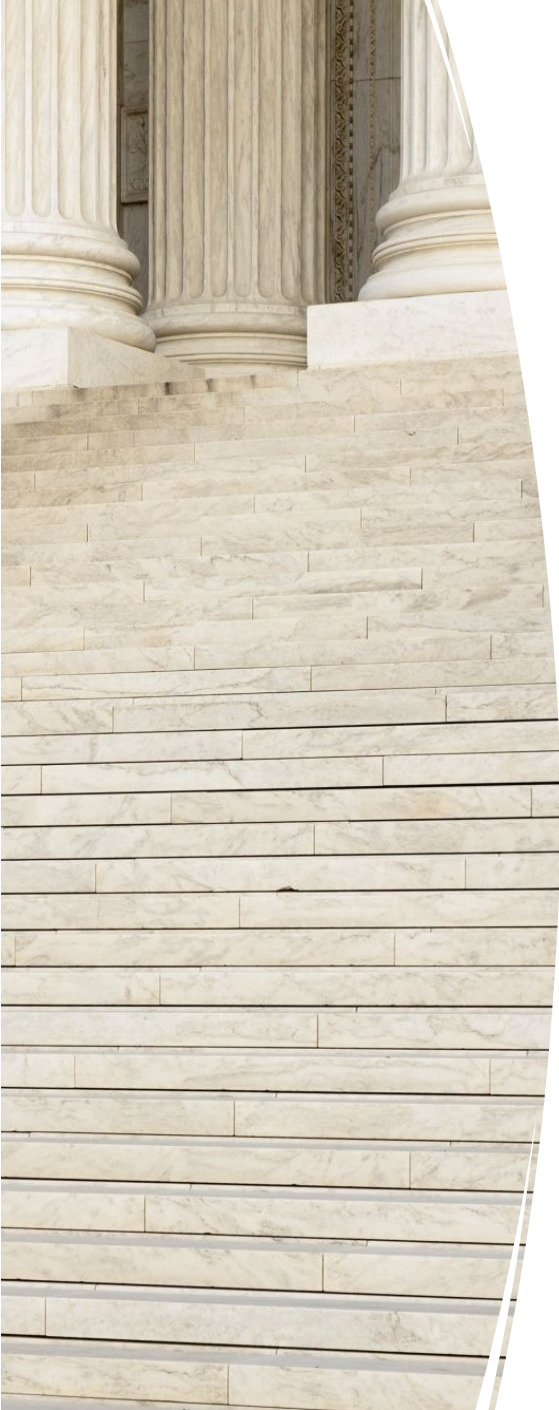
NEW: + Threats, Suggestions

NEW: Instances of self-harm determined to be the result of bullying

Anti-bullying law


Consistent with federal and State laws / rules re: student privacy rights

Discuss, as appropriate, availability of social work services, counseling, school psychological services, other interventions, and restorative measures



But remember:

“Nothing in this Section is intended to infringe upon any right to exercise free expression or the free exercise of religion or religiously based views protected under the First Amendment to the U.S. Constitution”

A pink highlighter pen is positioned diagonally across the top left of the image, pointing towards the center. The background is a close-up of a calendar grid with dates 10, 11, 17, 18, 24, and 25 visible. The text is overlaid on this background.

ISBE Model Bullying Prevention Policy

To be posted on
ISBE website by
January 1, 2024

Teen Dating Violence

105 ILCS 110/3.10 (Board Policy 7:185)



“Teen dating violence” means (when one or both persons are 13 – 19 years old):

- (1) A pattern of behavior in which a person uses or threatens to use physical, mental, or emotional abuse to control another person with whom they are dating, or
- (2) Behavior by which a person uses or threatens to use sexual violence against another person with whom they are dating

RECORD
KEEPING
REQUIREMENT
FOR EACH
REPORT OR
FORMAL
COMPLAINT OF
SEXUAL
HARASSMENT

Maintain for 7 years:

Records of any action taken, including supportive measures

Basis for conclusion that response was not deliberately indifferent

Statement that measures taken designed to restore / preserve equal access to the education program/activity

If supportive measures not provided, documented reasons for why response was not clearly unreasonable in light of known circumstances

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