

STUDENT DISCRIMINATION AND HARASSMENT POLICY AND COMPLAINT PROCEDURE

I. Introduction

George Stevens Academy (“GSA”) is dedicated to providing a safe, equitable environment for all community members, one free from discrimination and all forms of harassment. We strive to create programs and services which result in an environment that welcomes and celebrates every member of our community, provides opportunities for all to contribute, and provides for the civil rights of all.

Discrimination or harassment of students because of race, color, age, sex, sexual orientation, religion, ancestry or national origin, gender identity and gender expression, genetic information or disability is prohibited. Such conduct is a violation of this GSA Policy and may constitute illegal discrimination under state and federal laws.

This policy and procedure has been adopted by GSA in order to provide a method of prompt and equitable resolution of student complaints of discrimination or harassment. Complaints alleging discrimination or harassment of employees or other third parties (such as parents, volunteers, vendors, etc.) should be addressed through the Employee & Third Party Discrimination and Harassment Procedure.

II. Definitions

For purposes of this policy:

- A. A “Complaint” is defined as an allegation that a student has been discriminated against or harassed on the basis of race, color, age, sex, sexual orientation, religion, ancestry or national origin, gender identity and gender expression, genetic information or disability.
- B. The “Complainant” is the person making the Complaint.
- C. “Discrimination or harassment” means discrimination or harassment on the basis of race, color, age, sex, sexual orientation, religion, ancestry or national origin, gender identity and gender expression, genetic information or disability. “Discrimination or harassment” may include but is not limited to verbal abuse, threats, physical assault or treating individuals differently, or interfering with or preventing them from enjoying the advantages or privileges afforded to others because of their membership in a protected class. “Harassment” may include oral, written, graphic, electronic or physical conduct relating to an individual’s actual or perceived membership in a protected class that is sufficiently severe, pervasive or persistent so as to interfere with or limit that individual’s ability to participate in GSA’s programs or activities by creating a hostile, intimidating or offensive educational environment.
- D. Discrimination on the basis of sex or “sexual harassment” means unwelcome sexual advances, suggestive or lewd remarks, requests for sexual favors, and other verbal and physical conduct of a sexual nature when:

1. A GSA staff or employee conditions an educational benefit or service upon a student’s

participation in unwelcome sexual conduct (*i.e.* quid pro quo harassment); or

2. The unwelcome conduct on the basis of sex that is sufficiently severe, pervasive and objectively offensive that it effectively denies the student an equal access to GSA's educational program or activity; or
3. Sexual assault as that crime is defined in the Clery Act Regulations and acts of sexual violence, which refers to physical sexual acts perpetrated against a person's will, without his or her consent, or where a person is incapable of giving consent.

E. The term "sexual orientation" under state law means a person's "actual or perceived heterosexuality, bisexuality, homosexuality or gender identity or expression."

The term "gender identity" under state law means "the gender-related identity, appearance, mannerisms or other gender-related characteristics of an individual, regardless of the individual's assigned sex at birth." Complaints of bullying not involving the protected classes described above may be pursued under GSA Policy – Bullying and Cyberbullying.

F. The "Respondent" is the individual(s) against whom the Complaint is made.

III. Application of Policy

This policy applies to discrimination or harassment against GSA students, as those terms are defined above, that:

- A. Takes place at GSA or on GSA grounds, meaning: a GSA building; property on which a GSA building or facility is located; and property that is owned, leased or used by GSA for a GSA-sponsored activity, function, program, instruction or training. "GSA grounds" also includes GSA-related transportation vehicles.
- B. Takes place while students are being transported to or from GSA or GSA-sponsored events;
- C. Takes place at any GSA-sponsored event, activity, function, program, instruction or training; or
- D. Takes place elsewhere or through the use of technology, but only if the discrimination or harassment is sufficiently severe, pervasive or persistent so as to interfere with or limit the individual's ability to participate in GSA's programs or activities by creating a hostile, intimidating or offensive educational environment.

Discrimination or harassment of students by school employees is considered grounds for disciplinary action, up to and including discharge. Discrimination or harassment of students by other students is considered grounds for disciplinary action, up to and including expulsion. The Head of School will determine appropriate sanctions for discrimination or harassment of students by persons other than school employees and students in accordance with this policy.

IV. How to Make a Complaint

- A. Any individual who believes that a student has been discriminated against or harassed should

report their concern promptly to the Title IX Coordinator. Written reports are preferred, but not required. Individuals who are unsure whether discrimination or harassment has occurred, or who need assistance in preparing a written complaint, are encouraged to discuss the situation with the Title IX Coordinator.

- B. GSA staff, employees, coaches and advisors for extracurricular and cocurricular activities shall report incidents of discrimination or harassment of students to the Title IX Coordinator. Parents and other adults are also encouraged to report any concerns about possible discrimination or harassment of students.
- C. Students may, and are encouraged to, report discrimination or harassment of students to any GSA staff, employees, coaches and advisors for extracurricular and cocurricular activities. In accordance with Section B, above, the individual receiving the complaint from the student shall promptly report the discrimination or harassment to the Title IX Coordinator.
- D. Students and others will not be retaliated against for making a Complaint or participating in an investigation. Retaliation is illegal under state and federal nondiscrimination laws and any retaliation by students or GSA staff will result in disciplinary measures, up to and including expulsion/dismissal and/or termination.
- E. Students are encouraged to utilize the procedure outlined in this policy. However, students are hereby notified that they also have the right to report Complaints to the police, the Maine Human Rights Commission, State House Station 51, Augusta, ME 04333 (telephone: 207-624-6290) and/or to the federal Office for Civil Rights, Regional Director, U.S. Department of Education, 5 Post Office Square, 8th Floor, Boston, MA 02110-1491 (telephone: 617-289-0111).

V. Complaint Handling and Investigation

- A. The Title IX Coordinator, Dean of Students, and Head of School shall respect the confidentiality of the Complainant and Respondent to the extent possible, consistent with GSA's legal obligations, including the necessity to investigate allegations of discrimination and/or harassment, to take appropriate disciplinary action, and to ensure the safety of the school community. Privacy rights of all parties to the Complaint and those involved shall be maintained in accordance with applicable state and federal laws.
- B. The Title IX Coordinator or other investigator designated by the Head of School shall promptly inform the Dean of Students, the Head of School, and Respondent that a Complaint has been received. The Respondent shall receive written notice of the Complaint, including sufficient details to permit a response.
- C. The Title IX Coordinator may pursue a prompt and equitable informal resolution of the Complaint with the agreement and written consent of the Complainant and Respondent. Any party to the Complaint may decide to end an informal resolution process and pursue the formal process at any point. The informal resolution is subject to the approval of the Head of School, who shall consider whether the informal resolution is in the best interest of the parties and GSA in light of the particular circumstances and applicable policies and laws.

- D. The Complaint shall be investigated by the Title IX Coordinator, unless the Head of School designates another person to investigate. Any Complaint about an employee who holds a supervisory position shall be investigated by a person who is not subject to that supervisor's authority. Any Complaint about the Title IX Coordinator should be brought to the Head of School. Any complaint about the Head of School should be submitted to the chairperson of the Board of Trustees, who should consult with legal counsel concerning the handling and investigation of the Complaint.
- E. Any investigator or decision-maker must not have conflicts of interest or bias for or against the Complainant(s) or Respondent(s). The investigator and decision maker must objectively evaluate all relevant evidence including inculpatory and exculpatory evidence. The Respondent is presumed innocent throughout the complaint procedure, investigation, and determination.
- F. Procedure:
1. The Complainant and Respondent shall be provided with an equal opportunity to be heard as part of the investigation. Written notice shall be provided of any interview or meeting at which a party is invited or expected to participate. The Complainant shall not be required to attend meetings with the Respondent, but may choose to do so as part of the resolution process.
 2. The Complainant and the Respondent shall have an equal opportunity to suggest witnesses and/or submit materials they believe are relevant to the Complaint. The Complainant and the Respondent shall have an equal opportunity to review all the evidence and have an equal opportunity to respond before a determination is made.
 3. If the Complaint is against an employee of GSA, any applicable individual or collective bargaining contract provisions shall be followed.
 4. The Title IX Coordinator or designated investigator shall keep a written record of the investigation process. The investigation shall be completed within 21 business days of receiving the Complaint, if practicable. Extensions of this timeframe are allowed for good cause.
 5. The Title IX Coordinator, the Dean of Students and/or the Head of School may take interim remedial measures to facilitate the Complainant's access to GSA programs and activities, and reduce the risk of further discrimination or harassment, while the investigation is pending. Examples of interim measures include, but are not limited to, ordering no contact between individuals, changing schedules or classes, etc.
 6. After the Title IX Coordinator concludes the investigation, the Dean of Students shall use a preponderance of the evidence standard (i.e. more likely than not) to evaluate the evidence and make a determination whether the Respondent is responsible or not responsible.
 7. After all investigations are complete, a written determination shall, within a reasonable time frame, be sent to both parties explaining for each allegation whether the Respondent

is responsible or not responsible, including the facts and evidence on which the conclusion is based.

G. If the Dean of Students determines that discrimination or harassment occurred, he/she shall:

1. Determine what remedial action is appropriate and necessary to end the discrimination or harassment, remedy its effects and prevent recurrence;
2. Determine what disciplinary action, if any, should be taken against the Respondent; and
3. If applicable, include in the written determination sent to the parties a description of any remedial action and/or disciplinary action taken, if any.

H. After the conclusion of the investigation, the Complainant or the Respondent may seek an appeal of the findings solely on the basis of either (a) prejudicial procedural error or (b) the discovery of previously unavailable relevant evidence that could significantly impact the outcome. The Complainant may also challenge the adequacy of the remedies designed to ensure the Complainant's equal access to education. Appeals must be submitted in writing to the Head of School within 14 business days of receiving notice of the outcome of the Complaint. Upon receipt of a valid appeal, the Head of School shall review the investigation and determination and may conduct further inquiry, if deemed appropriate. The Head of School's decision on the appeal shall be provided in writing to the parties within 21 business days, if practicable. The Head of School's decision shall be final.

VI. Dissemination of Policy

GSA will annually provide written versions of this policy to students, parent(s) and guardian(s), volunteers, administrators, teachers and GSA staff. GSA will post this policy and related procedures on the GSA's publicly accessible website. This policy shall also be included in student handbooks.

Reporting Resources:

Title IX Coordinator
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