



## **Student Sexual Misconduct Policy**

Thornton Academy strives to be a safe and supportive environment that cultivates learning and personal growth for all of its students. All forms of sexual misconduct, including but not limited to sexual assault, interfere with this critical mission and will not be tolerated. Thornton Academy will take appropriate action to prevent and correct behavior both by employees and students that violates this policy. Thornton Academy will also take any necessary disciplinary action against students. This policy applies to student sexual misconduct that occurs on campus or at any school-related activities. Thornton Academy reserves the right to address sexual misconduct that takes place off campus under this policy if such conduct causes a substantial disruption to or endangers the safety of the campus community.

Sexual misconduct is a broad term used to describe a range of prohibited behaviors and includes unwanted behavior of a sexual nature that is committed without consent or by force, intimidation, coercion, or manipulation. Sexual misconduct can be committed by a person of any gender, and it can occur between people of the same or different gender. Sexual misconduct may vary in its severity and consists of a range of behaviors or attempted behaviors, and is not necessarily physical in nature. It can occur between strangers or acquaintances, including people involved in an intimate or sexual relationship.

### **Reporting Sexual Misconduct**

Students who believe they have been victims of sexual misconduct should seek help immediately from their parents and/or any trusted adult on campus, including the Headmaster, the Associate Head, a principal, an assistant principal, a dean, a school counselor, a school social worker, a school nurse, or the School Resource Officer. *Students should contact the School Resource Officer or call 911 if they need or witness a need for immediate police and/ or medical attention.*

Persons may report sexual misconduct verbally or in writing. When reporting an incident, it is helpful to provide as much information as possible, including the following:

1. A description of the event
2. The number of occurrences, with dates and places
3. The names of any witnesses
4. Any documents or other materials that are related to the event.

In addition to potentially violating Thornton Academy's policies, certain sexual activity may also violate the law. In certain circumstances, Thornton Academy may be obligated to report the conduct to DHHS and/or the District Attorney under the state mandatory reporting law. In accordance with Maine law, Thornton Academy will report to DHHS and the District Attorney if it knows or has reasonable cause to suspect that a student under the age of 18 has been abused or is likely to be abused.

Persons may also report a sexual assault directly to the School Resource Officer and/or Saco police. (The phone number for the Saco Police Department is 207-284-4535)

### **Thornton Academy's Response to Sexual Misconduct**

Thornton Academy treats all reports of sexual misconduct seriously with the well-being of its students as the first priority. Thornton Academy will promptly notify the parents of students who are reported to have experienced and/or engaged in sexual misconduct. Following a report of sexual misconduct, Thornton Academy will conduct its own investigation using an internal or external investigator in order to ensure the safety of its campus community and to determine whether disciplinary action is warranted. This investigation is separate from any investigation that might be conducted by law enforcement. Thornton Academy may delay its investigation for a reasonable amount of time to allow for law enforcement to interview witnesses and collect evidence. However, a report of criminal activity to law enforcement will not stop Thornton Academy's investigation process.

### **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 regarding sexual misconduct 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.

### **Interim and Safety Measures**

The Associate Head or designee shall determine whether interim measures are necessary pending the results of a sexual misconduct investigation. 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.

### **Investigation Process**

Immediately following a report of sexual misconduct, Thornton Academy will conduct its own 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, 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. Student parties are permitted to have a school counselor or social worker present as support during their interviews.

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

The Associate Head and/or principal shall inform the student parties of the decision as soon as possible and explain to the student parties the reasons for the decision.

### **Retaliation**

Retaliation for complaining about sexual misconduct or participating in an investigation or disciplinary proceeding involving a complaint of sexual misconduct is prohibited. Any student engaging in retaliation, including through electronic means or through social media, will face discipline.

### **Abuse of Process/False Complaints**

Because allegations of sexual misconduct 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. Students and employees are expected to cooperate fully in an investigation conducted by Thornton Academy.

### **Additional Resources for Students**

Students may want to speak with adults outside of Thornton Academy for support regarding sexual misconduct. There are several resources in the area for victims of sexual misconduct listed below.

#### **Local Resources**

Sexual Assault Response Services Of Southern Maine

24 hours: 1-800-313-9900 or (207) 774-3613

Caring Unlimited

York County, 24 Hours: 1-800-239-7298

Hospital Emergency Department

- Southern Maine Medical Center (Biddeford): (207) 294-5000
- Maine Medical Center (Portland): (207) 662-2381

Local Police: Emergency 911