

The Laboratory Schools Policy on Title IX Sexual Harassment

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I. INTRODUCTION

Title IX of the Education Amendments of 1972, and its implementing regulations, prohibit discrimination on the basis of sex in education programs or activities operated by recipients of Federal financial assistance. “Title IX Sexual Harassment,” as defined in this Policy, is a form of sex discrimination prohibited by Title IX, and by this Policy. Title IX Sexual Harassment violates the law, as well as the standards of our community, and is unacceptable at the Laboratory Schools and the University of Chicago.

Sexual harassment 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 (as appropriate) and support as soon as possible.

For more information about the University policies that apply to faculty and staff of the Laboratory Schools, see the [University of Chicago Policy on Harassment, Discrimination, and Sexual Misconduct](#) and the [University Policy on Title IX Sexual Harassment](#).

A. Policy Basis and Application

This Policy applies to all Lab students. Title IX Sexual Harassment, as defined in this Policy, only applies to conduct that takes place in an educational program or activity of the Laboratory Schools against a person in the United States. An educational program or activity includes (1) locations, events, or circumstances over which Lab exercised substantial control over both the Respondent and the context in which Title IX Sexual Harassment occurs, and (2) any building owned or controlled by a student organization that is officially recognized by Lab.

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 likely isn't sexual harassment, but a ninth grader kissing another ninth grader may be.

Matters that do not meet the definition of Title IX Sexual Harassment (as described in this Policy) are not within the scope of this Policy, but may still constitute misconduct that is incompatible with Lab's standards and may be addressed by Lab's [Policy on Harassment, Discrimination, Sexual Misconduct, Bullying, and Hazing \(not including Title IX Sexual Harassment\)](#) or other applicable Lab policies or procedures.

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>.

Betsy Noel serves as the Coordinator for Wellness and Equal Opportunity Programs for Lab and Deputy Title IX Coordinator for the University and is the primary point of contact for Lab matters. You may contact Ms. Noel by phone at 773-834-4366, by email at enoel@ucls.uchicago.edu, or in person at 1362 E. 59th St., Chicago, IL 60637 in Judd C106A.

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. Ms. Noel is Ms. Collier's designee for Lab matters.

II. PROHIBITED CONDUCT AND RELATED DEFINITIONS

A. Title IX Sexual Harassment Definition

In compliance with Title IX and for purposes of this Policy, **Title IX Sexual Harassment** is conduct, on the basis of sex, that satisfies one or more of the following:

- 1.A. A Lab community member conditions the provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct ("**Quid Pro Quo Harassment**") or
- 1.B. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to Lab's education program or activity ("**Title IX Hostile Environment**", see further information in this Section below); or
- 1.C. **Sexual assault**, which as defined under the Title IX regulations, **means** any sexual act, including Rape, Sodomy, Sexual Assault with An Object, or Fondling, directed against another

person, without the consent of the victim, including instances where the victim is incapable of giving consent; also unlawful sexual intercourse.¹

- a. *Rape*— (Except Statutory Rape) The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity. There is carnal knowledge if there is the slightest penetration of the sexual organ of the female (vagina) by the sexual organ of the male (penis). Attempted Rape is included.
- b. *Sodomy*—Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
- c. *Sexual Assault with An Object*—To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
- d. *Fondling* is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- e. *Incest* is nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by Illinois law.
- f. *Statutory Rape* is sexual intercourse with a person who is under the statutory age of consent. In Illinois, the age of consent is 17 years old. However, if the offender is in a position of trust, authority, or supervision over the victim, the age of consent is 18.

1.D. Dating violence means violence committed by a person: (1) who is or has been in a social relationship of a romantic or intimate nature with the victim, and (2) where the existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

1.E. Domestic violence includes any felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim

¹ Lab’s definition of “Sexual Assault” that is contained in this Policy is mandated by federal regulations implementing Title IX of the Education Amendments of 1972. Those regulations require Lab to adopt a definition of “Sexual Assault” that incorporates various forcible and non-forcible sex crimes as defined by the FBI’s Uniform Crime Reporting System. See 34 C.F.R. § 106.30(a).

under the domestic or family violence laws of Illinois, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of Illinois.

1.F. Stalking means engaging in a course of conduct (two or more acts) directed at a specific person that would cause a reasonable person to: (1) fear for his/her safety or the safety of others, or (2) suffer substantial emotional distress.

2. Retaliation means intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by Lab or University Policies, the State or federal Constitution, State or federal statute, [Lab's Title IX Sexual Harassment Resolution Procedures](#) (hereinafter the "Procedures", which can be found starting on page 25 of this document), [Lab's Policy on Discrimination, Harassment, Sexual Misconduct, Bullying, or Hazing](#) or the [University's Title IX Sexual Harassment Resolution Procedures](#), or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation or proceeding under this or other Lab or University Policy. Encouraging another to engage in such conduct may also be retaliation.

Retaliation will be treated as a separate policy violation. Acts of alleged retaliation should be reported immediately to the Dean of Students or the Deputy Title IX Coordinator for reports about students, or to the Deputy Title IX Coordinator or Human Resources for reports about faculty and staff, and will be promptly investigated. Likewise, submitting a report not in good faith or knowingly providing false or misleading information to Lab is also prohibited.

Every member of our community (including parents/guardians) should recognize that discussing or criticizing a person's decision to exercise a right or responsibility under Lab policies—even in circumstances where it was determined that no policy violation occurred—may have the purpose or effect (unintended or intended) of retaliating against the person who came forward, harming the reputation of those involved, and/or discouraging others from reporting incidents.

Retaliation may include but is not limited to the following conduct toward an individual who engaged in a protected activity: bullying; interfering with the individual's right or ability to participate in school sponsored activities or programs; threatening behavior; spreading malicious rumors.

B. Examples of Title IX Hostile Environment Sexual Harassment

Lab encourages members of the Lab community to report any and all instances of Title IX Sexual Harassment, even if they are unsure whether the conduct rises to the level of a Policy violation.

Some specific examples of conduct that may constitute Title IX Sexual Harassment if unwelcome include, but are not limited to:

- Unreasonable pressure for a dating, romantic, or intimate relationship or sexual contact
- Unwelcome kissing, hugging, or massaging
- Sexual innuendos, jokes, or humor

- Displaying sexual graffiti, pictures, videos, or posters
- Using sexually explicit profanity
- Asking about, or telling about, sexual fantasies, sexual preferences, or sexual activities
- E-mail, internet, or other electronic use that violates this Policy
- Leering or staring at someone in a sexual way, such as staring at a person's breasts or groin
- Sending sexually explicit emails, text messages, or social media posts
- Commenting on a person's dress in a sexual manner
- Giving unwelcome personal gifts such as lingerie that suggest the desire for a romantic relationship
- Insulting, demeaning, or degrading another person based on gender or gender stereotypes

C. Related Terms and Definitions for Title IX Harassment

“Actual Knowledge”—Notice of Title IX Sexual Harassment or allegations of Title IX Sexual Harassment to Lab's Deputy Title IX Coordinator or the Title IX Coordinator for the University, to any Official with Authority, or to any employee of Lab. Assumption of knowledge based solely on Lab's status as an employer or other presumption under law does not constitute Actual Knowledge. This standard is not met when the only Lab official with Actual Knowledge is the Respondent. “Notice” as used here includes, but is not limited to, a report or complaint of Title IX Sexual Harassment to the Deputy Title IX Coordinator, any Official with Authority, or any Lab employee in person, by mail, by telephone, or by email using the contact information listed for the Deputy Title IX Coordinator in Section IV, or by any other means that results in the Deputy Title IX Coordinator or Lab employee receiving the person's verbal or written report.

“Business Days”—Days on which Lab's main office is open.

“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.

“Education Program or Activity”—Locations, events, or circumstances in the United States over which Lab exercises substantial control over both the Respondent and the context in which Title IX Sexual Harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by Lab. Depending on the facts, this phrase may extend to off-campus Title IX Sexual Harassment incidents occurring in the United States.

“Officials with Authority”—Includes any official designated by Lab to have authority to institute corrective measures on behalf of Lab, including deans of students, principals, supervisors, and administrative leadership.

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

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

“Title IX Coordinator”— The individual designated and authorized by the University to coordinate its efforts to comply with and carry out its responsibilities under the regulations implementing Title IX. The identity of and contact information for the University Title IX Coordinator, and the Deputy Title IX Coordinator for Lab (the University Title IX Coordinator’s designee for Lab matters), as contained in Section IV, is also available, as required by Title IX, on Lab’s website. The Deputy Title IX Coordinator may also designate other Lab officials to assist with or handle any responsibilities of the Deputy Title IX Coordinator.

“Title IX Decisionmaker”—An individual designated by the Deputy Title IX Coordinator or designee to reach a determination regarding responsibility in a Formal Complaint by applying the preponderance of the evidence standard of proof. The Decisionmaker cannot be the Deputy Title IX Coordinator, the Investigator, or the Review Decisionmaker assigned to the same Formal Complaint, must be free from conflicts of interest or bias against complainants and respondents generally and against an individual Complainant or Respondent, and must be trained to properly implement the Procedures and to serve impartially.

“Title IX Formal Complaint”—A document filed by a Title IX Complainant or signed by the Deputy Title IX Coordinator alleging Title IX Sexual Harassment against a Respondent and requesting that Lab investigate the allegation. At the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in Lab’s Education Program or Activity within which the Formal Complaint is filed. A Formal Complaint may be filed with the Deputy Title IX Coordinator in person, by phone, by mail, or by email, by using the contact information required to be listed for the Title IX Coordinator in Lab’s Nondiscrimination Statement and included in this Policy. As used here, the phrase “document filed by a Title IX Complainant” means a document or electronic submission (such as by email or paper or electronic form provided for this purpose by Lab) that contains the Complainant’s physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint. Where the Deputy Title IX Coordinator signs a Formal Complaint, the Deputy Title IX Coordinator is not a complainant or otherwise a party under the Procedures.

“Title IX Informal Resolution Facilitator”— An individual designated by the Deputy Title IX Coordinator to seek an informal resolution of a Formal Complaint in accordance with the Procedures. The Informal Resolution Facilitator must be free from conflicts of interest or bias against complainants and respondents generally and against an individual Complainant or Respondent, and must be trained to properly implement the Procedures and to serve impartially.

“Title IX Investigator”—An individual designated to investigate a Title IX Formal Complaint according to the Procedures. The Investigator cannot be the Decisionmaker or the Review Decisionmaker assigned to the same Formal Complaint, must be free from conflicts of interest or bias against complainants and respondents generally and against an individual Complainant or Respondent, and must be trained to properly implement the Title IX Sexual Harassment Resolution Procedures and to serve impartially.

“Title IX Personnel”—The group of individuals responsible for addressing reports and complaints of Title IX Sexual Harassment, including the Title IX Coordinator, Deputy Title IX Coordinator, Investigators, Decisionmakers, Review Decisionmakers, and Informal Resolution

Facilitators. Title IX Personnel may be Lab employees and/or third-party professionals retained by Lab to perform assigned functions.

“Title IX Review Decisionmaker”—One or more individuals designated to conduct a request for review required by Title IX and the Procedures. The Review Decisionmaker cannot be the Deputy Title IX Coordinator, the Investigator, or Decisionmaker assigned to the same Formal Complaint, must be free from conflicts of interest or bias against complainants and respondents generally and against an individual Complainant or Respondent, and must be trained to properly implement the Procedures and to serve impartially.

“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 took 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.

D. 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.

- In cases where a victim 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 victim did not or could not consent to the sexual activity in question.
- The definition of consent does not vary based upon a person’s sex, sexual orientation, gender identity, or gender expression.
- 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 sexual 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.

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 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

- 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.

III. CONFIDENTIALITY IN MATTERS INVOLVING TITLE IX SEXUAL HARASSMENT

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).

Lab must protect privacy and confidentiality to fulfill its commitment to address complaints of Title IX Sexual Harassment 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 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 complaint of retaliation may result in a separate complaint and disciplinary action under Lab's [Policy on Harassment, Discrimination, Sexual Misconduct, Bullying, and Hazing](#).

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 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.

IV. REPORTING VIOLATIONS OF THIS POLICY

A. How to Report a Possible Violation

Lab encourages members of the Lab community to report any and all instances of potential Title IX Sexual Harassment, 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, a person can report that another person may have experienced unwelcome conduct. Parents/guardians may report on behalf of their children. All reports of Title IX Sexual Harassment should be promptly reported to the Deputy Title IX Coordinator.

When Lab has Actual Knowledge of Title IX Sexual Harassment in an education program or activity of Lab against a person in the United States, Lab must respond promptly, as described in Section V under this Policy. Individuals should report Title IX Sexual Harassment or allegations of Title IX Sexual Harassment to Lab's Deputy Title IX Coordinator or to an Official with Authority, using the information below, and even if the individual is not sure whether the allegations amount to violation of this Policy.

Betsy Noel serves as the Deputy Title IX Coordinator and is the primary point of contact for Lab matters. Ms. Noel can be reached by phone at 773-834-4366, by email at enoel@ucls.uchicago.edu, or in person at 1362 E. 59th St., Chicago, IL 60637 in Judd C106A. You may contact Betsy Noel, Deputy Title IX Coordinator, or her designee, to report any complaints of discrimination or unlawful harassment including Title IX Sexual Harassment, and sexual misconduct. Ms. Noel or her designee can also assist you in the following ways:

- If you are unsure of where to turn for help.
- If you have questions regarding this Policy, Lab's [Policy on Harassment, Discrimination, and Sexual Misconduct](#), or the University's [Policy on Harassment, Discrimination, and Sexual Misconduct](#) or [Policy on Title IX Sexual Harassment](#).
- If you have questions regarding Title IX of the Education Amendments of 1972 or the Department of Education's regulations implementing Title IX.
- If you are seeking information about Supportive Measures and accommodations related to a matter under this Policy.
- If you have a complaint or question regarding Lab or University community members engaging in conduct prohibited under this Policy.

- If you need information regarding campus accessibility and accommodations for individuals with disabilities.

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. Ms. Noel is Ms. Collier's designee for Lab matters.

B. Official(s) with Authority

In addition to reporting allegations of sexual harassment to the Deputy Title IX Coordinator, any person may report sexual harassment to an "Official with Authority", as defined in this Policy. Officials with Authority must promptly forward any report of Title IX Sexual Harassment to the Deputy Title IX Coordinator. The following are designated Officials with Authority:

- The Deans of Students, Principals, and Assistant Principals at each division, the Director of Student Services, the Director of Diversity, Equity, and Inclusion, Unit supervisors, and the Assistant Director of the Laboratory Schools, and the Director of the Laboratory Schools, Vice Provost of the University, Provost of the University, President of the University.

C. Individuals with Reporting Obligations

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 faculty members and staff employees are considered "Individuals with Reporting Obligations" and must promptly notify the Deputy Title IX Coordinator of allegations of unwelcome behavior relating to sex, sexual orientation, gender, gender identity, and conduct of a sexual nature, as well as stalking, dating/domestic violence, and retaliation. This reporting requirement helps ensure that community members who experience possible sexual harassment receive support and resources, and learn about their options.

An Individual with Reporting Obligations may not have the authority to institute corrective measures on behalf of Lab (and thus is distinct from an Official with Authority), but is nonetheless responsible for promptly notifying the Deputy Title IX Coordinator of all known details related to a possible incident of sexual misconduct (including sexual harassment), dating violence, domestic violence, and stalking that is reported to them directly, indirectly, or through a third party, or that they may have observed. Individuals with Reporting Obligations include any employee, including faculty, assistant teachers, family life programs staff, administrative staff, substitute teachers, and part-time employees.

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.

D. 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 an Official with Authority 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 reports 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 will consider how to proceed. The Deputy Title IX Coordinator 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, the Deputy Title IX Coordinator 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.

E. 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.

F. Leniency for Other Policy Violations

Lab encourages reporting of all possible incidents of Title IX Sexual Harassment. 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 generally 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.

G. Time Limits

There is no time limit for filing a Formal Complaint. However, Complainants should make a report, however, 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.

V. SCHOOL RESPONSE TO A REPORT OF TITLE IX SEXUAL HARASSMENT

A. Institutional Obligation to Respond

If the Deputy Title IX Coordinator has Actual Knowledge of a report of Title IX Sexual Harassment, and, following a preliminary assessment of the initial report, determines the conduct reported could fall within the scope of this Policy, the Deputy Title IX Coordinator (or designee) will promptly contact the Complainant to discuss the availability of Supportive Measures and to explain the process for filing a Formal Complaint. If applicable, the Deputy Title IX Coordinator (or designee) will provide information about the importance of preserving physical evidence and the availability of a medical forensic examination at no charge to the victim. The Complainant does not need to file a complaint to receive Supportive Measures.

The Deputy Title IX Coordinator (or designee) will explain that a report may be resolved by: (1) the provision of Supportive Measures only; (2) the Complainant filing a Formal Complaint; (3) Deputy Title IX Coordinator filing a complaint (as discussed in Section VI below); or, (4) Informal Resolution that involves voluntary participation and agreement by both parties.

Upon receipt of a Formal Complaint, the Deputy Title IX Coordinator (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 Title IX Sexual Harassment.

The Deputy Title IX Coordinator (or designee) will provide the parties with a written document (separate from this Policy) listing the available rights, options, and resources, including Supportive Measures, and describing Lab's Procedures in plain, concise language.

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 activities 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. 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 it can disclose.

VI. FORMAL COMPLAINTS OF TITLE IX SEXUAL HARASSMENT

A. Filing a Title IX Formal Complaint

A Complainant (or their parent/guardian) may file a written and signed Formal Complaint requesting that Lab adjudicate a report of Title IX Sexual Harassment according to the Formal Resolution Process for Title IX Sexual Harassment or through the Informal Resolution Process. The Complainant must be participating in, or attempting to participate in, one or more of Lab's programs or activities at the time they submit a Formal Complaint.

The Deputy Title IX Coordinator may file a Formal Complaint on behalf of Lab. Such action will normally be taken in limited circumstances involving serious or repeated conduct or where the accused may pose a continuing threat to the Lab community.

B. Initial Assessment and Dismissal of a Title IX Formal Complaint

Upon receipt of a written and signed Formal Complaint, the Deputy Title IX Coordinator will conduct an initial assessment to determine whether the alleged conduct, as presented, would constitute a violation of this Policy. If the allegations would, if substantiated, constitute a violation, the Deputy Title IX Coordinator (or designee) will assign an Investigator, who will initiate an investigation of the allegations. However, upon request and with the consent of both parties, the Deputy Title IX Coordinator may instead refer the matter to the Informal Resolution Process, as described in Section VII.

If the allegations in the Formal Complaint would not, as presented, constitute a violation of this Policy, the Deputy Title IX Coordinator shall dismiss the Formal Complaint (Mandatory Dismissal). The Deputy Title IX Coordinator may refer the matter for review under the [Laboratory Schools Policy on Harassment, Discrimination, Sexual Misconduct, Bullying, and Hazing](#) or to another applicable policy for review.

In addition, at any time prior to an outcome being issued at the conclusion of the resolution process, the Deputy Title IX Coordinator may dismiss a Formal Complaint if (i) the Complainant contacts the Deputy Title IX Coordinator requesting to withdraw the Formal Complaint or any allegations therein (in which case those discrete allegations may be dismissed), (ii) the Respondent no longer enrolled as a student at Lab, or (iii) specific circumstances prevent Lab from gathering sufficient information to reach a determination as to the Formal Complaint or any discrete allegations therein (in which case those discrete allegations may be dismissed) (collectively, Voluntary Dismissal).

Upon Mandatory Dismissal or Voluntary Dismissal, the Deputy Title IX Coordinator will promptly send written notice of the dismissal and rationale simultaneously to the parties via electronic format. Both parties will have equal right to request review of the dismissal as described in the Procedures.

The determination regarding dismissal becomes final either on the date that the parties are provided with the written determination of the result of a request for review, if filed, or if a request for review is not filed, the date on which an request for review would no longer be considered timely. Once a dismissal is final, a Complainant cannot file a Formal Complaint concerning the same alleged conduct.

C. Notice of Title IX Formal Complaint

Within five (5) days of receiving a written and signed Formal Complaint that the Deputy Title IX Coordinator determines that, if true, would constitute a violation of Lab's this Policy, the Deputy Title IX Coordinator will send written notice to the Complainant and Respondent, including:

- 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 Formal 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 obtained 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 Title IX Team 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 investigation and allegation letter, Lab will provide a supplemental written notice describing the additional allegations to be investigated.

D. Support Persons and Advisor of Choice

Lab will 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*.

VII. FORMAL RESOLUTION FOR REPORTS OF TITLE IX HARASSMENT

A. Formal Resolution Process for Complaints about Student Conduct

The investigative process 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, (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 investigation 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 resolution process will be complete within 60-90 days of receiving a complaint. Lab, in its discretion, may extend the resolution process timeframes for good cause. If the timeframe for the resolution process 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 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

The Complainant, the Respondent, and appropriate Lab officials will receive timely and equal access to information that will be used during the Formal Resolution Process. The Complainant and Respondent simultaneously will receive written notice of the result of the Formal Resolution Process, and the procedures for requesting a review of the outcome.

This notification will include (i) identification of the allegations potentially constituting Title IX Sexual Harassment; (ii) a description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather other information; (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, and any disciplinary sanctions Lab will impose on the Respondent; (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 parties to request a review of the outcome.

E. Standard of Evidence and Presumption of Non-Responsibility

The standard used in the Formal Resolution Process 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 Formal 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.

G. Disciplinary Outcomes

At the conclusion of the investigation, if the Respondent is determined to be responsible for a policy violation, the Dean of Students (or designee) 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.

VIII. 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 in the Procedures.

A. Initiating an Informal Resolution Process

A Complainant or Respondent may voluntarily request an Informal Resolution Process by informing the Deputy Title IX Coordinator in writing. 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 Formal Complaint has been filed by the Complainant, (ii) Lab's University Title IX Coordinator, in consultation with the Deputy Title IX Coordinator for Lab, has determined that the alleged conduct, as presented, would constitute a violation of this Policy, (iii) both the Complainant and the Respondent are current Lab students; and (iv) the Title IX Coordinator, in consultation with the Deputy Title IX Coordinator at Lab, has determined that the Informal Resolution Process is appropriate for the matter.

In making a determination as to whether the Informal Resolution is appropriate, the Deputy Title IX Coordinator 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 V. 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 Informal Resolution Process and refer the matter back for investigation. Any information obtained during the Informal Resolution Process may be used in any investigation process.
- Lab 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 VIII.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 agreement, or allegations that the agreement was induced by misrepresentation or any other misconduct should be reported to the Deputy Title IX Coordinator. Reports will be reviewed and, as appropriate, investigated and resolved under Lab's [Policy on Harassment, Discrimination, Sexual Misconduct, Bullying, and Hazing](#) 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.

IX. BAD FAITH COMPLAINTS AND FALSE INFORMATION

It is a violation of this Policy for any person to submit a report or complaint 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 are not subject to the Title IX investigation and resolution processes; instead, they are addressed under the policies of Respondent's student and family handbook.

X. RIGHT TO PURSUE OTHER REMEDIES

Someone with a complaint of Title IX Sexual Harassment may also opt to pursue their complaint via the legal system without engaging Lab's disciplinary process, although, in the interest of community safety, Lab may be obliged to address alleged incidents of Title IX Sexual Harassment 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.

XI. 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, along with a written statement detailing the nature of the conflict or bias.

The Deputy Title IX Coordinator (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.

The Deputy Title IX Coordinator 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 may remove Lab officials from their roles, and another trained official (or designee) will be assigned to fill their role. Both parties will be notified in writing in the event of a removal or change.

XII. REQUIRED RECORDKEEPING

The Deputy Title IX Coordinator (or designee) will maintain, for a period of at least 10 years, records of:

- 1) Any actions, including any Supportive Measures, taken in response to a report or Formal Complaint. In each instance, the Deputy Title IX Coordinator or designee must document the basis for the conclusion that Lab's response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to Lab's Education Program or Activity. If no Supportive Measures are provided to the Complainant, then the Deputy Title IX Coordinator or designee must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit Lab in the future from providing additional explanations or detailing additional measures taken, including:
- 2) Each Title IX Sexual Harassment 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,
- 3) Any request for review and the result therefrom,
- 4) Any records from an Informal Resolution Process and the result therefrom,
- 5) All materials used to train Title IX Personnel.

XIII. REQUIRED TRAINING FOR TITLE IX PERSONNEL

All Title IX Personnel will participate in 8-10 hours of training annually. Depending on the individual's role, the training may include some or all of the following subject matters: the definition of Title IX Sexual Harassment, the scope of Lab's Education Program or Activity, how to conduct the Formal Resolution Process, how to conduct a Request for Review, how to conduct an Informal Resolution Process, and as applicable, how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

Any person serving as a Decisionmaker or Review Decisionmaker will receive training on the issues of relevance of questions and evidence, including about when questions and information about the Complainant's sexual predisposition or prior sexual behavior are not relevant.

Any person serving as an Investigator will receive training on issues of relevance to create an investigative report that fairly summarizes relevant information.

Any materials used to train Title IX Coordinators, their designees, Investigators, Decisionmakers, Review Decisionmakers, and Informal Resolution Facilitators must not rely on sex stereotypes and must promote impartial investigations and adjudications of Formal Complaints. Lab will make all materials used to train Title IX Team members publicly available on the Equal Opportunity Programs [website](#).

The Laboratory Schools Title IX Sexual Harassment Resolution Procedures for Students

I. Introduction

If Lab has Actual Knowledge of Title IX Sexual Harassment, Lab shall respond in a manner that is not clearly unreasonable in light of the known circumstances by using these Title IX Sexual Harassment Resolution Procedures (the “Procedures”). These Procedures will be used to respond to any report or complaint that a Lab student engaged in “Title IX Sexual Harassment,” as defined in the [Laboratory Schools Policy on Title IX Sexual Harassment](#).

Processing a report or complaint under these Procedures does not preclude processing some or all allegations of a report or complaint under other policies and procedures, to the extent allowed by Title IX and other laws.

II. Filing a Complaint

A Title IX Complainant or their parent/guardian can file a Formal Complaint of Title IX Sexual Harassment against a Lab student by submitting a written and signed statement to the Deputy Title IX Coordinator. The Complainant’s complaint should indicate that they are requesting that Lab investigate and adjudicate a report of a violation of the Policy. Student Complainants (or their parent/guardian(s)) may elect to have a meeting with the Deputy Title IX Coordinator, who can assist them in filing their complaint. 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 Formal Complaint, the Deputy Title IX Coordinator 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 Formal Resolution process described in Section V 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 Formal Complaint will be dismissed as described in Section VI.B of the Policy. As described in Section VI.B of the Policy, the Deputy Title IX Coordinator may also voluntarily dismiss complaints in certain circumstances (“Voluntary Dismissal”).

The Complainant and the Respondent may request review of the dismissal, as described in the Request for Review section below. The Deputy Title IX Coordinator may also consider the matter under the Policy on Harassment, Discrimination, Sexual Misconduct, Bullying, and Hazing, or the Deputy Title IX Coordinator may refer the matter to the Respondent's Dean of Students for consideration under other policies in the Respondent's Student and Family Handbook.

The Deputy Title IX Coordinator (or designee) may consolidate Formal Complaints as to allegations of Title IX Sexual Harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations arise out of the same facts or circumstances.

IV. Initial Outreach

After the initial assessment and within five (5) days of the Deputy Title IX Coordinator receiving a written and signed Formal Complaint, the Deputy Title IX Coordinator (or designee) will send the Respondent a letter notifying them of the Formal Complaint. The Complainant will also receive a copy of the letter and will be informed of when it will be delivered to the Respondent.

The notice letter will include:

- 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 Lab's Policy on Title IX Sexual Harassment,
- 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 Formal Resolution Process,
- Information about having an advisor of choice 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 the resolution process,
- Information about Lab's policies on confidentiality and retaliation,
- A statement that the parties may inspect and review information obtained 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 Title IX Team involved in the resolution process,
- Information about requesting an Informal Resolution.

If at any time during the course of the investigation, additional allegations of Title IX Sexual Harassment arise that were not included in the letter and that will be added to the investigation, the Deputy Title IX Coordinator (or designee) will provide the parties with an amended letter.

V. Formal Resolution Process

A. Lab's Commitment and Process Overview

The Formal 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 Formal 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 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 not seek or allow information that protected under a legally recognized privilege unless the person holding such privilege has waived the privilege.
- Lab will follow this Formal 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 Formal Resolution Process is generally concluded within sixty-to-ninety (60-90) business days of the filing of a Formal 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. Fact-Gathering

- 1) **Initiating an Investigation:** The Deputy Title IX Coordinator will appoint one or more Investigator(s) to lead the investigation and conduct fact-finding. The Deputy Title IX Coordinator may also serve as the Investigator. The Deputy Title IX Coordinator (or designee) will also identify one or more Decisionmakers, which cannot include the Deputy Title IX Coordinator (or designee) or the Investigator assigned to the Formal Complaint.
- 2) **Notification to the Respondent:** When the Investigator(s) notifies the Respondent of the allegations, the Investigator will request that the Respondent provide a written response to the Formal Complaint, or that the Respondent meet with the Investigator to share their response orally.
- 3) **Interview Parties:** During fact-gathering, 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 Complainant and Respondent should make every effort to include all relevant facts known to them and provide all available supporting materials as part of the investigation. The burden of proof and the burden of gathering information sufficient to reach a determination regarding responsibility rest on Lab and not on the parties.

- 4) **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.
- 5) **Provide Relevant Information Gathered to the Parties:** Before the investigation report is completed, the Investigator(s) will provide to each party and their advisor of choice (if requested by the party) any information gathered during the investigation that is directly related to the allegations raised in the Formal Complaint. This includes information upon which Lab does not intend to rely in reaching a determination regarding responsibility, and information that may be favorable to one party or the other, whether obtained from a party or other source. Each party will have at least ten (10) business days to inspect and review the information and submit a written response, which the investigator will include in the investigation report. In the written response, parties may provide additional information in response to their inspection and review, may request that certain information be omitted from the final investigation report as not relevant, and may respond to any information already submitted by the other party.
- 6) **Final Investigation Report:** The Investigator will consider any written responses from the parties and will finalize the investigation report, including making findings of fact. The Investigator issue the final investigation report to the parties and the Decisionmaker.
- 7) **Optional Response to the Investigation Report:** Upon receipt of the final investigation report, the parties will have ten (10) business days to provide an optional written response the report, addressed to the Decisionmaker.

D. Decision-making and Determination

- 1) **Follow Up Questions Process:** After the investigation report is issued the parties, the Decisionmaker will afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party (the "Follow Up Questions Process"). The Decisionmaker must explain to the party proposing the questions any decision to exclude a question as not relevant. The questioning process should be limited to no more than 14 Business Days.
- 2) **Determination of Responsibility:** After the Follow Up Questions Process concludes, the Decisionmaker will make a determination about whether the Respondent is responsible for violating the Policy by consider the investigation report, any optional responses submitted by the parties, and the information from the Follow Up Question Process.
- 3) **Determination of Remedies and Outcomes:** After reaching a conclusion regarding responsibility, the Decisionmaker will also make, as appropriate, determinations about appropriate remedies and/or disciplinary sanctions. Remedies may include, but are not limited to, Supportive Measures, but also need not be non-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.

- 4) **Decision Letter:** Within ten (10) business days following the conclusion of the Follow Up Questions Process, the Decisionmaker(s) will issue a decision letter that will be provided to the parties simultaneously that will:
- Restate the allegations under investigation that potentially constituted Title IX Sexual Harassment and the specific provisions reported to have been violated,
 - Describe the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other information, and resolution proceedings held,
 - Include the Investigator's findings of fact supporting the determination,
 - Make findings on each alleged Policy violation,
 - Make conclusions regarding the application of the relevant Policy to the facts,
 - State, and provide rationale for, the result as to each allegation, including a determination regarding responsibility,
 - Describe any disciplinary sanctions Lab will impose on the Respondent,
 - Describe any remedies designed to restore or preserve equal access to Lab's education program or activity that will be provided to the Complainant, to the extent Lab is permitted to share such information under state and federal law (this information is only typically shared when the remedy directly relates to the Respondent), and
 - Lab's procedures and permissible bases for requests for reviews of the outcome and any sanctions.

E. Request for Review

Within ten (10) days of being informed, in writing, of Lab's determination by the Decisionmaker(s), 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.

Ordinarily, the Director (or designee) will serve as the Review Decisionmaker. The Review Decisionmaker 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 Review Decisionmaker may seek additional information about the procedures from, for example, the Investigator or the Dean of Students. The Review Decisionmaker, 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 Review Decisionmaker's decision is final and non-reviewable.

VI. Informal Resolution

A. Initiating an Informal Resolution

In matters where both the Complainant and Respondent are Lab students, the Investigator will, within 5 Business Days of receiving the Formal Complaint, notify the students of their option to request Informal Resolution instead of the investigatory process. The students 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 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. Timeframes

During the Informal Resolution process, all timeframes under the Formal Resolution Process will be paused. If no resolution is reached within 15 Business Days of start of the Informal Resolution, the Investigator(s) will recommence the investigation and the timeframes under the Formal Resolution Process will recommence, unless the parties agree to extend the 15-day time period.

C. Informal Resolution Process

- If the Deputy Title IX Coordinator 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 Informal Resolution process; possible consequences from participating in the Informal Resolution Process (e.g., that records will be kept and could be shared according to Lab’s policy regarding confidentiality of student records); 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 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 Facilitator and the parties to reach an agreement.

D. 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 a formal 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.

E. 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 events;
- 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.

VII. Timeframes

Lab, in its discretion, may extend the resolution process timeframes for good cause. Good cause may include considerations such as the absence of a party, a party’s advisor, or a witness; concurrent law enforcement activity; the need for language assistance or accommodation of disability; and other circumstances outside of Lab or the University’s control. If the timeframe for the resolution process is extended, Lab will provide written notice to the Complainant and the Respondent of the extension and the reason for the extension.

VIII. 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.

IX. Notice

This resolution process complies with all requirements of Title IX and its implementing regulations and provides required notice of the procedure used to respond to complaints of Title IX Sexual Harassment for necessary stakeholders. These policies and procedures may also be found in Lab’s handbooks, though, should inconsistencies exist, the policies and procedures found here are the most current and will be followed.

Appendices

I. Supportive Resources

The needs of someone who has experienced sexual harassment, including Title IX Sexual Harassment, sexual assault, sexual abuse, domestic violence, dating violence, or stalking, vary from person to person and may vary over time. Lab offers a diverse array of services and external resources, many of which may be accessed 24 hours a day, so that a person may choose whatever would be most helpful and healing. Written information regarding these services and resources will be provided to individuals who report being victims of sexual harassment, including Title IX Sexual Harassment, sexual assault, sexual abuse, domestic violence, dating violence, or stalking. Exercising reasoned discretion, Lab will provide Supportive Measures and accommodations including, but not limited to, counseling services, Lab no-contact directives, changes to academic situations, and honoring an order or protection or no-contact order entered by a State civil or criminal court, to any victim who asks for them, so long as they are reasonably available, regardless of whether the victim reports the incident to law enforcement. Information regarding accommodations and Supportive Measures may be obtained from the Deputy Title IX Coordinator. Any accommodations or Supportive Measures will be confidential so long as confidentiality will not impair Lab's ability to provide the accommodations or protective measures.

Lab urges anyone who has experienced sexual assault, domestic violence, dating violence, or stalking to seek support as soon as possible to minimize and treat physical harm, assist with processing the unique and complex emotional aftermath, and help preserve and understand options for pressing charges. Individuals have many options with regard to reporting sexual assault, domestic violence, dating violence, and stalking, including reporting to the University of Chicago Police Department, the Chicago Police Department, and to various campus authorities. Additionally, victims have recourse through the civil and criminal court systems, by being able to seek orders of protection, no-contact orders, and other similar court orders. As feasible, Lab will honor an order of protection or no-contact order entered by a State civil or criminal court so long as it has been notified of the order and its terms. Victims also have the option to decline to notify such authorities.

Even for someone who does not wish to report the event to the police or pursue disciplinary action, seeking medical attention as soon as possible is important. This may assist with preserving evidence, which may be necessary to the proof of criminal sexual assault, domestic violence, dating violence, or stalking, or to obtain an order of protection.

Resources at Lab For Students and Families

- [School Counselors](#)
- [Deans of Students](#)
- [Principals](#)
- [Assistant Principals](#)
- [Nurses](#)

- Betsy Noel, Coordinator for Wellness and Equal Opportunity Programs, Deputy Title IX Coordinator; 773-834-4366
- Nicole Neal, Director of Student Services; 773-702-1669, nneal@ucls.uchicago.edu
- Priyanka Rupani, Director of Diversity, Equity, and Inclusion; 773-702-3236, prupani@ucls.uchicago.edu

Resources for Parent/Guardian(s) who are Employees of the University of Chicago

- The Office of the Provost's Equal Opportunity Programs; <https://equalopportunityprograms.uchicago.edu>
- Employee Assistance Program (Perspectives): 800-866-7556 (Confidential)
- Ordained Religious Advisors: spirit.uchicago.edu (Confidential)

Resources Outside of Lab and the University for Everyone

- City of Chicago Police Emergency (24-hour): 911
- City of Chicago Non-Emergency (24-hour): 312-744-5000
- National Sexual Assault Telephone Hotline (24-hour): 800-656-HOPE (4673) www.rainn.org/about-national-sexual-assault-telephone-hotline
- Chicago Rape Crisis Hotline (24-hour): 888-293-2080
- LGBTQ Crisis Hotline (24-hour): 773-871-2273
- Chicago Women's Health Center: 773-935-6126
<http://www.chicagowomenshealthcenter.org>
- YWCA (Counseling and legal advocacy): 866-525-9922
- The Center on Halsted (Services for the LGBTQ community): 773-472-6469;
<http://www.centeronhalsted.org>
- Resilience (Counseling and legal advocacy): 312-443-9603;
<https://www.ourresilience.org/>
- Mayor's Office for Domestic Violence Help Line (24 hours): 877-863-6338
- Chicago Bar Association (Lawyer Referral Service): 312-554-2000; <http://www.icasa.org>

Medical Facilities

- *Comer Children's*
- University of Chicago Medicine Adult Emergency Room: Medical and Counseling Services (24-hours): 773-702-6250, 5656 S. Maryland Ave., Chicago
- Northwestern Memorial Hospital Emergency Department (24-hours): 312-926-2000; 251 E. Huron St., Chicago