



## **Harassment, Discrimination, Hazing and Bullying Policy**

Thornton Academy is a large and diverse campus built on a foundation of trust, respect, and acceptance. Creating a safe, welcoming environment for students, staff, and visitors is our foremost goal; any and all forms of conduct that create an intimidating or hostile environment that interferes with an individual's educational or professional performance is strictly prohibited and will not be tolerated. Thornton Academy's policy is more stringent than what is mandated by law and Thornton Academy reserves the right to apply disciplinary measures and other corrective action for inappropriate conduct that does not meet the legal definitions of harassment, discrimination, and bullying.

This policy, along with all rules of conduct, applies to students while they are on campus or at a school sponsored event such as an athletic competition, dance, performance or field trip. The Academy reserves the right to take action on any behavior that occurs off campus that may impact the educational experience or safety of Thornton Academy students or staff.

### **Harassment or Discrimination, including Sexual or Gender-Based Harassment**

Thornton Academy prohibits all forms of illegal harassment or discrimination that is based on an individual's race, color, gender, pregnancy, religion, national origin, ancestry, age, sexual orientation (including gender nonconformity and gender identity and expression, including status as a transgender or transsexual individual), genetic information, whistleblower status, military/veteran status, physical or mental disability, or any other status protected by law. Harassment or discrimination is defined as behavior that is based on a person's protected status and is personally offensive or threatening, impairs morale, or is so pervasive or severe that it has the purpose or effect of:

- Creating an intimidating, hostile, or offensive environment; or
- Unreasonably interfering with an individual's ability to participate in or benefit from the school's program; or
- Creating a situation where academic decisions of a student depend on his or her submitting to and/or not objecting to the behavior.

Discrimination and harassment can take many forms. Examples include, but are not limited to:

- Limiting opportunities to participate in certain clubs, teams, or activities based on certain characteristics;
- Slurs, jokes, statements, remarks, questions, gestures, pictures, emails, texts, or cartoons regarding legally protected status that are derogatory or demeaning to an individual's or group's characteristics or that promote stereotypes;
- Demands for sexual favors in exchange for favorable treatment, academic rewards, or continued participation in a program or project;
- Obscene, demeaning, or abusive commentary about an individual's body or other personal characteristics;
- Responding to refusals to provide sexual favors with verbal, emotional, or physical abuse;
- Offensive or unwelcome sexual flirtation, advances or touching;
- Unwanted sexual contact or nonconsensual sexual intercourse, including any coerced or non-consensual sexual relations (see Thornton Academy's Sexual Misconduct Policy);
- Sexual or lewd jokes, remarks, leering, whistling, brushing against the body, or other suggestive or insulting gestures or comments;
- Audiotaping, videotaping, or otherwise recording others in sexual or other potentially embarrassing circumstances and forwarding or threatening to forward the recorded material to others;
- Intimidating or suggestive remarks about an individual's sexual orientation or gender identity, whether actual or implied;
- Sexually suggestive or degrading sounds or remarks (written, oral, or electronically transmitted), including graffiti and the spreading of sexual rumors, made to or about another member of the community;
- The use of school technology to transmit sexually suggestive, offensive, and/or degrading material, whether received at school or elsewhere;

- The open display of sexually offensive objects, pictures, and messages.

Sometimes harassing behavior results from ignorance or insensitivity to the feelings of others. Being mindful of how one's behavior is affecting others and communicating the effect of the behavior of others are good ways to minimize harassment. Some forms of sexual harassment may fall under the Academy's Sexual Misconduct Policy, in which case that policy will be the applicable one.

### **Hostile Environment**

A hostile environment is one in which discrimination, harassment, or bullying causes the School environment to be permeated with intimidation, ridicule, or insult that is sufficiently severe or pervasive to alter the conditions of a student's education.

### **Bullying**

Bullying is characterized by a power differential and involves aggressive behavior that is either a single significant incident or a pattern of repeated incidents that are intended to cause harm. Bullying is defined as the use by one or more students of a written, verbal, or electronic expression or a physical act or gesture or any combination thereof, directed at a target that:

- Causes physical or emotional harm to the targeted student or damage to the targeted student's property;
- Places the targeted student in reasonable fear of harm to himself or herself or of damage to his or her property;
- Creates a hostile environment at school for the targeted student;
- Infringes on the rights of the targeted student at school; or
- Materially and substantially disrupts the educational process or the orderly operation of the school.

Bullying can include, but is not limited to:

- Hitting, slapping, pushing, and other physical conduct that causes bodily harm;
- Threatening in a manner that puts someone down or is cruel;
- Deliberately excluding someone as a way to humiliate or demean them;
- Sexually harassing conduct;
- Hazing activities.

### **Cyber-Bullying**

Cyber-bullying is bullying through the use of technology or electronic devices such as telephones, cell phones, computers, fax machines, and the Internet. It includes, but is not limited to, email, instant messages, text messages, and Internet postings, whether on a web page, in a blog, any form of social media, or otherwise.

Cyber-bullying may include, but is not limited to:

- Taking a private email, instant message, or text message and forwarding it, or threatening to forward it to others or posting it where others can see it to embarrass or intimidate a person;
- Spreading hurtful rumors online about another person;
- Threatening or insulting through aggressive emails, instant messages, or text messages;
- Posting or threatening to post embarrassing pictures of someone online without his or her permission; and
- Creating a web page or blog in which the creator assumes the identity of another person or the knowing impersonation of another person as the author of posted content or messages, if the creation or impersonation causes any of the conditions listed in the definition of bullying listed above.

### **Hazing**

Hazing is defined as conduct or a method of initiation into any student organization which willfully or recklessly endangers the physical or mental health of any student or other person, regardless of the consent of the individuals involved.

Examples of hazing include, but are not limited to: whipping, beating, branding, forced calisthenics, exposure to the weather, forced consumption of any food, beverage, drug, or other substance, or any other brutal treatment or forced physical activity which is likely to adversely affect the physical health or safety of a student or other person, or which subjects a student or other person to extreme mental stress, including extended deprivation of sleep or rest or extended isolation.

While harassment, discrimination, bullying and hazing all fall within a spectrum of interpersonal aggression and sometimes violence, they are not synonymous. Hazing is predicated on inclusion and can sometimes be overlooked because it can appear as neither particularly aggressive, nor as intended to harm. In addition, hazing can sometimes be confusing for students to understand because they might consent to the behavior. It is important to note that because hazing involves a group context and the power differential of current members and those seeking membership or acceptance by the group,

peer pressure and coercive environment can exist and interfere with consent. Therefore, conduct can be deemed to be hazing regardless of a person's willingness to participate.

### **Reporting Process**

Thornton Academy seeks to achieve, through education, communication and mediation, a welcoming and respectful work and school environment free of hostility, intimidation, harassment, sexual harassment and discrimination. A student, employee, parent or other individual who has concerns should follow the guidelines described below.

**Anyone who believes that this policy has been violated should report to a dean, school counselor, school resource officer, or administrator.** If you believe that the person's behavior may violate the law, you may report the matter directly to the police. Please be aware that Thornton Academy is required to report certain misconduct that comes to its attention to parents, Maine Department of Health and Human Services ("DHHS") and/ or the District Attorney's Office, and/or the police.

No one will be reprimanded or punished in any way for initiating an inquiry or report in good faith.

### **Requests for Confidentiality**

Thornton Academy cannot honor requests for complete confidentiality because information must be shared in order to conduct an effective investigation and/or to comply with mandatory reporting laws. However, Thornton Academy will treat information it receives with sensitivity and will only disclose such information on a need-to-know basis. If a reporting party requests confidentiality and/or that Thornton Academy not investigate, Thornton Academy may still need to investigate the allegations in order to ensure the safety of the entire campus community.

### **Thornton Academy's Response to Report of Discrimination, Harassment, Bullying, Hazing**

Once Thornton Academy learns of a potential violation of this policy, Thornton Academy may pursue an informal or formal process depending on the nature of the allegations. A dean, associate head, principal, assistant principal, school counselor, social worker, or administrator may serve as an intermediary to moderate a conversation (either in person or writing) between the parties to resolve the situation. Further, Thornton Academy may put measures in place to separate the parties (i.e. mutual no-contact order) and/or stop the inappropriate conduct (i.e. a cease and desist). In addition to the above options, a dean, associate head, principal or other administrator may conduct an informal investigation to gather facts and make a determination about the appropriate course of action and/or disciplinary response.

In the event that an informal process is unsuccessful or inappropriate, Thornton Academy will conduct an investigation in order to determine whether it is more likely than not that the reported conduct occurred, based upon a preponderance of the evidence, and whether disciplinary action is warranted. Such investigation may be conducted by a senior administrator, dean, associate head, principal, or external investigator depending on the nature of the report. The investigation may include, but is not limited to, interviews of those individuals directly involved in the incident and relevant witnesses, and collecting documents and any other evidence bearing on the incident. More than one interview of student parties and witnesses may be necessary in order to conduct a thorough investigation.

Thornton Academy may put interim measures in place for the safety of the reporting party and/or the school community, including a mutual no-contact order. Interim measures may include academic accommodations such as a change to class schedule, residential accommodations, such as a change in housing, and changes to meal time, sports or activities. Interim measures may also include medical or counseling services, a mutual non-contact directive, and/or a voluntary or mandatory leave from school for a period of time.

Upon completion of the investigation in the formal process, the investigator will analyze all the evidence and determine whether this policy was violated. The investigator will report the findings, rationale, and conclusions to the Associate Head of School and/or Principal, who will make the final determination as to what, if any, remedial action or disciplinary measures should be taken.

Following the formal investigation, Thornton Academy shall inform the student parties and parents of the decision as soon as possible and explain to the student parties the reasons for the decision.

**Retaliation**

Retaliation is any form of intimidation, reprisal, or harassment directed against a student who reports discrimination, harassment, or bullying, or who witnesses or provides information during an investigation about such behavior. Retaliation against any such individual, whether by the accused person or someone else, will not be tolerated and will be subject to the same strict discipline as harassment, discrimination, or bullying itself.

**Abuse of Process/ Failure to Cooperate with an Investigation**

Because allegations of harassment, discrimination, hazing, and bullying are serious and can be damaging to accused persons' reputations, any person who knowingly, maliciously, or recklessly makes a false complaint will be subject to discipline. In addition, because candor and honesty are essential to the investigation and remediation process, they are required of all participants, including any witnesses. Withholding of any material information in an investigation is prohibited. Students and employees are expected to cooperate fully in an investigation conducted by Thornton Academy.

**Discipline**

Persons who are found to have violated this policy will be subject to discipline, up to and including suspension or expulsion.