

SEXUAL MISCONDUCT POLICY



Introduction

The Hill School is responsible for providing a safe and productive learning and work environment and for ensuring that all individuals having contact with the School are treated respectfully and fairly. To maintain this environment, the school has established guiding principles, a code of conduct, and more specific policies, rules, and guidelines on how we treat one another. These rules and guidelines serve to reinforce the important boundaries across interactions between community members, to ensure a safe environment for all students and employees at The Hill School. These standards are necessary to ensure that the school meets its commitments to the school community and achieves its mission. The school consistently will review and enhance its policies, procedures, and educational training measures to help prevent sexual misconduct, harassment, abuse, and exploitation.

Student Protection and Safety Policy

The safety and well-being of students are a top priority for educators and schools. All Hill School faculty, administrators, and staff share responsibility for the prevention and reporting of suspected harassment, bullying, abuse, and sexual maltreatment. Consequently, the School has established clear procedures to protect against and respond to any allegations of wrongdoing as outlined in this section. These procedures comply fully with the laws, regulations, and guidelines established by the Commonwealth of Pennsylvania and its agencies.

Sexual Misconduct Reporting by Employees

As detailed in the Mandated Reporting of Child Sexual Abuse in Pennsylvania section of the Employee Handbook, all School employees are required to report suspected abuse or neglect of a minor under Pennsylvania Child Protective Services Laws (CPSL). This includes sexual misconduct, sexual exploitation, physical abuse, and other serious physical neglect, whether committed by a parent or guardian, a school employee, another adult, another Hill student, or another minor who does not attend The Hill School. The CPSL requires reporting of suspected abuse or neglect to both ChildLine and local law enforcement authorities. Required reporters include employees who, in the course of their employment, come into contact with children; for example, school administrators, teachers, doctors, and school nurses have required reporters who must report suspected child abuse to ChildLine. School employees receive ongoing training on reporting duties, including mandatory reporting obligations to state authorities.

An employee has an independent obligation to make a mandated report on their own to ChildLine. The employee may also seek the assistance of the School in making the report

but is not required to do so before making the report. As an important safeguard to ensure that all suspected abuse or neglect is properly reported, the School has appointed the Dean of Students (or acting Dean of Students) as the administrator responsible for formally making a mandated report of sexual misconduct to ChildLine within 24 hours of receiving a report of misconduct on behalf of the School (or ensuring that mandated report is made within 24 hours of a School official receiving a report of misconduct). In all instances after making a mandated report on their own to ChildLine, the employee is expected to notify the Dean of Students to activate the school's formal response in support of the students or individuals involved.

Sexual Misconduct Reporting by Students

The Hill School prohibits sexual harassment, sexual assault, and all forms of sexual misconduct. The school's employee policies in this area include definitions of these forms of sexual misconduct as well as detailed information about maintaining professional boundaries between adults and students, the obligation for employees to report suspected child abuse or neglect to child protective services and/or law enforcement, and the School's process for responding to reports of sexual misconduct that impact at least one community member.

Prompt reporting of sexual misconduct is essential to the school's ability to support students, investigate and discipline such misconduct, and prevent future misconduct.

The Hill School strongly encourages any student who experiences harm or sexual misconduct that might violate School policy to report the matter promptly to any School employee. Likewise, the School encourages any student who believes that any other student has experienced harm or sexual misconduct to report the matter promptly to a school employee. The same expectations for reporting extend to parents, guardians, or other members of the school community.

When making a report, the student, employee, or community member should include, if known, the name of the person who reportedly experienced sexual misconduct; the name of the individual reported to have committed sexual misconduct; the nature of the misconduct; the date and location of the misconduct; and the names of any witnesses. It is not necessary to have all these details to make a report. When in doubt about whether to make a report, the student, employee, or community member should always err on the side of reporting the conduct of concern.

Reports of sexual misconduct may be made orally or in writing (via email or otherwise). If a report is made anonymously, the school's ability to investigate may be limited. In most cases, the school will be unable to take disciplinary action against a student solely based

on an anonymous report, because the information may not meet an acceptable or fair standard for such action.

Disclosing to Counseling or Wellness Center Professionals

Many students may choose to disclose or report sexual misconduct to a member of the Counseling or Wellness Center professionals. Information shared with the Counseling or Wellness Center that involves suspected child abuse or neglect of a student under the age of 18 must be reported to external authorities. At the student's request, counselors or Wellness staff members may be present with a student who chooses to make a report to the Dean of Students (or Acting Dean of Students). The Dean of Students may also consult with the school's mental health professionals throughout the response process. Note that the school's counselors will not share specific details of the student's counseling sessions for the investigative process or disciplinary process unless the student consents to do so or as required by state law. Law enforcement and state authorities will follow their established processes in speaking directly to the student complainant and choosing to proceed based on what they report in that process.

Response to a Report of Sexual Misconduct

Generally, after a report of this nature is made, the School will take temporary and proportionate safety measures to address individual and campus safety and the well-being of all of our students, staff, and faculty. Those measures may include extending academic accommodations, modifying residential assignments, connecting the students involved to counseling or other mental health/medical resources, imposing restrictions on contact between the parties involved, imposing other campus restrictions on the respondent, and allowing the complainant to take a leave of absence or change status from boarding to day, or placing a respondent on temporary campus leave, suspension, or changing status from boarding to day.

Employees with questions, inquiries, or concerns related to a student's status should contact the Head of School, Associate Head of School, or Assistant Head of School for Community Life.

Although reports of sexual misconduct to the school will necessitate the School's mandatory reporting obligations to law enforcement and child protective services, the School will disclose information with the utmost sensitivity to those involved and will use the highest level of discretion in communicating about the report internally. Information only will be shared with those School employees with a "need to know" to support the students involved or carry out the responsibilities of School policies and procedures.

When the School meets its requirements in making a report to state authorities, under most circumstances, the school will notify the parent(s) or guardian(s) of all students identified in the report. In addition, the school will notify the parent(s) or guardian(s) of all students interviewed by School officials during an investigation of sexual misconduct.

In some instances, the school may be required to delay certain actions pending any initial investigation by law enforcement agencies and/or child protective services. For example, to ensure that the school's actions do not interfere with the integrity of any external child protective services or law enforcement promises, the School typically will not conduct a formal investigation or take disciplinary action until the external authorities grant the School permission to conduct interviews or other fact-gathering steps.

Reporting and Response Sequence: Student Sexual Misconduct Toward Another Student

Below are the likely responsive steps in the support and investigation of a reported incidence of a Hill student's sexual misconduct toward another Hill student. Note that these steps are not prescriptive. Depending on the circumstances, some steps may not be necessary or may be completed in a different order.

- Student complainant or witness makes a report to any School employee.
- Within 24 hours of learning of the report, the school employee makes a report to Pennsylvania ChildLine or notifies the Dean of Students, their supervisor, Counseling staff, and/or Wellness Center staff to assist with making a report to Pennsylvania ChildLine.
- The Dean of Students must be notified within 24 hours and will lead the school response with the assistance of a critical response team identified to respond to and investigate reports of abuse. The school likely will defer investigative steps until notification that state and local child protective services or law enforcement authorities have concluded their initial fact-gathering. The Dean of Students will act with the highest level of discretion and communicate only with the Head of School, Associate Head of School, Wellness and Counseling staff, Director of Security, and other employees on a need-to-know basis or as requested by the complainant.
- The Dean of Students will notify the parent(s) or guardian(s) of all students involved either before or after the notification to Pennsylvania ChildLine or will ensure that the parent(s) or guardian(s) of students are notified by another School Official.
- In the period immediately following a report of sexual misconduct, the complainant(s) and respondent(s) may be required to sign a contract related to appropriate and permitted communication and behavior while any

investigations are taking place. Declining to sign and comply with this contract (if required) would likely result in immediate withdrawal.

- Any time a student is accused of sexual misconduct, the school may determine that they must be off campus, change status from boarding to day, and/or subject to on-campus restrictions for the duration of all investigations. External legal authorities may also impose a no-contact restriction following a criminal arrest or civil protection from abuse order.
- At the direction and determination of the Director of Counseling, all students involved will have required regular check-ins with a Counselor at least once per week, whether on or off campus.
- If there are updates in the status of any external investigation by law enforcement and/or child protective services, the Dean of Students will communicate those updates to all students involved and parent(s)/guardian(s), if permitted to do so. In some instances, the school may not be able to share information based on a request from the external authorities to refrain from sharing information.
- If formal criminal charges or protective orders are brought against student respondent(s), it is very likely that student(s) immediately will be dismissed from The Hill School.
- If formal criminal charges or protective orders are not brought against the respondent(s), the disciplinary investigation will immediately commence. The School investigation will include impartial, sensitive, and informed fact-gathering, and based on the nature of those facts, the School may make specific findings concerning continued participation in academics, residential status, co-curricular activities, and other areas. Regardless of whether criminal charges or protective orders are brought against the respondent(s), the school still may invoke consequences up to and including dismissal from School. If a respondent is not required to withdraw, they may be levied a suspension for some period that could be considered partially or fully served during the preceding suspension or campus leave that occurred during the investigation.
- When investigating any allegation, the school will follow the standard of preponderance of the evidence standard (more likely than not) when determining if the conduct violates the Student Handbook.
- The school will notify all involved students and parents/guardians at key stages in the process. The complainant will continue to receive regular check-ins at the discretion and direction of the Director of Counseling. The complainant will also receive regular check-ins from the Dean of Students at the complainant's and parent/guardian's discretion.

- Broader community notification (to employees and/or students) will take place only as deemed appropriate by the Head of School.

Reporting and Response Sequence: Employee(s) Sexual Misconduct Toward Student(s)

Below are the likely responsive steps in the support and investigation of a reported incidence of a Hill employee's sexual misconduct toward a Hill student. Note that these steps are not prescriptive. Depending on the circumstances, some steps may not be necessary or may be completed in a different order.

- Student complainant or witness makes a report to any School employee.
- Within 24 hours of learning of the report, the School Employee makes a report to Pennsylvania ChildLine or immediately notifies the Head of School, Associate Head of School, Director of Human Resources, Dean of Students, Supervisor, or Counseling staff, Wellness Center staff to assist with making a report to Pennsylvania ChildLine.
- The Head of School, Associate Head of School, and Director of Human Resources must be notified of the initial report within 24 hours and will lead the school response with the assistance of a critical response team identified to respond to and investigate reports of abuse. The Associate Head of School and Director of Human Resources will act with the highest level of discretion and communicate only with the Head of School, Assistant Head of School for Community Life, Wellness and Counseling staff, Director of Security, and other employees on a need-to-know basis or as requested by the complainant.
- The Head of School, Associate Head of School, and Director of Human Resources may limit an employee's interactions with the student(s), limit access to campus, or suspend an employee(s) for the duration of any part of the investigation. External legal authorities may also impose no contact restriction following a criminal arrest or civil protection from abuse order.
- The Associate Head of School and Director of Human Resources will notify the parent(s) or guardian(s) of all students involved either before or after the notification to Pennsylvania ChildLine or will ensure that parent(s) or guardian(s) of students are also notified.
- At the direction and determination of the Director of Counseling, all students involved will have required regular check-ins with a Counselor at least once per week, whether on or off campus.
- If there are updates in the status of any external investigation by law enforcement and/or child protective services, the Associate Head of School or Director of Human Resources will communicate those updates to all

students involved and parent(s)/guardian(s), if permitted to do so. In some instances, the school might not be able to share information based on a request from the external authorities to refrain from sharing information.

- If formal criminal charges or protective orders are brought against the respondent(s), it is very likely that their employment immediately will be terminated by The Hill School.
- If formal criminal or protective orders are not brought against the respondent(s), the disciplinary investigation will immediately commence. The school investigation will include impartial, sensitive, and informed fact-gathering, and based on the nature of those facts, the school may make specific determinations for all employee(s) involved concerning their continued participation in academics, residential status, co-curricular activities, and other areas. Even if formal legal charges are not brought against the respondent(s), the school still may invoke consequences up to and including termination of employment.
- When investigating any allegation, the school will follow the standard of preponderance of the evidence standard (more likely than not) when determining if the conduct violates the Student Handbook.
- The school will notify all involved students and parents/guardians at key stages in the process. The complainant(s) will continue to receive regular check-ins at the discretion and direction of the Director of Counseling. The complainant will also receive regular check-ins from the Associate Head of School at the complainant's and parents'/guardians' discretion during the investigation(s) and following the conclusion of the investigation(s).
- Broad community notification (to employees and/or students) will take place only as deemed appropriate by the Head of School.

Reporting and Response Sequence: Non-Hill Community Member(s) Sexual Misconduct Toward Student(s)

Below are the likely responsive steps in the support and investigation of a reported incidence of a non-Hill community member's sexual misconduct toward a Hill student. Note that these steps are not prescriptive. Depending on the circumstances, some steps may not be necessary or may be completed in a different order.

- Student complainant or witness makes a report to any School employee.
- Within 24 hours of learning of the report, the School Employee must make a report to Pennsylvania ChildLine or immediately notify the Dean of Students, Supervisor, Counseling staff, or Wellness Center staff to assist in making a report to Pennsylvania ChildLine.

- The Assistant Head of School for Community Life must be notified within 24 hours and will lead the school response with the assistance of a critical response team identified to respond to and investigate reports of abuse. The school will defer investigative steps pending notification that state and local child protective services or law enforcement authorities have concluded their initial fact-gathering. The Assistant Head of School for Community Life will act with the highest level of discretion and communicate only with other School officials only as necessary, including the Head of School, Associate Head of School, Wellness and Counseling staff, Director of Security, and other employees on a need-to-know basis or as approved by the complainant.
- The Assistant Head of School for Community Life will confirm that parent(s) or guardian(s) are notified of all students involved either before or after the notification to Pennsylvania ChildLine or ensure that parent(s)/guardian(s) of students are notified by a School Official.
- At the direction and determination of the Director of Counseling, all students involved will have required regular check-ins with a Counselor at least once per month, whether on or off campus.
- At all stages of the investigation, and subject to guidance from state or local officials, the school may consider prohibiting the accused individual from being present on campus and the need to modify or terminate any contractual relations with any accused individual or entity employing such an individual.