

The Laboratory Schools Policy on Bullying and Harassment and Procedures for Students*

(*Formerly the *Policy on Harassment, Discrimination, Sexual Misconduct, Bullying, Hazing, and Retaliation and Procedures for Students*)

Updated: January 18, 2023

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I. INTRODUCTION

The Laboratory Schools are home to the youngest members of the University of Chicago's academic community. Members of the Lab community cannot thrive unless each is accepted as an individual and is treated without regard to characteristics irrelevant to participation in the life of Lab. Freedom of expression is vital to our shared goal of the pursuit of knowledge and should not be restricted by a multitude of rules. At the same time, unlawful harassment, discrimination, sexual misconduct, bullying, hazing, and retaliation compromise the integrity of Lab. Lab is committed to taking necessary action to prevent, correct, and, where indicated, discipline these behaviors.

Further, harassment, discrimination, sexual misconduct, bullying, and hazing violate the standards of our community and are unacceptable at Lab, and may also violate the law.¹ These types of conduct can be devastating to the person who experiences it directly and can adversely impact family, friends, and the larger community. Regardless of the definitions provided below, people who believe they have experienced any form of harassment, discrimination, sexual misconduct, bullying, and hazing are encouraged to report the incident and to seek medical care and support as soon as possible.

This Policy is written to: promote school safety; protect the integrity of a positive and productive learning climate; teach students the personal and interpersonal skills they will need to be successful in school and society; build and restore relationships among students, families, schools, and communities; reduce the likelihood of future disruption by balancing accountability with an understanding of students' behavioral health needs in order to keep students in school; and increase student accountability when bullying or harassing conduct is based on sex, religion, race, ethnicity, or any other protected class identified in this Policy and by law. This Policy has benefited from the engagement of a range of school stakeholders, including students and parents/guardians, through, for example, surveys and focus groups around community members' experiences with bullying, harassment, and wellness at Lab. This policy is consistent with federal and State laws and rules governing student privacy rights, includes procedures for promptly informing parents or guardians of all students involved in the alleged incident of bullying and discussing, as appropriate, the availability of counseling services, support resources at school and outside of school, other interventions, and restorative measures.

This Policy prohibits harassment, including sexual harassment and sexual misconduct, discrimination, sexual misconduct, bullying, hazing, rating or ranking people, and retaliation.

A. Policy Basis and Application

This Policy applies to all Lab students and expresses Lab's commitment to providing an environment free from bullying, discrimination, harassment and other unlawful forms of harassment, sexual misconduct, sexual assault, domestic violence, dating violence, and stalking,

¹ Bullying is contrary to State law and this Policy.

hazing, and retaliation, and conforms to legal requirements. Lab provides education and prevention resources, offers numerous support services and referrals for anyone who has experienced the conduct prohibited by this Policy, and encourages and facilitates reporting, which can assist Lab's effort to address the conduct. Lab is committed to disciplining anyone whom Lab's procedure determines to have violated this Policy.

This Policy applies to Lab students' conduct that occurs: (1) on Lab or University property; or (2) off Lab or University property, if: (a) the conduct occurred in connection with a Lab- or University-sponsored or recognized program or activity; or (b) to conduct that has or reasonably may have the effect of creating a hostile educational environment for a member of the Lab community. For example, this Policy applies to misconduct that occurs during a Lab-sponsored study abroad program or during conference-based Lab-supported travel and may apply to between students online, during an off-campus party in a private residence. Lab may investigate and address misconduct that occurs off-campus involving an alleged student perpetrator and an unaffiliated complainant, although the inquiry may be limited to assessing whether the student poses a threat to campus safety.

The age and developmental stage of the student(s) involved in a matter under this Policy will be considered when determining whether a Policy violation occurred, as well as in determining the appropriate response by the school. For example, a first grader unexpectedly kissing another first grader on the lips isn't sexual harassment, but a ninth grader kissing another ninth grader may be.

Matters that constitute Title IX Sexual Harassment under Lab's [Policy on Title IX Sexual Harassment](#) are not within the scope of this Policy and will be addressed under Lab's [Policy on Title IX Sexual Harassment](#).

Reports Regarding Adults' Behavior

Reports about adult community members' behavior are not within the scope of this Policy. Lab faculty and staff are employees of the University of Chicago and subject to the University policies. For more information about the University policies, see the [University of Chicago Policy on Harassment, Discrimination, and Sexual Misconduct](#) and the [University Policy on Title IX Sexual Harassment](#). Further, Lab employees, contractors, and volunteers must comply with Lab's [Policy on Safety of Students in Laboratory Schools Programs](#) and with the University's [Mandated Reporting of Child Abuse Policy](#). Information about Lab's process for ensuring community safety and emergency removals regarding employees' conduct can be found in Lab's [Administrative Leave Pending Investigation](#) Policy.

B. Notice of Non-Discrimination

In keeping with its long-standing traditions and policies, the University of Chicago considers students, employees, applicants for admission or employment, and those seeking access to University programs on the basis of individual merit. The University does not discriminate on the basis of race, color, religion, sex, sexual orientation, gender identity, national or ethnic origin, age, status as an individual with a disability, protected veteran status, genetic information, or other protected classes under the law. Sexual harassment is a form of sex discrimination

prohibited by Title IX, which provides 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 educational program or activity receiving Federal financial assistance.*

For information regarding the University of Chicago's Policy on Harassment, Discrimination, and Sexual Misconduct, please see: <http://harassmentpolicy.uchicago.edu/page/policy>.

Bridget Collier serves as the Associate Provost for Equal Opportunity Programs and Title IX Coordinator for the University, Affirmative Action Officer, and Section 504/ADA Coordinator. You may contact Ms. Collier by emailing bcollier@uchicago.edu, by calling 773.702.5671, or by writing to Bridget Collier, Office of the Provost, The University of Chicago, 5525 S. Ellis Ave., Suite B, Chicago, IL 60637.

Chantal Thornberry serves as the Director for Equal Opportunity Services and Deputy Title IX Coordinator and is Ms. Collier's designee for Lab matters. Ms. Thornberry is the primary point of contact for Lab matters and may be reached by phone at 773-834-4366, by email at cthornberry@ucls.uchicago.edu, or in person at 1362 E. 59th St., Chicago, IL 60637 in Judd C106A. Ms. Noel also serves as Domestic and Sexual Violence Parent Resource Coordinator under Section 26A-35 of the Illinois School Code ((105 ILCS 5/22-20) (from Ch. 122, par. 22-20)).

II. PROHIBITED CONDUCT

A. Bullying and Cyber-Bullying

Bullying means any severe or pervasive act or conduct directed toward a student or students that has, or can be reasonably predicted to have, the effect of one or more of the following:

- Placing the student or students in reasonable fear of harm to the student's or students' person or property;
- Causing a substantially detrimental effect on the student's or students' physical or mental health
- Substantially interfering with the student's or students' academic performance
- Substantially interfering with the student's or students' ability to participate in or benefit from the services, activities, or privileges provided by the Laboratory Schools

Bullying can be physical or verbal conduct and includes written and electronic communications and cyber-bullying. Conduct does not need to be based on a person's protected characteristic to be considered bullying. Bullying may take various forms, including without limitation one or more of the following: harassment, threats, intimidation, theft, public humiliation, spreading rumors, lying about others, repeating or spreading hurtful, private or confidential information, destruction of property, or retaliation for asserting or alleging an act of bullying. Note that not all social conflict is bullying or harassment per se, although it might be inappropriate behavior that could be addressed by the school.

Cyber-bullying means bullying through the use of technology or any electronic communication, including without limitation any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic system, photoelectronic system, or photooptical system, including without limitation electronic mail, Internet communications, instant messages, or facsimile communications. Cyber-bullying includes the creation of a webpage or weblog in which the creator assumes the identity of another person or the knowing impersonation of another person as the author of posted content or messages if the creation or impersonation creates any of the effects enumerated in the definition of bullying in this Section. Cyber-bullying also includes the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons if the distribution or posting creates any of the effects enumerated in the definition of bullying in this Section.

Bullying that occurs on social media or via other electronic means shall be considered a violation of this Policy regardless of where, when, or by what means the conduct occurred. This includes but is not limited to conduct during or outside of the school day, on or off campus, or via school owned or non-school owned technology or equipment.

B. **Hazing**

A person commits **hazing** when they knowingly require a student or other person at Lab to perform any act, on or off Lab property, for the purpose of induction or admission into, or maintaining membership in, any group, team, organization, or society associated with or connected to Lab, and if the act is not officially sanctioned or authorized by Lab and results in harm to any person or could reasonably be foreseen to result in such harm. A person's willingness to participate in an act of hazing does not justify or excuse the act or cause it to fall outside of this Policy.

C. **Rating and Ranking Others**

"Rating" or **"Ranking"** is when a person or group of people create a list or equivalent that rates or ranks members of our community according to attractiveness, body parts, sexual history, or other factors and has the purpose or effect of being demeaning or derogatory. For example, creating a list of "the hottest 10th grade students" or "the best kissers in the 11th grade" is prohibited.

D. **Retaliation and Interference with Reporting**

Retaliation means any adverse action taken against a person participating in a protected activity because of their participation in that protected activity. Encouraging another to engage in such conduct may also be retaliation.

Interference with Reporting means any severe or pervasive act or conduct directed toward a student or students that has, or can be reasonably predicted to have, the effect of discouraging them from reporting a concern or participating in Lab's resolution process under this Policy. For

example, community members are prohibited from coercing or threatening a person who is considering reporting a concern under this Policy in order to discourage their participation.

Retaliation and Interference with Reporting will be treated as separate policy violations. Retaliation against an individual for reporting conduct under this Policy, supporting a party bringing a complaint, or participating in Lab's resolution process is a serious violation of this Policy. Acts of alleged retaliation should be reported immediately to the Deputy Title IX Coordinator, dean of students, or principal and will be promptly investigated. Contact information for the deans of students and principals in each division can be found on Lab's website at <https://www.ucls.uchicago.edu/about-lab/school-leadership>.

E. **Stalking**

Stalking means a course of conduct (two or more acts) directed at a specific person that would cause a reasonable person to fear for their safety or the safety of a third person, or to suffer substantial emotional distress. Stalking behavior includes, but is not limited to: following a person; appearing at a person's home, work, or school; making unwanted phone calls; sending unwanted emails or text messages; leaving objects for a person; vandalizing a person's property; injuring a person's pet; and monitoring or placing a person under surveillance.

F. **Unlawful Discrimination and Harassment**

Unlawful Discrimination

Discrimination is the different treatment of a person on the basis of a protected characteristic under the law.

A protected characteristic (or class) under the law includes a person's race, color, religion, sex, sexual orientation, gender identity, national or ethnic origin, age, status as an individual with a disability, protected veteran status, genetic information, and other protected classes under applicable law.

Hostile Environment Harassment

Harassment is unwelcome conduct on the basis of someone's actual or perceived **protected characteristic** that is so severe or pervasive that it has the purpose or effect of unreasonably interfering with a person's program participation or work performance, or that creates an intimidating, hostile, or offensive educational environment ("**hostile environment harassment**"). Harassment is a form of unlawful discrimination and can be verbal or physical conduct, or conduct using technology.

In addition,

- Harassment can include same-sex harassment and peer harassment among students, as well as between students of different ages and adults.
- The age and developmental stage of the student will be considered when determining whether harassment occurred, as well as in determining the appropriate response by the

school. For example, a third grader asking a classmate several questions about or repeatedly mentioning the classmate's hearing impairment may not be harassment, but a high school student repeatedly asking unwelcome questions or making unwelcome comments about a classmate's hearing impairment, which causes the classmate to feel uncomfortable and stop attending a club both students are in, may be.

- Harassment by a faculty or staff member of a student is particularly serious, as explained in the [University Policy](#). Students who wish to report adults' behavior should speak with the Deputy Title IX Coordinator.
- Harassing behavior must be objectively unreasonable, taking into account the ages and maturity levels of the students involved. A person's subjective belief that behavior is intimidating, hostile, or offensive does not make that behavior harassment.
- Expression occurring in an academic, educational or research context is generally considered a special case and is broadly protected by academic freedom. However, such expression may constitute harassment if it is targeted at a specific person or persons, is abusive, and serves no bona fide academic purpose.
- Not all social conflict or inappropriate behavior is harassment per se, although it might be behavior that would be addressed by the school.
- There may be occasions where the school must act to address a hostile environment at school created by series of incidents at the school not involving the same students where no particular student is responsible for violating Lab policies.

Sexual Harassment and Sexual Misconduct

Sexual Harassment is a form of hostile environment harassment when the unwelcome conduct is based on sex, gender, sexual orientation, or is sexual in nature.

Sexual Misconduct encompasses a range of conduct, from sexual assault (an act that the U.S. Department of Education defines as a form of sexual harassment in its regulations implementing Title IX) to conduct such as unwanted touching or persistent unwelcome comments, e-mails, or pictures of an insulting or degrading sexual nature, which may constitute unlawful harassment, depending upon the specific circumstances and context in which the conduct occurs. For example, sexual advances, requests for sexual favors, or sexually-directed remarks or behavior constitute sexual misconduct when (1) submission to or rejection of such conduct is made, explicitly or implicitly, a basis for an academic decision, or a term or condition; or (2) such conduct directed against an individual persists despite its rejection. Consent is such a critical factor that Section III.C of this Policy is dedicated to discussing it.

Note, not every inappropriate behavior with possible sexual connotations is sexual harassment. For example, a first grader giving an unwanted kiss on the cheek to another first grader, or children in the nursery/kindergarten program mutually engaging developmentally typical in body curiosity or sexualized play (e.g., playing "doctor" with same-aged peers) are typically not sexual harassment.

III. RELATED TERMS AND DEFINITIONS

A. Terms for Individuals Involved in a Dispute Under this Policy

“Complainant” or **“Victim”** means a person who allegedly was subjected to conduct prohibited by this Policy and does not imply pre-judgment. The terms “victim” and “complainant” are used interchangeably in this Policy.

“Respondent” or **“Accused”** means a person reported to be responsible for conduct prohibited by this Policy and does not imply pre-judgment.

“Parties” refers to the community members involved in a dispute under this Policy, i.e., the Respondent and the Complainant.

“Witness” refers to a person who has information relevant to the investigation of an alleged incident(s). A witness may have directly witnessed an event or they may have information about the actions the parties too before or following the incident, including a party’s description of the incident. Witnesses will not be asked to provide general information about a party’s character, as such information is not relevant to the investigation.

B. Important Related Terms

In compliance with the Violence Against Women Reauthorization Act of 2013 (“VAWA”) and the Clery Act, Lab and the University use the State of Illinois Criminal Code's definitions of sexual assault and sexual abuse. The University and Lab incorporate the State's definitions of several other important terms, including domestic violence, dating violence, and stalking and recognizes that sexual assault, domestic violence, dating violence, and stalking are not gender-specific crimes.

“Dating violence” means the use or threat of use of physical abuse, mental or emotional abuse, or sexual violence by a person who is in a social relationship of a romantic or intimate nature with the victim.

“Domestic violence” means harassment, interference with personal liberty, intimidation of a dependent, physical abuse, or willful deprivation by a person who is or was a family or household member of the victim. A family or household member includes: a spouse, former spouse, parent, child, stepchild, or other person related by blood or by present or prior marriage; a person who shares or formerly shared a common dwelling; a person who has or allegedly has a child in common or shares a blood relationship through a child; a person who has a dating or engagement relationship; a personal assistant to a person with a disability; and a caregiver.

“Force or threat of force” means the use of force or violence, or the threat of force or violence, including but not limited to (1) when the Respondent threatens to use force or violence on the victim or on any other person, and the victim under the circumstances reasonably believes that

the Respondent has the ability to execute that threat or (2) when the Respondent has overcome the victim by use of superior strength or size, physical restraint or physical confinement.

“Harassment” for purposes of **domestic violence** is knowing conduct that is not necessary to accomplish a purpose, would cause emotional distress to a reasonable person and does cause emotional distress to the victim.

“Interference with personal liberty” is committing or threatening physical abuse, harassment, intimidation, or willful deprivation to force a victim to engage in conduct from which that person has the right to abstain, or to abstain from conduct in which that person has a right to engage.

“Intimidation of a dependent” is subjecting a person who is a dependent because of age, health or disability to participate in or to witness physical force, physical confinement or restraint of another person.

“Physical abuse” includes sexual abuse and means any of the following: (1) the knowing or reckless use of physical force, confinement, or restraint; (2) knowing, repeated, and unnecessary sleep deprivation; and/or (3) knowing or reckless behavior that creates an immediate risk of physical harm.

“Sexual abuse” means an act of sexual conduct:

- Without consent; or
- By the use of force or threat of force; or
- When the accused knew that the victim was unable to understand the nature of the act or was unable to give knowing consent; or
- Where the accused is under 17 years of age and the victim was at least 9 years of age but under 17 years of age when the act was committed; or
- In which the accused delivered (by injection, inhalation, ingestion, transfer of possession, or any other means) to the victim without their consent, or by threat or deception, and for other than medical purposes, any controlled substance.

“Sexual assault” means an act of sexual penetration:

- Without consent; or
- By the use of force or threat of force, including threatening or endangering the life of the victim or any other person; or
- Where the accused knew that the victim was unable to understand the nature of the act or was unable to give knowing consent; or
- With a victim who was under age 17 when the act was committed, or with a victim who was under age 18 when the act was committed and the accused was age 17 or more and held a position of trust, authority, or supervision in relation to the victim; or
- In which the accused delivered (by injection, inhalation, ingestion, transfer of possession, or any other means) to the victim without their consent, or by threat or deception, and for other than medical purposes, any controlled substance.

“Sexual conduct” means any intentional or knowing touching or fondling by the victim or the accused, either directly or through clothing, of the sex organs, anus, or breast of the victim or the accused, or any part of the body of a child under 13 years of age, or any transfer or transmission of semen by the accused upon any part of the clothed or unclothed body of the victim, for the purpose of sexual gratification or arousal of the victim or the accused.

“Sexual penetration” means any contact, however slight, between the sex organ or anus of one person and an object, the sex organ, mouth or anus of another person, or any intrusion, however slight, of any part of the body of one person or of any animal or object into the sex organ or anus of another person, including but not limited to cunnilingus, fellatio, or anal penetration.

“Willful deprivation” is the purposeful denial of medication, medical care, shelter, food, or other assistance to a person who requires such things because of age, health or disability, thereby putting that person at risk of physical, mental, or emotional harm.

C. **Consent**

“Consent” means voluntary, active and clear agreement, communicated by words or actions, to participate in a specific activity. Consensual activity happens when each participant willingly chooses to participate. It is the responsibility of the person who wants to engage in a sexual activity to obtain the consent of the other person for that sexual activity. Further:

- Consent may be withdrawn or modified at any time by the use of clearly understandable words or actions.
- The definition of consent does not vary based upon a person’s sex, sexual orientation, gender identity, gender expression, or other protected identity characteristic.
- Consent is best obtained through direct communication about the decision to engage in specific sexual activity. Consent need not be verbal, but verbal communication is the most reliable and effective way to seek, assess, and obtain consent. Non-verbal communication often is ambiguous. For example, heavy breathing can be a sign of arousal, but it also can be a sign of distress. Talking with intimate partners about desires, intentions, boundaries and limits can be uncomfortable, but it serves as the best foundation for respectful, healthy, positive and safe intimate relationships.
- In cases where a person asserts that sexual activity occurred without consent, the standard is whether a sober, reasonable person in the same circumstances as the accused knew or should have known that the person did not or could not consent to the sexual activity in question.

What is not Consent?

- Consent cannot be obtained by threat of harm, coercion, intimidation, or by use or threat of force.
- The lack of explicit consent does not imply consent and likewise, the lack of verbal or physical resistance does not constitute consent. Thus, silence, passivity, submission,

and/or the lack of resistance (including the absence of the word “no”) do not—in and of themselves—constitute consent.

Incapacitation

Consent cannot be obtained from someone who is unable to understand the nature of the activity or give knowing consent due to circumstances. A person is mentally or physically incapacitated when that person lacks the ability to make or act on considered decisions to engage in sexual activity, *i.e.*, when a person’s perception and/or judgment is so impaired that the person lacks the cognitive capacity to make or act on conscious decisions, including, without limitation, the following circumstances:

- The person is incapacitated due to the use or influence of alcohol or drugs, or due to a mental disability. Alcohol and drugs can impair judgment and decision-making capacity, including the ability to rationally consider the consequences of one’s actions. The effects of alcohol and drug consumption often occur along a continuum. For example, alcohol intoxication can result in a broad range of effects, from relaxation and lowered inhibition to euphoria and memory impairment, and to disorientation and incapacitation. Incapacitation due to alcohol or drug use is a state beyond “mere” intoxication or even being drunk. Indicators of incapacitation may include inability to communicate, lack of control over physical movements, and/or lack of awareness of circumstances. An incapacitated person can experience a blackout state during which they appear to give consent but does not have conscious awareness or the capacity to consent. Some medical conditions can cause incapacitation.
- The person is asleep or unconscious.
- The person is under the legal age of consent. In Illinois, the legal age of consent is 17 but rises to 18 if the accused holds a position of trust, authority, or supervision in relation to the victim. This means that there can be no consent when one participant in the sexual activity is under the legal age of consent and any other participant is at or over the legal age of consent.

In sum, an act will be deemed non-consensual if a person engages in sexual activity with someone who is incapacitated, and who the person knows or reasonably should know is incapacitated, or with someone who is asleep, unconscious, or under the legal age of consent.

Other Important Points regarding Consent

- The existence of a romantic or sexual relationship does not, in and of itself, constitute consent.
- Consent on a prior occasion does not constitute consent on a subsequent occasion.
- Consent to one sexual act does not constitute consent to another sexual act.
- Consent to sexual activity with one person does not constitute consent to engage in sexual activity with another.
- Consent cannot be inferred from a person’s manner of dress or other contextual factors, such as alcohol consumption, dancing, or agreement to go to a private location like a bedroom.
- Accepting a meal, a gift, or an invitation for a date does not imply or constitute consent.
- Silence, passivity, or lack of resistance alone or in combination does not constitute consent.

Incapacitation by the person initiating sexual activity does not in any way lessen their obligation to obtain consent.

IV. CONFIDENTIALITY AND PRIVACY

A. Protections

It is the responsibility of every community member (including parents/guardians) to honor one another's privacy and recognize that confidentiality breaches undermine the school's educational mission, erode the community's trust, and may have the purpose or effect (unintended or intended) of harming another's emotional or social well-being (e.g., their reputation). Consistent confidentiality encourages community members to share information with the school, which is necessary for achieving fair outcomes. Facts surrounding allegations are often deeply disputed, and concerns about reputation, peer pressure, and retaliation may deter community members from participating or even bringing forward complaints in the first instance.

Lab must protect privacy and confidentiality to fulfill its commitment to address reports under this Policy fairly and expeditiously. Lab will keep matters confidential from persons outside the resolution process to the extent possible, including the identity of any Complainants, Respondents, or Witnesses. Under certain circumstances, Lab may have to disclose information related to the matter, such as in the following situations:

- (1) to those to whom it is necessary to give fair notice of the allegations and to conduct the investigation;
- (2) to law enforcement consistent with state and federal law;
- (3) to other Lab or University officials as necessary for coordinating Supportive Measures or for health, welfare, and safety reasons;
- (4) to government agencies that review Lab and/or the University's compliance with federal law; and
- (5) to third parties as permitted or compelled by law (e.g., in response to a lawful subpoena or in compliance with federal privacy law).

Lab's expectation that every community member will honor confidentiality should not interfere with any community member's ability to report concerning behavior or seek support for themselves or others. Further, Lab will not restrict the ability of either party to discuss the allegations under investigation and/or gather and present information relevant to the matter. Lab will notify the parties, witnesses, and others involved in a response to a report under these Policies that sharing information about the matter may compromise the integrity of the investigation and might, in certain circumstances, be construed as retaliatory. Retaliation of any kind is prohibited under the Policy.

FERPA, or the [Family Educational Rights and Privacy Act](#), is a federal law that protects the privacy of student records, which includes student disciplinary records. As a result, the School is limited in what, if any, information about student discipline it can disclose.

B. Breaches of Confidentiality and Retaliation

Any student who has been directed to maintain confidentiality regarding a situation, or another student's involvement or actions in a situation, or who becomes aware of information that is confidential or of a private nature and who violates that confidentiality or privacy by directly or indirectly referencing the student or situation to others verbally, in writing, or electronically may be held accountable for violating Lab's expectations for confidentiality.

There may be serious and personal legal consequences for those who breach confidentiality. Statements made outside of Lab's resolution process could lead to a legal claim by a person who believes that the statements are false, identify them to others, or have harmed their reputation. We encourage all persons involved in matters under this Policy, especially adults, to take into account the developmental stages of the students involved, as well as the fundamental educational mission of Lab, when communicating about the matter with third parties.

V. REPORTING

A. How to Report a Possible Violation of this Policy

Lab encourages members of the Lab community to report any and all instances of harassment, discrimination, sexual misconduct, bullying, hazing, and retaliation, even if they are unsure whether the conduct rises to the level of a Policy violation. Anyone can report a possible violation at any time. For example, someone can report that another person may have experienced unwelcome conduct. All incidents should be promptly reported to the Deputy Title IX Coordinator, the Dean of Students, or the Principal. Parents/guardians may report on behalf of their children. Anyone can report an incident by contacting the Deputy Title IX Coordinator or the appropriate division dean of students or by using the [online reporting form](#) available on the [Equal Opportunity](#) webpage.

Upon receiving a report, the Deputy Title IX Coordinator or Dean of Students (or designee), as appropriate, will promptly and sensitively take steps to address the report and provide the affected individual(s) support and information about resources and their options (e.g., Supportive Measures, as defined below).

B. Teachers and Other Lab Employees' Reporting Responsibilities

Students and families that report concerns to a Lab faculty member or staff employee should understand that all Lab employees have the following reporting responsibilities:

- As explained in the University's [Policy on Harassment, Discrimination, and Sexual Misconduct](#), all Lab employees are considered "Individuals with Reporting Responsibilities" and must promptly notify the Deputy Title IX Coordinator of any possible incident of sexual harassment (including sexual misconduct), dating violence, domestic violence, stalking, unwelcome behavior relating to sex, sexual orientation, gender identity, conduct of a sexual nature, or retaliation.

- Employees must notify the Dean of Students or Deputy Title IX Coordinator of incidents of bullying, hazing, and harassment that are not based on sex, sexual orientation, or gender identity, and don't involve conduct of a sexual nature.
- As explained in Lab's [Policy on Safety of Students in Laboratory Schools Programs](#), employees must comply with the University's [Mandated Reporting of Child Abuse Policy](#) and are "Mandated Reporters" under Illinois law. Accordingly, employees must report suspected child abuse and neglect (including child sexual abuse and other physical abuse that does not include sexual conduct) to the [Illinois Department of Children and Family Services](#) (IDCFS). Lab employees must also report such instances to their supervisor or the Deputy Title IX Coordinator.

Lab employees must promptly report to the appropriate administrator all known details related to the possible incident, even if a student or other community member asks them to keep the report confidential or secret. This reporting requirement helps ensure that community members who experience possible sexual harassment or sexual misconduct receive support and resources, and learn about their options. It also moves Lab towards greater consistency in handling reports of possible harassment, and it enables us to see instances of repeated behavior that would not likely be known to any individual member of the community. Employees are otherwise expected to keep confidential any information relating to reports under this Policy and refrain from discussing them with others, including co-workers or families.

C. Requests to Remain Anonymous or that the School Refrain from Investigating

It is important to emphasize that reporting an incident to the Deputy Title IX Coordinator or Dean of Students is private. In most cases, it does not mean the affected individual somehow loses control of the process. Indeed, in some cases, individuals choose not to move forward with a resolution process but still request support. Students may report a concern about a possible violation of these policies (e.g., bullying) anonymously using the [online reporting form](#) on Lab's [Equal Opportunity](#) webpage.

If a person shares a report about a possible violation of this Policy and asks to remain anonymous and/or asks that the school refrain from investigating, the Deputy Title IX Coordinator or Dean of Students (or designee) will consider how to proceed. Lab will take into account the Complainant's wishes and factors including, but not limited, to the following: (a) was a weapon involved in the incident, (b) were multiple individuals involved in the incident, (c) has the accused been found responsible for similar or related conduct in the past, (d) does the incident create a risk of occurring again, (e) the results of an individualized safety and risk analysis, (f) Lab's obligation to provide a safe and non-discriminatory environment, and (g) the Respondent's right to have specific notice of the allegations and an opportunity to be heard if Lab were to take action that affects them. In such circumstances, Lab may arrange for limited fact-finding to better understand the report and explore viable options for next steps.

In some instances, Lab may be obligated to address an alleged incident through internal disciplinary procedures without the cooperation of the person who reported the incident because a serious policy violation may have occurred that may threaten the community as a whole. In all circumstances, Lab will respect the parties' privacy to the extent possible and consistent with its

legal obligations, and will inform the victim of its obligation to address a community safety issue.

If a report is anonymous, Lab's ability to investigate or take action may be limited due to the anonymous nature of the report. In some circumstances, a request for anonymity may mean an investigation cannot go forward, which means that Lab may be unable to follow up on the report.

D. If the Identity of the Respondent(s) is Unknown

If the identity of the accused is unknown, Lab will conduct an initial inquiry and may take reasonable steps to identify any parties involved. Lab will offer reporting and resolution options to the Complainant, taking into account the Respondent's right to have notice of the allegations and Lab's obligation to provide a safe and non-discriminatory environment and equitable investigation process. The report may remain open until the accused is identified and an investigation can be conducted as appropriate.

E. Leniency for Other Policy Violations

Lab encourages reporting of all possible incidents of harassment, discrimination, sexual misconduct, bullying, hazing, and retaliation. Sometimes students and families are hesitant to share information with Lab because they fear they may be disciplined for other policy violations, such as underage alcohol consumption. To encourage reporting, Lab normally will offer leniency to a student who reports an alleged violation of this Policy in good faith with respect to other student conduct violations that come to light as a result of such reports. For example, Lab ordinarily will not pursue disciplinary action against a student who discloses during a resolution process of a sexual assault complaint that they engaged in underage drinking. Lab will not discipline such conduct violations unless the behavior was egregious, including without limitation behavior that risks the health or safety of any other person. Lab may also provide the student with support, education, or other resources, such as alcohol education.

F. Time Limits

There is no time limit for reporting a violation of this Policy or filing a complaint. However, Complainants should report as soon as possible to maximize Lab's ability to respond promptly and effectively. Delayed reporting often results in the loss of relevant information, and/or in faded and unreliable memories; it also impairs Lab's ability to gather relevant information from elsewhere, and, if appropriate, resolve claims and impose sanctions and other remedies. Furthermore, if the Respondent is no longer affiliated with Lab at the time of the report, it is likely that Lab will be unable to summon the Respondent or take disciplinary action against them, although Lab will take reasonable steps to understand the facts, assess whether the Respondent poses a present or ongoing risk of safety to the Lab community, and take any measures necessary to mitigate safety risk.

VI. SCHOOL RESPONSE TO REPORTED VIOLATIONS OF THIS POLICY

A. Response to a Report of a Possible Violation Under this Policy

Upon receiving a report of alleged behavior that may constitute bullying, hazing, rating or ranking, retaliation, interference with reporting, stalking, unlawful discrimination or harassment, the Deputy Title IX Coordinator or Dean of Students (or designee), will conduct a preliminary assessment to determine whether the conduct reported could fall within the scope of this Policy. As appropriate, the Deputy Title IX Coordinator or Dean of Students will promptly take steps to address the report and provide the Complainant with support and information about resources and their options for next steps. Generally, Complainants have the option to request supportive measures and to file a complaint to request an alternative resolution or an investigation.

Lab may also conduct an individualized safety and risk analysis and determine if there is an immediate threat to the physical health or safety of any student or other individual arising from the allegations of a violation of this Policy. As appropriate, Lab's process for responding to a report under this pPolicy may include contacting and cooperating with law enforcement or the IDCFS;

In some circumstances, Lab may conduct limited information gathering to better understand the report and explore options for addressing the situation. As appropriate, Lab will initiate a prompt, thorough, and impartial investigation. The school considers the wishes of the Complainant whenever practicable when determining next steps. The Complainant does not need to file a complaint to receive Supportive Measures, as described below.

B. Supportive Measures

“Supportive Measures” are non-disciplinary, non-punitive individualized services offered as appropriate and as reasonably available, to a Complainant or Respondent. Such measures are designed to restore or preserve equal access to Lab's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or Lab's educational environment and deter misconduct. Supportive Measures may include but are not limited to counseling, extensions of deadlines or other course-related adjustments, modifications of class schedules, adjustment to locker locations, mutual restrictions on contact between parties, leaves of absence, increased monitoring of certain areas of the campus, and honoring an order of protection or no-contact order entered by a State civil or criminal court. Lab will maintain as confidential any Supportive Measures, to the extent that maintaining such confidentiality would not impair Lab's ability to provide the Supportive Measures.

C. Ensuring Community Safety: Emergency Removals, Leaves of Absence, and Community Communication

In certain situations, Lab may take action to prevent possible harm to a community member or the community, including harm to self. The action will be as limited in scope and time as practicable to ensure that the rights, safety, and privacy of all involved are protected to the greatest extent possible.

The accused's Principal (or designee), in consultation with the Director and, as appropriate, the Deputy Title IX Coordinator, may take steps such as temporarily withdrawing particular students from school and/or school activities while conducting the investigation or requiring a medical evaluation for a particular student as a condition of their return to school. The decision as to how to best address the matter is the sole and exclusive decision of Lab. The accused student and their parent(s)/guardian(s) will be afforded the opportunity to meet, whether in person or via video or audio conference, with the Director to seek a review of the Principal's decision.

In addition to, or instead of, the steps described above, Lab may engage the [Threat Assessment Team \(TAT\)](#). The TAT is a coordinated, multidisciplinary team created to respond to members of the Lab community (e.g., students, parents, guardians, caregivers, and employees) who may be in distress. The TAT works to be supportive, not punitive, while mitigating any safety risks that may be posed to our school community. Anyone can report a concerning, *non-emergency* incident or behavior to the TAT by completing [the Report a Concerning Behavior form on the Lab TAT webpage](#).

In rare cases, it can be at the discretion of the Deputy Title IX Coordinator, in consultation with the Director, to share certain information about an incident or circumstance regarding harassment or sexual misconduct where the impact to the community merits disclosure of facts. FERPA, or the [Family Educational Rights and Privacy Act](#), is a federal law that protects the privacy of student records, which includes student disciplinary records. As a result, Lab is limited in what, if any, information about student discipline it will disclose.

VII. COMPLAINTS OF A VIOLATION OF THIS POLICY

A. Requesting an Investigative or Alternative Resolution

A Complainant (or their parent/guardian) may file a complaint requesting that Lab investigate and adjudicate a report of a violation of this Policy or to request an Alternative Resolution. Complainants may be students, their parent(s) or guardian(s), a school adult, an alumni, or a third party.

In certain circumstances, Lab may initiate an investigation without having received a complaint filed by a Complainant. For example, in circumstances involving serious or repeated conduct, where the accused may pose a continuing threat to the Lab community, or when the impact to the community warrants further investigation. If the circumstances regard allegations of harassment,

sexual misconduct, or stalking, the Deputy Title IX Coordinator may file a complaint on behalf of Lab.

B. Initial Assessment and Dismissal

Upon receipt of a complaint, the Deputy Title IX Coordinator or Dean of Students will conduct an initial assessment to determine whether the alleged conduct, as presented, reasonably could be viewed as a violation of this Policy. If the allegations would, if substantiated, constitute a violation, Lab will initiate an Investigative Resolution Process. Upon the Complainant's request and with the consent of both parties, Lab may instead refer the matter to the Alternative Resolution Process, as described in Section IX.

If the allegations would not, if substantiated, constitute a violation of this Policy, the Deputy Title IX Coordinator or Dean of Students may refer the matter for review under the Respondent's student and family handbook. Lab will notify the Complainant of this determination.

In addition, at any time prior to an outcome being issued at the conclusion of the resolution process, Lab may dismiss a complaint if (i) the Complainant asks Lab to withdraw the complaint or any allegations therein (in which case those discrete allegations may be dismissed), or (ii) specific circumstances prevent Lab from gathering sufficient information to reach a determination as to the complaint or any discrete allegations therein (in which case those discrete allegations may be dismissed) (collectively, Voluntary Dismissal). Both parties will receive written notice of the dismissal and its rationale. Once a complaint or allegation has been dismissed, the Complainant cannot file a complaint under this Policy concerning the same conduct. Dismissed allegations may be referred for review under the Respondent's student and family handbook.

C. Notice of Complaint

Within five (5) days of Lab initiating an investigation of a complaint, Lab will transmit a written notice to the Complainant and Respondent and their parents/guardian(s) that includes:

- Description of the allegations, the identities of known involved parties, and the conduct reported, including any known dates and locations,
- A timeframe for scheduling an initial meeting,
- A copy or link to view this Policy,
- A statement that the Respondent is presumed to be not responsible for the reported conduct,
- A statement that a determination regarding responsibility will be made at the conclusion of the Investigative Resolution Process,
- Information about having an advisor of choice, in addition to the student's parent/guardian(s) who may be, but is not required to be, an attorney,
- A statement that Lab prohibits knowingly making false statements or knowingly submitting false information during a resolution process,
- Information about Lab's policies on confidentiality and retaliation,
- A statement that the parties may inspect and review information gathered during the investigation before a determination regarding responsibility is reached,

- The name of the Investigator(s) and information on how to raise a concern about a conflict of interest regarding members of the Lab officials involved in the resolution process,
- Information about requesting an Alternative Resolution.

Should Lab, at any point, start to investigate allegations that are materially beyond the scope of the initial letter, Lab will provide a supplemental written communication describing the additional allegations to be investigated.

D. Role of Parents/Guardians, Support Persons, and Advisor of Choice

Lab will invite the parties' respective parent(s)/guardian(s) to all meetings with their child regarding resolution of the matter at issue under this Policy. In addition, the party/family may elect to be accompanied by a support person or advisor of their choice. That person must be an adult, and their role is strictly limited to providing support, not acting as an advocate or participant. If that person violates the limitations regarding their role or engages in behavior that is harassing, abusive, or intimidating toward a person involved in the resolution process, the advisor will be asked to leave. If the advisor is an attorney, then reasonable, advance notice is required so Lab can make arrangements for a representative of the University's Office of Legal Counsel to be present. Lab will not otherwise limit the choice or presence of an advisor in any meeting, however Lab may establish expectations of advisors related to their participation, which will apply *equally to both parties*.

VIII. INVESTIGATIVE RESOLUTION PROCESS

A. Procedures for Responding to Reports

Lab's process for responding to reports of conduct that may violate this Policy depends on the nature of the conduct, the accused's relationship to the school, and to the extent possible, on the Complainant's wishes. Where the accused is a Lab student,

the investigative process for resolution of a complaint under this Policy will generally include: (1) interviewing the Complainant (and the alleged victim, if that person is not the Complainant), (2) interviewing the Respondent, (3) interviewing witnesses, (4) collecting other relevant information, and (5) preparing an investigative report that fairly summarizes relevant information.

School counselors are typically invited to investigative meetings with students to provide additional support to students. Lab will follow a developmentally-appropriate process for resolving the report in accordance with the Procedures.

B. Investigation Timeframe

Lab is committed to providing a prompt, fair, impartial, and thorough investigation and resolution that is consistent with Lab's policies and is transparent to the Complainant and the Respondent. In most cases, Lab's investigation and resolution process will be complete within

60-90 days of receiving a complaint. Lab, in its discretion, may extend its investigation for good cause. If the timeframe for the investigation is extended, Lab will provide written notice to the Complainant and the Respondent of the extension and the reason for the extension.

C. Sexual History and Privileged Information

The Complainant's and/or Respondent's sexual history with others will generally not be sought or used in determining whether a violation of this Policy has occurred. However, in some circumstances, information about the Complainant's prior sexual behavior may be relevant to a claim that someone other than the Respondent committed the reported conduct. Additionally, to understand the context, sexual history between the parties may be relevant to explain an injury, to provide proof of a pattern, or an issue of consent.

Lab will not seek or allow information that is protected under a legally recognized privilege to be used in a resolution process unless the person holding the privilege voluntarily waives the privilege in writing. Privileged information includes, but is not limited to, a person's medical or counseling records or confidential communications where a party seeks or receives legal advice from their counsel.

D. Timely and Equal Access

Consistent with federal and state laws and rules governing student privacy rights, the Complainant, the Respondent, and appropriate Lab officials will receive timely and equal access to information that will be used during the Investigative Resolution Process.

At the conclusion of an investigation, Lab will invite both the Complainant and the Respondent and their parent/guardian(s) to attend separate outcome meetings, where Lab will share the outcome of the investigation. Following the outcome meetings, the Complainant and Respondent are simultaneously informed, in writing, of the result of the resolution process and the procedures for requesting a review of the outcome.

This notification will include (i) identification of the allegations potentially constituting violations of this Policy; (ii) a description of the procedural steps taken from the receipt of the complaint through the determination; (iii) findings of fact supporting the determination; (iv) conclusions regarding the application of the Procedures to the facts; (v) a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility; (vi) whether remedies designed to restore or preserve equal access to Lab's education program or activity will be provided to the Complainant; (vii) and Lab's procedures and permissible bases for the Complainant and Respondent to request a review of the outcome.

E. Standard of Evidence and Presumption of Non-Responsibility

The standard used in proceedings under this Policy is a preponderance of the evidence, i.e., whether it is more likely than not that this Policy has been violated. The Respondent is presumed to be not responsible for the alleged conduct unless and until a determination regarding responsibility is made at the conclusion of the resolution process.

F. **Determining a Policy Violation**

In determining whether a violation of this Policy occurred, Lab will consider the totality of circumstances, including, but not limited to, the actual impact the conduct has had on the Complainant; the nature and severity of the conduct at issue; the frequency and duration of the conduct; the relationship between the parties (including whether one individual has power or authority over the other); the respective ages and developmental stages of the parties; the context in which the conduct occurred; and the number of persons affected.

Lab will evaluate the totality of circumstances from the perspective of a reasonable person in the Respondent's position. A person's adverse subjective reaction to conduct is not sufficient, in and of itself, to establish the existence of a hostile environment.

G. **Disciplinary Outcomes**

At the conclusion of the investigation, if the Respondent is determined to be responsible for a policy violation, the Respondent's Dean of Students and/or Principal will impose disciplinary outcomes as appropriate. Depending upon the severity and impact of the infraction, as well as other factors such as the student's age and behavioral history, sanctions may include, but are not limited to, Supportive Measures, a warning, denial of privileges, educational measures, social suspension, community service, school suspension, and expulsion.

IX. **Alternative Resolution**

An **Alternative Resolution** is a process in which the parties mutually agree on an outcome that addresses the conduct raised in a complaint. Alternative Resolution does not involve a full investigation and adjudication. The Alternative Resolution procedures are described in full in the Procedures.

A. **Initiating an Alternative Resolution Process**

A Complainant may request an Alternative Resolution process by contacting the Deputy Title IX Coordinator or Dean of Students. Alternative Resolution is a voluntary process, and Lab will not require, encourage, or discourage the parties from participating.

Lab will offer the Alternative Resolution process only if (i) a complaint has been filed by the Complainant, (ii) Lab has determined that the alleged conduct, if substantiated, would constitute a violation of this Policy, (iii) both the Complainant and the Respondent are current Lab students; and (iv) Lab has determined that the Alternative Resolution process is appropriate for this matter.

In making a determination as to whether the Alternative Resolution is appropriate, Lab will consider factors, including, but not limited to, the following: (i) the outcome of an individualized safety and risk analysis of the Respondent relating to sexual misconduct, physical violence, failure to comply with a No Contact Directive (NCD), and/or other relevant conduct, (ii) the nature of the alleged conduct, whether allegations involve multiple victims and/or a pattern of

conduct, or other evidence-informed factors indicative of increased risk to community safety, and (iii) whether the circumstances warrant the Deputy Title IX Coordinator filing a complaint as described in Section VI. Alternative Resolution is not appropriate, even on a voluntary basis, in matters involving allegations of sexual assault, dating violence, domestic violence, and stalking.

B. Elements of the Alternative Resolution Process

Regarding the Alternative Resolution Process:

- The parties will not be required to meet with each other as part of the Alternative Resolution Process.
- In most cases, the Alternative Resolution process will be completed within 30 days. Lab, at its discretion, may extend this timeframe for good cause.
- Students may be accompanied by an advisor of their choice, in addition to their parent/guardian(s), at any meeting regarding the Alternative Resolution Process.
- At any point prior to an agreement, either party may withdraw from the Alternative Resolution Process and request that the School investigate the matter. Likewise, Lab may discontinue the resolution process and refer the matter back for investigation. Any information obtained during the Alternative Resolution Process may be used in any investigation process.
- The School may add additional terms to the agreement, such as imposing a no contact directive or requiring the accused to attend educational sessions regarding harassment.
- Once both parties and a Lab official sign an Alternative Resolution agreement, the agreement is final, the parties are bound by its terms, and the allegations addressed by the agreement are considered resolved. Lab will not further investigate, adjudicate, remediate, or impose discipline for those allegations, except as provided in the agreement itself or under the conditions outlined in Section IX.C below.
- Lab will not take disciplinary action against the Respondent for the allegations that are resolved through Alternative Resolution, and the resolution will not appear on the Respondent's disciplinary record. Lab may, however, conduct a separate investigation regarding related conduct and impose discipline not part of the original agreement. For example, if a student is accused of sexual harassment and cheating in the same incident, the student may resolve the sexual harassment dispute through Alternative Resolution, and Lab may conduct an investigation regarding the cheating allegations and, as appropriate, impose discipline.

C. Breaches of Agreement; Subsequent Use

Failure to comply with the agreement may result in disciplinary action for either party. Alleged violations of an Alternative Resolution, or allegations that the agreement was induced by misrepresentation or any other misconduct should be reported to the Deputy Title IX Coordinator or Dean of Students. Reports will be reviewed and, as appropriate, investigated and resolved under this Policy or another provision of the accused's student and family handbook, which may lead to disciplinary action.

The parties cannot request a review of an Alternative Resolution agreement. A Respondent's participation in a prior Alternative Resolution process is generally not relevant or taken into account in the resolution of a subsequent, unrelated report filed by a different Complainant.

X. BAD FAITH REPORTS AND FALSE INFORMATION

It is a violation of this Policy for any person to submit a report that they know to be false or frivolous. It is also a violation of this Policy for any person to knowingly make a materially false statement during a resolution process. Violations of this Section will be addressed under the policies of Respondent's student and family handbook.

XI. RIGHT TO PURSUE OTHER REMEDIES

Reporting a possible violation of this Policy to Lab or participating in Lab's investigation are not prerequisites to the pursuit of other remedies. Anyone may choose to bring forward a complaint at Lab instead of, or in addition to, seeking remedies outside Lab in the legal system. For example, a person may pursue their case via the criminal system without engaging Lab's disciplinary process. Nonetheless, in the interest of community safety, Lab may be obliged to address alleged violations of these Policies through internal disciplinary procedures. Lab's investigations may occur alongside, rather than in lieu of, an independent investigation such as by law enforcement or the IDCFS, although in some cases, delays due to another process may be warranted or required.

XII. CONFLICTS OF INTEREST

All Lab officials (or designees) who have responsibilities under this Policy must be free of any conflict of interest or bias for or against the Complainant or Respondent, or for complainants or respondents generally.

The Complainant and Respondent will be notified of the identities of the individuals involved in the resolution process, before those individuals initiate contact with either party, and may report a potential conflict of interest or bias relating to any officials to the Deputy Title IX Coordinator or Dean of Students, along with a written statement detailing the nature of the conflict or bias.

The Deputy Title IX Coordinator or Dean of Students (or designee) will review the particular facts of the situation and use an objective, common sense approach to evaluate whether a person serving in a role under this Policy is conflicted or biased (*i.e.*, whether a reasonable person would believe a material conflict or bias exists). For example, a conflict may exist if a party and the Investigator have a personal relationship that may have a real or perceived effect on the Investigator's judgment.

Lab will exercise caution not to apply generalizations that might unreasonably conclude that bias exists, for example, assuming that all self-identified feminists are biased against men, or that a

man is incapable of being sensitive to women. Past experience, including prior work as a victim advocate or as a defense attorney, does not in and of itself constitute a conflict of interest. The training required under this Policy is intended to provide Lab officials with the tools needed to serve impartially and without bias.

Based on the review described above, the Deputy Title IX Coordinator or Dean of Students may remove Lab officials from their roles, and another trained Lab or University official or external subject matter expert will be assigned to investigate and/or resolve the case. Both parties will be notified in writing in the event of a removal or change in officials.

XIII. TRAINING AND PREVENTION AND EDUCATION PROGRAMS

All Lab officials involved in resolution processes under this Policy participate in annual training on how to conduct investigations and resolutions processes and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

Lab provides numerous education programs and awareness campaigns to prevent and promote awareness of discrimination, harassment, sexual harassment, sexual assault, sexual abuse, domestic violence, dating violence, and stalking. In addition to covering the information addressed in this Policy, these programs, among other things, provide information regarding options for bystander intervention and information on risk reduction strategies.

Training materials and descriptions of Lab's prevention and education programs can be found on Lab's [Equal Opportunity](#) webpage.

XIV. REQUIRED RECORDKEEPING

Lab will maintain, for a period of at least 7 years, records of:

- Any actions, including any Supportive Measures, taken in response to a report of a violation of this Policy, including, as applicable, documentation of why no Supportive Measures were provided,
- Each investigation, including any determination regarding responsibility and any disciplinary sanctions imposed on the Respondent, and any remedies provided to the Complainant designed to restore or preserve equal access to Lab's Education Programs or Activities,
- Any request for review and the result therefrom,
- Any records from an Alternative Resolution process and the result therefrom.

XV. ADDITIONAL INFORMATION AND INQUIRIES

If you have questions regarding the Policy, resources, or the resolution process, you may contact Chantal Thornberry, Director of Equal Opportunity Services/Deputy Title IX Coordinator at 773-834-4366 or cthornberry@ucls.uchicago.edu.

The Laboratory Schools Bullying and Harassment Resolution Procedures for Students

I. Introduction

These **Bullying and Harassment Resolution Procedures** (the “Procedures”) will be used to respond to reports that a Lab student violated the Laboratory Schools’ Policy on Bullying and Harassment (the “Policy”). Lab’s process for responding to reports of bullying, hazing, rating or ranking, retaliation, interference with reporting, stalking, unlawful discrimination or harassment in the Lab community depends on the nature of the conduct, the accused’s relationship to the school, and to the extent possible, the Complainant’s wishes. In all cases where a complaint has been filed, Lab is committed to providing a prompt, fair, impartial, and thorough investigation and resolution that is consistent with Lab’s policies, is transparent to the Complainant and the Respondent, and which provides remedies to the Complainant whenever a Respondent is found responsible.

A. For Reports where the Identity of the Accused is Unknown

If the identity of the accused is unknown, Lab will take reasonable steps to identify them and remedy any hostile environment that may have been created, taking into account the Respondent’s right to have notice of the allegations, consistent with Lab’s obligation to provide a safe and non-discriminatory environment and equitable investigation process. The complaint may remain open until the accused is identified and an investigation can be conducted as appropriate.

B. Matters Outside the Scope of these Procedures

Reports of “Title IX Sexual Harassment,” as defined in the [Laboratory Schools Policy on Title IX Sexual Harassment](#), are outside the scope of the Policy and will be addressed under Lab’s [Title IX Sexual Harassment Resolution Procedures](#). However, processing a report or complaint under the Title IX Sexual Harassment Resolution Procedures does not preclude processing some or all allegations of a report or complaint under other policies and procedures, including these Procedures, to the extent allowed by Title IX and other laws.

Reports regarding a faculty member, staff member, or other employee's conduct are outside the scope of the Policy and will be addressed in under the University of Chicago [Policy](#) on Harassment, Discrimination, and Sexual Misconduct or the University [Policy](#) on Title IX Sexual Harassment.

II. Filing a Complaint Against a Lab Student

A Complainant (or their parent/guardian) can file a complaint against a Lab student by submitting a written statement to the Deputy Title IX Coordinator or Dean of Students or by [filing a complaint online](#). The Complainant's complaint should indicate that they are requesting that Lab investigate and adjudicate a report of a violation of the Policy, or requesting an Alternative Resolution of the matter. Student Complainants (or their parent/guardian) may elect to have a meeting with the Deputy Title IX Coordinator or Dean of Students, who can assist them in filing their complaint orally. The Complainant should make every effort to include in the complaint all germane facts known at that time and provide all available supporting materials.

III. Initial Assessment

Upon receipt of a complaint against a Lab student, the Deputy Title IX Coordinator or Dean of Students will conduct an initial assessment to determine whether the alleged conduct, as presented, reasonably could be viewed as a violation of the Policy. If the allegations would, if substantiated, constitute a violation of the Policy, Lab will initiate the Investigative Resolution process described in Section IV below. Upon request and with the consent of both parties, Lab may instead refer the matter to the Alternative Resolution process, as described in Section VIII of the Policy. If the allegations would not, if substantiated, constitute a violation of the Policy, the matter will be referred for review under the Respondent's student and family handbook.

IV. Investigative Resolution Process

A. Lab's Commitment and Process Overview

The Investigative Resolution Process will ensure the following:

- Lab will treat Complainants and Respondents equitably in all manners.
- Lab will notify each party of the date, time, location, participants, and purpose of all investigative interviews and other related meetings, with sufficient time for the party to prepare.
- Lab presumes that the Respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the Investigative Resolution Process.
- Lab will provide both parties an equal opportunity to inspect and review any information gathered in the investigation that is directly related to the allegations under investigation.

- Lab will not seek or allow information that is protected under a legally recognized privilege unless the person holding such privilege has waived the privilege.
- Lab will gather and objectively evaluate all relevant information, including information that may be favorable to one party or the other. Credibility determinations will not be based on a person's status as a Complainant, Respondent, or Witness.
- Lab will follow this Investigative Resolution Process before imposing any disciplinary sanctions or other actions that are not Supportive Measures against a Respondent.
- Lab will provide remedies to a Complainant where the Respondent has been determined responsible for violating the Policy.

B. **Timeline**

The Investigative Resolution Process is generally concluded within sixty (60) to ninety (90) days of the receipt of a complaint. Any timeframe in process may be extended for good cause. If a timeframe is extended, Lab will provide notice to the parties, including any reason for the extension, and the amended timeline.

C. **Investigation Steps**

Generally, during an investigation, the following steps will occur:

- **Notify the Parties:** Both parties (and/or their parents/guardians) will receive written notification of the allegations, their rights, and a copy of or link to the Policy and Procedures.
- **Meet with the Parties:** Each party will meet separately with the Investigator* to discuss the allegations and allow each party the opportunity to share their knowledge of the reported conduct, as well as share any relevant information and suggest witnesses. The parties should make every effort to include all relevant information known to them and provide all available supporting materials.
- **Gather Other Information:** The Investigator will talk with any other individuals who may have additional information about the report, such as other students, faculty, or staff. The Investigator will also review any written, electronic or other forms of information and will take other steps they deem appropriate to gather relevant information. Witnesses will not be asked about a party's character in general, as such information is not relevant to the investigation.
- **Parties' Questions:** Each party will have an opportunity to submit relevant questions they want the Investigator to ask of the other party or a witness. The Investigator will provide the asking party with the answer, and will allow for additional, limited follow up questions from each party.
- **Investigation Report:** The Investigator will provide the parties (or their parents/guardians) with a copy of the investigation report. It will include a written summary of the information that will be relied upon in making a determination of whether there is a violation of Lab's Policy. The Investigator will consider any responses gathered from the parties during the investigation, and will make findings of fact and apply the preponderance of the evidence standard to determine whether a violation of Lab's Policy occurred. This standard means that the Investigator will determine whether, after assessing all of the credible information

gathered, it is more likely than not that a policy violation occurred. The investigation report will include any recommended measures to be taken by Lab to eliminate any harassment, prevent its recurrence, and address its effects.

- **Determination and Outcomes:** After the investigation report is complete, if the Respondent is determined responsible for violating the Policy, the Respondent's Dean of Students (or designee) will follow the school's ordinary disciplinary practices for other conduct of similar seriousness. The disciplinary practices can be found in the Respondent's student and family handbook.
- **Notification of the Outcome:** The Investigator and the Dean of Students (or designee) will invite the student and parent(s)/guardian(s) to attend a meeting to discuss the outcome. Following those meetings, the parties will be simultaneously informed, in writing, of the determination and the procedures for seeking review of the decision.

*Ordinarily, reports of sexual misconduct, retaliation, and harassment or discrimination based on sex, gender, or sexual orientation will be investigated by the Deputy Title IX Coordinator (or designee). All other reports may be investigated by either the Deputy Title IX Coordinator or the Dean of Students (or designee).

D. Remedies and Outcomes

Remedies may include, but are not limited to, Supportive Measures. Remedies may be disciplinary and need not avoid burdening the Respondent. Student discipline can involve a range of consequences. Depending upon the severity and impact of the infraction, as well as other factors such as the student's age and behavioral history, sanctions may include, but are not limited to, Supportive Measures, a warning, denial of privileges, educational measures, social suspension, community service, school suspension, and expulsion.

Parents/guardians will be notified of outcomes/remedies pertaining to their student, and an intervention plan governing future behavior and interaction will be created.

If, after a Laboratory Schools degree is awarded, Lab is informed of misconduct that occurred before the degree was awarded, disciplinary proceedings may be initiated. If the misconduct is substantiated, Lab may revoke the degree or impose other sanctions (e.g., prohibition from participating in alumni events or from Laboratory Schools property.)

E. Request for Review

Within ten (10) days of being informed, in writing, of Lab's determination, the Complainant or Respondent may request a review of the determination and any outcomes. A party may request a review of the decision if: (1) a procedural error occurred which may change the outcome of the decision; (2) new and material information not available during the investigation more likely than not would have resulted in a different determination or sanctions; (3) a Lab official (or designee) who served as an Investigator or Decisionmaker had a conflict of interest or bias that affected the outcome of the matter; or (4) the sanction imposed is disproportionate to the violation.

A request for review may be filed by email, mail, or hand delivery to the Director of the Laboratory Schools. Requests for review and any supporting material should be submitted in writing, clearly state the basis for the request (i.e., one of the recognized grounds above), and include materials that directly support the Complainant's or Respondent's claim(s). Character references should not be submitted and will not be considered.

The Complainant and/or the Respondent will be informed in writing if the other party has submitted a request for review. If the request for review meets the standards for a review, the Complainant's and/or Respondent's request for review will be made available to the other party, who will have five (5) business days to submit an optional response statement. Requests for review and/or supporting materials must be prepared and/or submitted by the Complainant or Respondent, *i.e.*, materials prepared or arguments advanced by other individuals (*e.g.*, an advisor) will not be considered.

In matters involving allegations of sexual harassment, sexual misconduct, stalking, or retaliation, or where the accused is a student in Nursery/Kindergarten, Primary School, Lower School, or Middle School, the review will be conducted by the Director (or designee). For all other matters where the accused is a U-High student, the review may be conducted by the Disciplinary Review Board consistent with the criteria for review outlined in the U-High Student and Family Handbook. Complete information about the Disciplinary Review Board process can be found in the U-High Student and Family Handbook.

The Director (or designee) will conduct an independent and unbiased review of the report, determination and Lab's response, including any sanctions. The review is not a new investigation and does not include gathering additional information, though the Director (or designee) may seek additional information about the procedures from, for example, the Investigator or the Dean of Students. The Director (or designee), acting on the basis of the entire record, may sustain, modify, reduce, increase, or strike the determination and/or the sanctions. They may also require the Investigator to reopen the investigation and consider the new information in making findings and rendering a decision.

The Complainant and the Respondent will be notified formally, in writing, of the outcome of the request for review within seven (7) business days after the conclusion of the review. The Director's (or designee's) decision is final and non-reviewable.

V. Alternative Resolution Process

A. Initiating an Alternative Resolution

Lab students involved in a dispute may voluntarily request, either orally or in writing, that the matter be resolved by Alternative Resolution instead of through the investigatory process. The request may be made any time prior to an outcome being issued under an investigatory resolution process.

Upon receipt of a request for Alternative Resolution, the Deputy Title IX Coordinator or Dean of Students (or designee) will review the request and will gather any additional information necessary to determine whether Alternative Resolution is appropriate. The Complainant and Respondent's consent to participate in the Alternative Resolution process must be documented in writing.

B. Alternative Resolution Process

- If Lab approves the request, a trained Alternative Resolution Facilitator ("Facilitator") will be assigned to work with the students to attempt to facilitate an Alternative Resolution agreement.
- The Complainant and Respondent will be notified in writing of: the allegations; the requirements of the Alternative Resolution process; consequences from participating in the Alternative Resolution Process (e.g., that records will be kept and could be shared); the identity of the Facilitator; and the opportunity to raise concerns regarding a conflict of interest.
- The Facilitator will hold an initial process meeting with each student to discuss the Alternative Resolution process and to review the students' rights during the process.
- The Facilitator will ask each student to describe in detail (in writing or orally) the remedies/terms that they are seeking.
- The Facilitator will share the requests with the other student and will meet separately with both students to identify and facilitate areas of agreement.
- The Alternative Resolution process may require multiple meetings and/or communications between the parties and the Facilitator.

C. Resolution Agreement

The matter is considered resolved when both parties expressly agree to an outcome that is also acceptable to the School. Upon signing the Alternative Resolution agreement, the students are bound by its terms and cannot request an Investigative Resolution Process based on the conduct alleged in the underlying complaint.

If either student's circumstances change significantly, they may request a supplemental agreement. The Deputy Title IX Coordinator or Dean of Students will determine whether it is appropriate to proceed. For example, if there are changes to a student's class schedule or extracurriculars that may conflict with a term of an agreement, the student can raise the concern to the Deputy Title IX Coordinator or Dean of Students, who will determine whether a supplemental agreement may be appropriate.

Alleged violations of an Alternative Resolution agreement by either party, or allegations that the agreement was induced by fraud, misrepresentation, or any other misconduct, should be reported to the Deputy Title IX Coordinator or Dean of Students. Lab will review the report and will determine whether the allegations should be investigated under this Policy or another provision of the accused's Student and Family Handbook, which may, as appropriate, lead to disciplinary action.

D. Available Remedies of the Alternative Resolution Process

Depending on the nature and circumstances of the particular situation, the following may be outcomes of an Alternative Resolution agreement:

- Voluntary restrictions from participation in particular student organizations or Lab activities;
- Participation in educational offerings on topics including but not limited to: consent and communication, the use of alcohol or other drugs, healthy interpersonal relationships, stress management and wellbeing;
- Provision to the Respondent to read an “impact statement” written by the Complainant (describing the impact(s) that the Respondent’s alleged conduct had on the Complainant);
- Other measures deemed appropriate by Lab.

VI. Revisions and Most Current Policy and Procedures

This Policy is reviewed annually and may be updated at any time to reflect necessary and appropriate revisions. The evaluation process to assess the outcomes and effectiveness of this Policy includes, but is not limited to, consideration of the frequency of reported incidents of victimization; student, staff, and family observations of safety at a school; identification of areas of the school where conduct prohibited under this Policy occurs; the types of discrimination, harassment, sexual misconduct hazing and bullying that has occurred; and bystander intervention or participation. Information developed as a result of the policy evaluation is available on Lab’s [Wellness webpage](#).

Links to this Policy and Procedures may also be found in the school handbooks, though, should inconsistencies exist, the policies and procedures found here are the most current and will be followed.