Harassment and Discrimination Policy

Harassment Policy

Dock Mennonite Academy strives to provide and maintain a safe, positive learning environment for students that is free from harassment and discrimination. Harassing behavior, including sexual harassment, is inconsistent with the educational goals of Dock Mennonite Academy and is prohibited at all times.

Delegation of Responsibility

In order to maintain a program of nondiscrimination practices that is in compliance with applicable laws and regulations, the Dock Mennonite Academy designates Mrs. Kelly Weaver as Dock Mennonite Academy's Compliance Officer/Title IX Coordinator. All nondiscrimination notices or information shall include the position, office address, telephone number and email address of the Compliance Officer/Title IX Coordinator.

The Superintendent or designee shall publish this policy on Dock Mennonite Academy's website and be responsible to ensure adequate nondiscrimination procedures are in place, to recommend new procedures or modifications to procedures and to monitor the implementation of Dock Mennonite Academy's nondiscrimination procedures in the following areas:

1. Curriculum and Materials - Review of curriculum guides, textbooks, and supplemental materials for discriminatory bias.

2. Review - Review of personnel practices and actions for discriminatory bias and compliance with laws against discrimination to include monitoring and recommending corrective measures when appropriate to written position qualifications, job descriptions and essential job functions; recruitment materials and practices; procedures for screening applicants; application and interviewing practices for hiring and promotions; performance evaluations; review of planned employee demotions, non-renewal of contracts, and proposed employee disciplinary actions up to and including termination.

3. Training - Provision of ensuring training for students and staff to prevent, identify and alleviate problems of discrimination.

4. Resources - Maintain and provide information to staff on resources available to alleged victims in addition to the school complaint procedure, such as making reports to the police, available assistance from domestic violence or rape crisis programs and community health resources including counseling resources.

5. Student Access - Review of programs, activities, and practices to ensure that all students have equal access and are not segregated except when permissible by law or regulation.

6. Support - Assurance that like aspects of the school program receive like support as to staffing and compensation, facilities, equipment, and related areas.

7. Student Evaluation - Review of tests, procedures, and guidance and counseling materials for stereotyping and discrimination.

8. Complaints - Monitor and provide technical assistance to building principals or designee in processing complaints.

Upon receipt of a report of discrimination, harassment, or retaliation from a student, employee or third party, the Compliance Officer/Title IX Coordinator shall evaluate whether allegations of discrimination on the basis of sex and/or sexual harassment are being alleged, and, if so, whether the investigation should be conducted pursuant to Title IX. For all complaints not investigated pursuant to Title IX, the Compliance Officer/Title IX Coordinator shall assess who should be assigned as the investigator. When a parent/guardian has requested confidentiality and will not consent to the alleged victim's participation in an investigation, the Compliance Officer/Title IX Coordinator shall provide the parent/guardian with a letter containing information related to Dock Mennonite Academy's legal obligations to conduct an investigation and address violations of this policy, and any other information appropriate to the specific complaint.

The Superintendent or designee shall be responsible to promptly complete the following duties upon notice by the Compliance Officer/Title IX Coordinator of receipt of a report of discrimination or retaliation from students, employees or third parties:

1. Inform the complainant about this policy including the right to an investigation of both verbal and written complaints of discrimination.

2. Seek to obtain consent from parents/guardians to initiate an investigation where the complainant or alleged victim is under age eighteen (18). Inform parents/guardians of the complainant that the complainant may be accompanied by a parent/guardian during all steps of the complaint procedure. When a parent/guardian requests confidentiality and will not consent to the alleged victim’s participation in an investigation, explain that the school shall take all reasonable steps to investigate and respond to the complaint consistent with that request for confidentiality as long as doing so does not preclude the school from responding effectively to the discrimination and preventing discrimination of other students.

3. Provide relevant information on resources available in addition to the school complaint procedure, such as making reports to the police, available assistance from domestic violence or rape crisis programs and community health resources including counseling

resources.

4. After consideration of the allegations and in consultation with the Compliance Officer and other appropriate individuals, promptly implement interim measures as appropriate to protect the complainant and others as necessary from violation of this policy during the course of the investigation.

Guidelines

Dock Mennonite Academy encourages students/staff/third parties who believe they or others have been subjected to harassment, including sexual harassment, to promptly report such incidents in accordance with the following procedures.

Students, teachers, administrators, parents/guardians, coaches, activity sponsors, volunteers, Dock Mennonite Academy employees, representatives, agents, and contractors shall be alert to incidents of harassment and sexual harassment and shall promptly report such conduct either verbally or in writing in the form of the complaint form.

Dock Mennonite Academy will promptly investigate all complaints or other reports of harassment, including sexual harassment. Dock Mennonite Academy will comply with federal law and regulations under Title IX prohibiting sexual harassment, which is a form of unlawful discrimination on the basis of sex. Such discriminatory harassment is referred to as Title IX sexual harassment. All allegations of sexual harassment and discrimination on the basis of sex shall be first under Title IX. If the sexual harassment or discrimination on the basis of sex alleged does not fit the definition of Title IX sexual harassment or Title IX sex discrimination, the allegations may still be investigated under this policy. If the allegations include Title IX discrimination or Title IX sexual harassment and discrimination or harassment on the basis of another protected status, a joint, concurrent investigation will be conducted.

Claims of harassment will be investigated in the same manner as other student disciplinary investigations, except that allegations of sexual harassment shall be investigated and handled by the Title IX Coordinator, in accordance with applicable legal obligations and the procedures set forth on Dock Mennonite Academy's website at https://www.dock.org/campus-life/title-ix-policy. Corrective action shall be taken when allegations are verified.

Dock Mennonite Academy will administer appropriate discipline to any individual who violates this policy or the accompanying administrative regulation in accordance with Board policy, any applicable Code of Conduct or provision of the Student Handbook, and applicable law.

Complaints or other reports of harassment, including sexual harassment, may be referred to the appropriate law enforcement agency for investigation, as determined by the Superintendent or designee.

Harassment and Discrimination Policy

Confidentiality

Confidentiality of all parties, witnesses, the allegations, the filing of a complaint and the investigation shall be maintained in accordance with law and Dock Mennonite Academy's legal and investigative obligations.

Retaliation

Reprisal or retaliation relating to good faith reports of harassment, including sexual harassment, or participation in an investigation of allegations of harassment or sexual harassment is prohibited and shall be subject to disciplinary action.

Definitions

For purposes of this policy, **harassment** shall consist of verbal, written, graphic or physical, electronic or other conduct relating to an individual's race, color, national origin/ethnicity, gender, age, disability, sexual orientation, religion or other personal characteristic when such conduct:

1. Is sufficiently severe, persistent or pervasive that it affects a student's educational performance or creates an intimidating, threatening or abusive educational environment; and/or
2. Has the purpose or effect of unreasonably interfering with a student's educational performance; and/or
3. Adversely affects a student's educational opportunities.

Harassment includes, but is not limited to, slurs, jokes, bullying, hazing or other verbal, written, electronic, graphic or physical conduct relating to an individual's actual or perceived race, color, age, creed, religion, sex, gender, sexual orientation, gender identity, gender expression, ancestry, national origin/ethnicity, veteran status, marital status, handicap/disability, or membership in any other protected class. Harassment also includes sexual harassment, as defined below.

Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

1. An employee of the Dock Mennonite Academy conditioning the provision of an aid, benefit, or service of the Dock Mennonite Academy on an individual's participation in unwelcome sexual conduct;

2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the Dock

Mennonite Academy's education program or activity; or

3. Sexual assault, dating violence, domestic violence, or stalking.

Sexual assault means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

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 following factors:

    a. The length of the relationship.

    b. The type of relationship.

    c. The frequency of interaction between the persons involved in the relationship.

Domestic violence includes 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 co-habitating with or has co-habitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, 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 the jurisdiction.

Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

1. Fear for their safety or the safety of others; or

2. Suffer substantial emotional distress.

Guidelines

<u>Complaint Procedure – Students</u>

Step 1 – Reporting

A student who believes s/he has been subject to conduct by any student, employee or third party that constitutes a violation of this policy is encouraged to immediately report the incident

to a school employee or the building principal. Any person with knowledge of conduct that may violate this policy is encouraged to immediately report the matter to the Compliance Officer/Title IX Coordinator.

A school employee who suspects or is notified that a student has been subject to conduct that constitutes a violation of this policy shall immediately report the incident to the Compliance Officer/Title IX Coordinator, as well as properly making any mandatory police or child protective services reports required by law.

The complainant or reporting employee may be encouraged to use the designated complaint form, or to put the complaint in writing; however, oral complaints shall be accepted, documented and the procedures of this policy implemented. The person accepting the verbal or written complaint may provide factual information on the complaint and the investigative process, the impact of choosing to seek confidentiality and the right to file criminal charges. In all other respects, the person accepting the complaint shall handle the report objectively, neutrally and professionally, setting aside personal biases that might favor or disfavor the complainant or those accused of a violation of this policy.

Step 2 – Investigation

The Compliance Officer/Title IX Coordinator shall ensure that the individual assigned to investigate the complaint has an appropriate understanding of the relevant laws pertaining to discrimination issues and this policy and how to conduct investigations.

The investigator shall work with the Compliance Officer/Title IX Coordinator to assess the anticipated scope of the investigation, who needs to be interviewed and what records may be relevant to the investigation.

The investigator shall conduct an adequate, reliable and impartial investigation. The complainant and the accused may suggest additional witnesses and provide other evidence during the course of the investigation. When the initial complaint involves allegations relating to conduct which took place away from school property, school-sponsored activities or school conveyances, the investigation may include inquiries related to these allegations to determine whether they resulted in continuing effects such as harassment in school settings.

The investigation may consist of individual interviews with the complainant, the accused, and others with knowledge relative to the allegations. The investigator may also evaluate any other information and materials relevant to the investigation. The person making the report, parties, parents/guardians and witnesses shall be informed of the prohibition against retaliation for anyone’s participation in the process and that conduct believed to be retaliatory should be reported. To the extent permitted by law, all individuals providing statements or other information or participating in the investigation shall be instructed to keep the matter confidential and to report any concerns about confidentiality to the investigator.

If the investigation reveals that the conduct being investigated may involve a violation of criminal law, the investigator shall promptly notify the Compliance Officer, who shall promptly inform law enforcement authorities about the allegations.

The obligation to conduct this investigation shall not be negated by the fact that a criminal or child protective services investigation of the allegations is pending or has been concluded. The investigator should coordinate with any other ongoing investigations of the allegations, including agreeing to requests for a short delay in fulfilling Dock Mennonite Academy's investigative responsibilities during the fact-finding portion of a criminal or child protective services investigation. Such delays shall not extend beyond the time necessary to prevent interference with or disruption of the criminal or child protective services investigation.

Step 3 – Investigative Report

The investigator shall prepare and submit a written report to the Compliance Officer/Title IX Coordinator within twenty (20) school days of the initial report of alleged discrimination, unless the nature of the allegations, anticipated extent of the investigation or the availability of witnesses requires the investigator and the Compliance Officer/Title IX Coordinator to establish a different due date. The parties shall be notified of the anticipated date the investigative report will be completed and of any changes to the anticipated due date during the course of the investigation.

The report shall include a summary of the investigation, a determination of whether the complaint has been substantiated, the information and evaluation that formed the basis for this determination, whether the conduct violated this policy and of any other violations of law or policy which may warrant further school action, and a recommended disposition of the complaint. An investigation into discriminatory harassment or sexual harassment shall consider the record as a whole and the totality of circumstances in determining whether a violation of this policy has occurred, recognizing that persistent and pervasive conduct, when taken together, may be a violation even when the separate incidents are not severe.

The complainant and the accused shall be informed of the outcome of the investigation, for example, whether the investigator believes the allegations to be founded or unfounded, within a reasonable time of the submission of the written report to the extent authorized by the Family Educational Rights and Privacy Act (FERPA) and other applicable laws. The accused shall not be notified of the individual remedies offered or provided to the complainant.

Step 4 – Action

If the investigation results in a finding that some or all of the allegations of the complaint are established and constitute a violation of this policy, Dock Mennonite Academy shall take prompt, corrective action designed to ensure that such conduct ceases and that no retaliation occurs. Dock Mennonite Academy shall promptly take appropriate steps to prevent the recurrence of the prohibited conduct and to address the discriminatory effect the prohibited

conduct had on the complainant and the school or school program environment. Dock Mennonite Academy staff shall document the corrective action taken and, where not prohibited by law, inform the complainant. The Compliance Officer/Title IX Coordinator shall follow up by assessing the effectiveness of the corrective action at reasonable intervals.

If an investigation results in a finding that a different policy was violated separately from or in addition to violations of this policy, or that there are circumstances warranting further action, such matters shall be addressed at the conclusion of this investigation or through disciplinary or other appropriate referrals where further evaluation or investigation is necessary.

Disciplinary actions shall be consistent with Dock's policies and procedures, applicable employee agreements, and state and federal laws.

Appeal Procedure

1. If the complainant or the accused is not satisfied with a finding made pursuant to the policy or with recommended corrective action, s/he may submit a written appeal to the Compliance Officer/Title IX Coordinator within fifteen (15) school days. If the Compliance Officer/Title IX Coordinator investigated the complaint, such appeal shall be made to the Superintendent.

2. The individual receiving the appeal shall review the investigation and the investigative report and may also conduct or designate another person to conduct a reasonable supplemental investigation to assess the sufficiency and propriety of the prior investigation.

3. The person handling the appeal shall prepare a written response to the appeal within twenty (20) school days. Copies of the response shall be provided to the complainant, the accused and the investigator who conducted the initial investigation.

Complaint Procedure – Employee/Third Party

Step 1 – Reporting

An employee or third party who believes s/he has been subject to conduct by any student, employee or third party that constitutes a violation of this policy is encouraged to immediately report the matter to their supervisor. Any person with knowledge of conduct which may violate this policy is encouraged to immediately report the matter to the supervisor.

If the supervisor is the subject of a complaint, the employee or third party shall report the incident directly to the Compliance Officer/Title IX Coordinator. The complainant or reporting employee may be encouraged to use the designated complaint form or to put the complaint in

writing; however, oral complaints shall be accepted, documented and the procedures of this policy implemented. The person accepting the verbal or written complaint may provide factual information on the complaint and the investigative process, the impact of choosing to seek confidentiality and the right to file criminal charges. In all other respects, the person accepting the complaint shall handle the report objectively, neutrally and professionally, setting aside personal biases that might favor or disfavor the complainant or those accused of a violation of this policy.

Step 2 – Investigation

The Compliance Officer/Title IX Coordinator shall ensure that the individual assigned to investigate the complaint has an appropriate understanding of the relevant laws pertaining to discrimination issues and this policy and how to conduct investigations.

The investigator shall work with the Compliance Officer/Title IX Coordinator to assess the anticipated scope of the investigation, who needs to be interviewed and what records may be relevant to the investigation.

The investigator shall conduct an adequate, reliable and impartial investigation. The complainant and the accused may suggest additional witnesses and provide other evidence during the course of the investigation. When the initial complaint involves allegations relating to conduct which took place outside of school or school-sponsored activities, the investigation may include inquiries related to these allegations to determine whether they resulted in continuing effects such as harassment in school settings.

The investigation may consist of individual interviews with the complainant, the accused, and others with knowledge relative to the allegations. The investigator may also evaluate any other information and materials relevant to the investigation. The person reporting the alleged discrimination, parties, parents/guardians and witnesses shall be informed of the prohibition against retaliation for anyone's participation in the process and that conduct believed to be retaliatory should be reported. All individuals providing statements or other information or participating in the investigation shall be instructed to keep the matter confidential and to report any concerns about confidentiality to the investigator.

If the investigation reveals that the conduct being investigated may involve a violation of criminal law, the investigator shall promptly notify the Compliance Officer/Title IX Coordinator, who shall promptly inform law enforcement authorities about the allegations.

The obligation to conduct this investigation shall not be negated by the fact that an investigation of the allegations is pending or has been concluded. The investigator should coordinate with any other ongoing investigations of the allegations, including agreeing to requests for a short delay in fulfilling Dock Mennonite Academy's investigative responsibilities during the fact-finding portion of a criminal or investigation. Such delays shall not extend

beyond the time necessary to prevent interference with or disruption of the criminal investigation.

Step 3 – Investigative Report

The investigator shall prepare and submit a written report to the Compliance Officer/Title IX Coordinator within twenty (20) school days of the initial report of alleged discrimination, unless the nature of the allegations, anticipated extent of the investigation or the availability of witnesses requires the investigator and the Compliance Officer/Title IX Coordinator to establish a different due date. The parties shall be notified of the anticipated date the investigative report will be completed and of any changes to the anticipated due date during the course of the investigation.

The report shall include a summary of the investigation, a determination of whether the complaint has been substantiated, the information and evaluation that formed the basis for this determination, whether the conduct violated this policy or any other policy or law that may warrant further action, and a recommended disposition of the complaint. An investigation into discriminatory harassment or sexual harassment shall consider the record as a whole and the totality of circumstances in determining whether a violation of this policy has occurred, recognizing that persistent and pervasive conduct, when taken together, may be a violation even when the separate incidents are not severe.

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