



# The Laboratory Schools Policy on Harassment, Discrimination, Sexual Misconduct, Bullying, and Hazing

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## Table of Contents

***The Laboratory Schools Policy on Harassment, Discrimination, Sexual Misconduct, Bullying, and Hazing* ..... 1**

**I. INTRODUCTION ..... 3**

    A. Policy Basis and Application..... 3

    B. Notice of Non-Discrimination ..... 4

**II. PROHIBITED CONDUCT ..... 5**

    A. Bullying..... 5

    B. Hazing..... 5

    C. Rating and Ranking Others ..... 5

    D. Retaliation..... 6

    E. Unlawful Discrimination and Harassment..... 6

**III. RELATED TERMS AND DEFINITIONS ..... 7**

    A. Terms for Individuals Involved in a Dispute Under this Policy..... 7

    B. Terms Related to Sexual Misconduct..... 8

    C. Consent..... 10

**IV. CONFIDENTIALITY AND PRIVACY ..... 12**

    A. Protections ..... 12

    B. Breaches of Confidentiality and Retaliation..... 12

**V. REPORTING..... 13**

    A. How to Report a Possible Violation of this Policy ..... 13

    B. Teachers and Other Lab Employees’ Reporting Responsibilities ..... 13

    C. Requests to Remain Anonymous or that the School Refrain from Investigating ..... 14

    D. If the Identity of the Respondent(s) is Unknown ..... 15

    E. Leniency for Other Policy Violations ..... 15

    F. Time Limits..... 15

**VI. SCHOOL RESPONSE TO REPORTED VIOLATIONS OF THIS POLICY ..... 16**

    A. Response to a Report of a Violation Under this Policy ..... 16

    B. Supportive Measures ..... 16

    C. Ensuring Community Safety: Emergency Removals and Leaves of Absence..... 16

**VII. COMPLAINTS OF A VIOLATION OF THIS POLICY ..... 17**

    A. Requesting an Investigative or Informal Resolution..... 17

    B. Initial Assessment and Dismissal..... 17

    C. Notice of Complaint..... 18

D.	Support Persons and Advisor of Choice .....	18
<b>VIII.</b>	<b>INVESTIGATIVE RESOLUTION PROCESS .....</b>	<b>19</b>
A.	Procedures for Responding to Reports.....	19
B.	Investigation Timeframe .....	19
C.	Sexual History and Privileged Information .....	19
D.	Timely and Equal Access.....	20
E.	Standard of Evidence and Presumption of Non-Responsibility .....	20
F.	Determining a Policy Violation.....	20
<b>IX.</b>	<b>INFORMAL RESOLUTION.....</b>	<b>20</b>
A.	Initiating an Informal Resolution Process .....	21
B.	Elements of the Informal Resolution Process.....	21
C.	Breaches of Agreement; Subsequent Use.....	22
<b>X.</b>	<b>BAD FAITH REPORTS AND FALSE INFORMATION.....</b>	<b>22</b>
<b>XI.</b>	<b>RIGHT TO PURSUE OTHER REMEDIES.....</b>	<b>22</b>
<b>XII.</b>	<b>CONFLICTS OF INTEREST.....</b>	<b>22</b>
<b>XIII.</b>	<b>REQUIRED RECORDKEEPING.....</b>	<b>23</b>
<b>XIV.</b>	<b>TRAINING AND PREVENTION AND EDUCATION PROGRAMS.....</b>	<b>23</b>
<b>XV.</b>	<b>ADDITIONAL INFORMATION AND INQUIRIES.....</b>	<b>24</b>
	<b><i>The Laboratory Schools Harassment, Discrimination, Sexual Misconduct, Bullying, and Hazing Resolution Procedures for Students .....</i></b>	<b><i>24</i></b>
<b>I.</b>	<b>Introduction .....</b>	<b>24</b>
A.	For Reports where the Identity of the Accused is Unknown.....	24
B.	Matters Outside the Scope of these Procedures .....	25
<b>II.</b>	<b>Filing a Complaint Against a Lab Student.....</b>	<b>25</b>
<b>III.</b>	<b>Initial Assessment.....</b>	<b>25</b>
<b>IV.</b>	<b>Investigative Resolution Process .....</b>	<b>25</b>
A.	Guarantees and Parties' Rights.....	25
B.	Timeline.....	26
C.	Investigation Steps.....	26
D.	Remedies and Outcomes.....	27
E.	Request for Review.....	27
<b>V.</b>	<b>Informal Resolution Process .....</b>	<b>28</b>
A.	Initiating an Informal Resolution.....	28
B.	Informal Resolution Process .....	29
C.	Resolution Agreement.....	29
D.	Available Remedies of the Informal Resolution Process .....	30
<b>VI.</b>	<b>Right to Pursue Other Remedies .....</b>	<b>30</b>
<b>VII.</b>	<b>Most Current Policy and Procedures.....</b>	<b>30</b>

## 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 autonomous 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, sexual misconduct may violate the law, does violate the standards of our community, and is unacceptable at Lab. Sexual misconduct 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 sexual misconduct are encouraged to report the incident and to seek medical care and support as soon as possible.

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 discrimination, sexual harassment and other unlawful forms of harassment, sexual misconduct, sexual assault, domestic violence, dating violence, and stalking, bullying, 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 between students online, during an off-campus party in a private residence, during a Lab-sponsored study abroad program, or during conference-based Lab-supported travel. Also, Lab may investigate and address misconduct that occurs off-campus involving an alleged student perpetrator and an unaffiliated complainant, although the circumstances may be such that the inquiry is 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](#). 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](mailto: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.

Betsy Noel serves as the Coordinator for Wellness and Equal Opportunity Programs and Deputy Title IX Coordinator and is Ms. Collier's designee for Lab matters. Ms. Noel is the primary point of contact for Lab matters and may be reached by phone at 773-834-4366, by email at [enoel@ucls.uchicago.edu](mailto:enoel@ucls.uchicago.edu), or in person at 1362 E. 59th St., Chicago, IL 60637 in Judd C106A.

## II. PROHIBITED CONDUCT

### A. 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.

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, admission, or membership into 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

**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.

Retaliation will be treated as a separate policy violation. 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. Unlawful Discrimination and Harassment

### *Unlawful Discrimination*

**Discrimination** is the unjust or 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. Terms Related to Sexual Misconduct**

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.

**“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

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.

**“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

*What is Consent?*

**"Consent"** means voluntary, active and clear agreement, communicated by words or actions, to participate in specific sexual activity. Consensual sexual 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. Consent may also be withdrawn or modified at any time by the use of clearly understandable words or actions. 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. Talking with romantic partners about desires, intentions, boundaries and limits serves as the best foundation for respectful, healthy, positive and safe 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 (i.e., the Respondent) should have known that the Complainant (i.e., the person who experienced the conduct) did not or could not consent to the sexual activity in question.

In Illinois, the legal age of consent is 17 but rises to 18 if the Respondent holds a position of trust, authority, or supervision in relation to the other participant. 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.

The definition of consent does not vary based upon a person's sex, sexual orientation, gender identity, or gender expression.

*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 also 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 also 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*

- Consent cannot be obtained by threat of harm, coercion, intimidation, or by use or threat of force.
- 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 clothing 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 (including the absence of the word "no") or in combination do not in and of themselves 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 reported violations of this Policy fairly and expeditiously. Lab will keep matters confidential 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.

### B. Breaches of Confidentiality and Retaliation

The Deputy Title IX Coordinator or Dean of Students may notify the parties, witnesses, and others who are involved in an investigation that sharing information about the matter may compromise the integrity of the investigation and might, in certain circumstances, be construed as retaliatory. A report of retaliation may result in a separate complaint and disciplinary action.

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.

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.

## 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. 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). Parents/guardians may report on behalf of their children.

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).

Betsy Noel serves as the Coordinator for Wellness and Equal Opportunity Programs and Deputy Title IX Coordinator and is the primary point of contact for Lab matters regarding sexual harassment and sexual misconduct. You may contact Ms. Noel at 773-834-4366, [enoel@ucls.uchicago.edu](mailto:enoel@ucls.uchicago.edu), or in person at 1362 E. 59th St., Chicago, IL 60637 in Judd C106A. 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>.

### 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, 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. Lab employees must promptly report to the Deputy Title IX Coordinator all known details related to the possible violation, even if a person 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.

In addition, employees are expected to 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. In addition, all Lab employees are "Mandated Reporters" under Illinois law and 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. The University Policy regarding Mandatory Reporting is available [here](#).

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.

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 the 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 Violation Under this Policy**

Upon receiving a report of an alleged incident harassment, discrimination, sexual misconduct, bullying, hazing, and retaliation, the Deputy Title IX Coordinator or Dean of Students (or designee), will conduct a preliminary assessment of the initial report 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, information about resources, and their options for next steps. Generally, Complainants have the option to request supportive measures, or to file a complaint to request an informal resolution or an investigation.

Upon receipt of a report, the Deputy Title IX Coordinator or Dean of Students (or designee) will 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.

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 and Leaves of Absence**

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 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 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. However, please note that 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 Informal 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 informal resolution. Complainants may be students, their parent or guardian, a school adult, an alumni, or a third party.

As described in Section VI, the Deputy Title IX Coordinator may file a complaint on behalf of Lab in certain circumstances, including 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.

### **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 request and with the consent of both parties, Lab may instead refer the matter to the Informal 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 Informal 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 letter describing the additional allegations to be investigated.

### **D. Support Persons and Advisor of Choice**

Lab will always invite the parties' respective parent(s)/guardian(s) to all meetings with the party regarding resolution of the matter at issue under this Policy. In addition, the parties 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 also 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 a Lab student possibly violating this depend on the nature of the conduct, the accused's relationship to the school, and to the extent possible, on the Complainant's wishes. (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, (5) if applicable, contacting and cooperating with law enforcement or the Department of Children and Family Services; and (5) preparing an investigative report that fairly summarizes relevant information. Such an investigation may occur alongside an independent investigation outside Lab. 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.

#### **D. Timely and Equal Access**

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 requestin 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 Complainant'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.

### **IX. INFORMAL RESOLUTION**

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

### **A. Initiating an Informal Resolution Process**

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

Lab will offer the Informal 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 Informal Resolution process is appropriate for this matter.

In making a determination as to whether the Informal 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. Informal 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 Informal Resolution Process**

- The parties will not be required to meet with each other as part of the Informal Resolution Process.
- In most cases, the Informal 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 Informal Resolution Process.
- At any point prior to an agreement, either party may withdraw from the Informal 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 Informal 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 Informal 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 informally resolved, 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 Informal 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 Informal 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 Informal Resolution agreement. A Respondent's participation in a prior Informal 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 the person knows to be false or frivolous. It is also a violation of this Policy for any person to knowingly make a materially false statement during the 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**

Someone who makes a report under this Policy may also opt to pursue their report via the legal system without engaging Lab's disciplinary process, although, in the interest of community safety, Lab may be obliged to address alleged violations of this Policy through internal disciplinary procedures.

Reporting a possible violation of this Policy to Lab or participating in Lab's investigation are not prerequisites to the pursuit of other remedies. If a person is pursuing another remedy to address the same allegations related to a report under this Policy, Lab will conduct its own investigation, 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 Investigator's judgement.

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. REQUIRED RECORDKEEPING**

Lab will maintain, for a period of at least 10 years, records of:

- a. Any actions, including any Supportive Measures, taken in response to a report of a violation of this Policy,
- b. 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,
- c. Any request for review and the result therefrom,
- d. Any records from an Informal Resolution process and the result therefrom.

### **XIV. 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 Lab's Equal Opportunity Programs [website](#).

## **XV. ADDITIONAL INFORMATION AND INQUIRIES**

If you have questions regarding the Policy, resources, or the resolution process, you may contact Betsy Noel, Coordinator for Wellness and Equal Opportunity Programs/Deputy Title IX Coordinator at 773-834-4366 or [enoel@ucls.uchicago.edu](mailto:enoel@ucls.uchicago.edu).

# The Laboratory Schools Harassment, Discrimination, Sexual Misconduct, Bullying, and Hazing Resolution Procedures for Students

## **I. Introduction**

These **Harassment, Discrimination, Sexual Misconduct, Bullying, and Hazing Resolution Procedures** (the "Procedures") will be used to respond to reports that a Lab student violated Lab's Policy on Harassment, Discrimination, Sexual Misconduct, Bullying, and Hazing Resolution Procedures (the "Policy"). The Laboratory Schools' process for responding to reports of harassment, discrimination, sexual misconduct, bullying, hazing, and retaliation 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. 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 informal 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 Informal 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. Guarantees and Parties’ Rights**

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 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 also 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. Informal Resolution Process**

### **A. Initiating an Informal Resolution**

Lab students involved in a dispute may voluntarily request, either orally or in writing, that the matter be resolved by informal 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 Informal 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 informal resolution is appropriate. The Complainant and Respondent's consent to participate in the Informal Resolution process must be documented in writing.

### **B. Informal Resolution Process**

- If Lab approves the request, a trained Informal Resolution Facilitator ("Facilitator") will be assigned to work with the students to attempt to facilitate an Informal Resolution agreement.
- The Complainant and Respondent will be notified in writing of: the allegations; the requirements of the Informal Resolution process; consequences from participating in the Informal 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 Informal Resolution process and to review the students' rights during the process.
- The Facilitator will ask the 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 Informal 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 Informal 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 Informal 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 Informal Resolution Process**

Depending on the nature and circumstances of the particular situation, the following may be outcomes of an Informal 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. Right to Pursue 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, though, in the interest of community safety, Lab may be obliged to pursue an alleged sexual assault through internal disciplinary procedures. Lab's investigations may occur alongside, rather than in lieu of, an independent investigation by law enforcement or the Department of Children and Family Services, although in some cases delays due to another process may be warranted or required.

### **VII. Most Current Policy and Procedures**

These policies 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.