

MILTON ACADEMY  
SEXUAL MISCONDUCT POLICY  
2018-2019

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## INTRODUCTION

A stand-alone Sexual Misconduct Policy provides access to all relevant policies and procedures for Milton community members. The policy includes three main sections: community-wide policies, Upper School student-specific policies, and employee-specific policies. The community-wide section provides clear and consistent standards for our entire community, outlines the ways that the School takes a strong stance against sexual misconduct, and facilitates an open discussion of these difficult issues. The student and employee sections provide information on Milton’s response process, including how to report incidents, investigation protocols, and services and resources available to victims.

## COMMUNITY-WIDE POLICIES AND PROTOCOLS

### INTRODUCTION

Milton Academy (the “School”) is committed to providing a safe, respectful and supportive living, learning and working environment, free from sexual misconduct, in which all members of the community can thrive and succeed. The School’s Sexual Misconduct Policy (the

“Policy”) is designed to uphold this commitment and to create a consistent standard for responding to reports and keeping the community safe. The Policy, which applies to all members of the community (students, employees and parents), defines key terms, prohibited conduct, and protections related to sexual misconduct. Additionally, the Policy outlines relevant protocols and procedures for reporting, investigating and resolving incidents and allegations of sexual misconduct.

The School prohibits unlawful discrimination and harassment, including sexual misconduct, by or towards students, employees or visitors. Such prohibition extends to the community regardless of actual or perceived age, race, color, sex, gender, gender identity, gender expression, religion, national origin, disability, sexual orientation, or any other legally protected class. Sexual misconduct is prohibited at all times in all places, on or off campus. The prohibition extends to all forms of communication, including direct personal interactions, electronic or voice communication, postings on blogs, social networking sites, web forums, and other media.

The purpose of the Policy is to:

- Educate the community about sexual misconduct.
- Outline key reporting mechanisms.
- Provide contact information for key individuals involved in the reporting and response process.
- Establish protocols for the investigation of reports of sexual misconduct.
- Define the consequences of sexual misconduct and disciplinary procedures.
- Provide information on confidentiality, retaliation, immunity, sanctuary, mandatory reporting and other key policies.

The Policy will be reviewed and updated annually. Information on changes, updates or amendments to the Policy will be provided to students and parents at the start of each school year. Employees will be notified annually during opening of school meetings. In addition, faculty and staff will receive this policy through PolicyTech, our online policy management system.

#### Sexual Misconduct Response Team

The Sexual Misconduct Response Team at Milton Academy is made up of the individuals involved in the response to incidents and reports of misconduct. This includes those responsible for investigation, discipline, providing access to services and support for victims, and other related duties. The creation of this team allows the School to operate in a clear and consistent manner, and allows the School to provide a fair and equitable process for all parties.

Sexual Misconduct Response Coordinator for Milton Academy: Provides coordination for the prevention and response strategy for all of Milton Academy

- Deborah O'Toole, chief human resources officer

Sexual Misconduct Response Coordinator for the Upper School: Provides guidance to a sexual misconduct investigation in the Upper School, answers questions of policy and procedure

- David Ball, Upper School principal

Sexual Misconduct Response Investigator: Focuses on executing an equitable and standardized investigation process

- José Ruiz, Upper School dean of students - for students
- Emily Cincotta, assistant director of human resources - for employees

Student Support Coordinator: Assists the student victim in the recovery process; provides access to resources

- Lisa Morin, director of counseling

Sexual Misconduct Discipline Committee Membership for Students:

- Jackie Bonenfant, academic dean
- André Heard, associate dean of students
- Class deans
- Faculty members

Sexual Misconduct Discipline Committee Membership for Employees

- Administrative Council (Ad Council) members
- Staff Committee members

Sexual Misconduct Sanctioning Official: Hears discipline recommendations from the discipline team that hears a misconduct case

- Todd Bland, head of school

Sexual Misconduct Appeals Official: Determines whether an appeal may be considered

- Deborah O'Toole, chief human resources officer and sexual misconduct response coordinator

## KEY TERMS, DEFINITIONS AND POLICIES

### DEFINITIONS OF PROHIBITED CONDUCT

The behavior and actions described in this section are prohibited by this Policy. References in the Policy to “sexual misconduct” include all behavior or actions described in this section. This list is not exhaustive.

*Dating Violence:* Dating violence is sexual misconduct, as defined below, that takes place between individuals who are in a romantic or intimate relationship.

*Retaliation:* Any form of intimidation, reprisal, bullying, or harassment directed against a student, employee, or a third party who reports sexual misconduct, provides information during an investigation of sexual misconduct, witnesses, has reliable information about an incident of sexual misconduct or otherwise assists in the enforcement of this Policy.

*Sexual Assault:* The term sexual assault refers to sexual contact or behavior that occurs without consent of the victim. Some forms of sexual assault include:

- Attempted rape;
- Fondling or unwanted sexual touching;
- Forcing a victim to perform sexual acts, such as oral sex or penetrating the perpetrator's body; or
- Penetration of the victim's body, also known as rape.

*Sexual Exploitation (including technological exploitation):* Taking sexual advantage of another person without effective consent, including, without limitation, (1) causing or attempting to cause the incapacitation of another person to gain a sexual advantage over such other person, (2) causing the prostitution of another person, (3) recording, photographing or transmitting identifiable images of private sexual activity or the intimate parts of another person, (4) allowing third parties to observe private sexual acts, (5) engaging in voyeurism, or (6) knowingly or recklessly exposing another person to a significant risk of sexually transmitted infection, including HIV.

*Sexual Harassment:* A form of sex discrimination that involves unwelcome advances, requests or conduct of a sexual nature when: (1) submission to or rejection of such advances, requests or conduct are made an explicit or implicit term or condition of an individual's employment or academic status, or a basis for the evaluation of an academic; or (2) such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's employment or education by creating a hostile, intimidating, humiliating, demeaning or sexually offensive work, educational, residential or social environment.

- *Hostile Environment:* Sexually harassing conduct (which can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal or physical conduct of a sexual nature) by any employee, student, or a third party that is sufficiently severe, persistent or pervasive to limit an individual's ability to participate in or benefit from an education program or activity, or to create a hostile or abusive educational or work environment.

Sexual harassment can be directed from any one person to another, regardless of gender or identity. The victim does not have to be the person at whom the unwelcome sexual conduct is directed. The victim may also be someone who is affected when observing such conduct directed toward another person. For example, inappropriate attempts at humor or the sexual harassment of one individual directed at another may create an intimidating, hostile, or offensive working or educational environment for another who witnesses the exchanges, or unreasonably interfere with that individual's work or educational performance.

*Stalking:* Conduct directed at a specific person that would cause a reasonable person to (1) fear for his or her safety or the safety of others or (2) suffer substantial emotional distress.

*Statutory Rape:* Sexual contact with an individual who is below the legal age of consent. In Massachusetts, the legal age of consent is 16 years old.

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## PROHIBITION OF SEXUAL RELATIONSHIPS BETWEEN STUDENTS AND EMPLOYEES

Under no circumstances will a sexual relationship between any employee or adult member of the community (someone over 18 years of age, not in the status of student) and a Milton Academy student (K-12) be construed as consensual. Romantic or sexual contact between students and employees is strictly prohibited and will lead to the employee's termination. The School retains the right to terminate the employment of an adult discovered to be in romantic or sexual contact with a student, even if no complaint has been made under this policy. In addition, employees are advised that engaging in sexual contact with a student under the age of 16 constitutes statutory rape and is a criminal offense. Abuse of a child under the age of 18, including sexual abuse, or physical or emotional abuse involving sexual contact or sexual overtones, are offenses that must be reported to the appropriate authorities. Employee behavior with respect to students must be above suspicion. Employees should avoid even the appearance of an improper relationship with students. Failure to abide by this policy will result in disciplinary action, up to and including termination, as well as civil and/or criminal liability.

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## DEFINING CONSENT

Consent is defined as words or actions that show a knowing and voluntary agreement to engage in mutually agreed-upon sexual activity. Effective consent cannot be gained by force, by ignoring or acting in spite of the objections of another (unless those objections have been knowingly and voluntarily withdrawn), or by taking advantage of the incapacitation of another if the accused knows—or a sober, reasonable person in position of the accused should have known—of such incapacitation. Effective consent is also absent when the activity in question exceeds the scope of effective consent previously given or when effective consent previously given for the activity in question has been withdrawn.

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## CONFIDENTIALITY

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### FUNCTIONS AND LIMITATIONS OF CONFIDENTIALITY

When investigating a report of sexual misconduct, all School employees must uphold confidentiality to the greatest extent possible. During an investigation into a report or complaint of sexual misconduct, information will be shared with employees only on a need-to-know basis (see below, "Understanding 'Need-to-Know' Basis") and in accordance with practices that allow for an effective investigation and resolution. Because information

must be shared in order to conduct effective investigations under this Policy, the School cannot promise strict confidentiality to individuals reporting allegations of violations of this Policy. All individuals involved in the response process will be made aware of the consequences of any unnecessary breach of confidentiality regarding the report, its investigation, or the resolution, as well as the potential disciplinary repercussions (including dismissal or termination).

It is essential to note that in all cases, issues of confidentiality must be balanced against the School's need to investigate and take appropriate action (including adherence to state laws on mandatory reporting—see “Legal Requirements” section), and confidentiality will be considered in light of the School's responsibility to provide a safe, healthy and nondiscriminatory environment for all community members, including the individual who reported the sexual misconduct or retaliation.

In the event the School must disclose any personally identifying information about a victim, whether compelled by statute, court order or other process, the School will make reasonable attempts to provide notice to the victim and take any and all steps necessary to protect the privacy and safety of the victim affected by the disclosure.

In instances where the accused poses a serious and immediate threat to the community, the School may decide to issue a community-wide warning or remove the accused from campus; however, no information identifying the victim will be disclosed at any time during such an alert.

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#### UNDERSTANDING “NEED-TO-KNOW” BASIS

If a student reports an incident of sexual misconduct on their behalf or on the behalf of another student, information will be shared with those individuals who are necessary parties to the investigation, including members of the Sexual Misconduct Response Team, and, as necessary, outside authorities to whom the School has reporting obligations.

If an employee reports an incident of sexual misconduct on their behalf or on the behalf of another employee, information will be shared with those individuals who are necessary parties to the investigation, including members of the Sexual Misconduct Response Team, and if there is a question about whether a crime has been committed, legal authorities.

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#### VICTIM SERVICES AND ACCOMMODATIONS

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##### RESOURCES AND REFERRALS FOR IMMEDIATE AND ONGOING ASSISTANCE

The School is committed to ensuring that victims of sexual misconduct receive appropriate access to victim support services, as well as academic, housing, protective, or safety-related accommodations. Any individual affected by sexual misconduct is eligible to access support



services on campus. Contact information, as well as details on requesting accommodations, can be found in the Student and Employee sections below.

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## CONFIDENTIALITY AND PRIVILEGED INFORMATION

Confidentiality is vital to the relationship between a counselor and a student at Milton Academy. From a clinical perspective, confidentiality is important in building trust with adolescents and is a core tenet of the counseling relationship. Students can share most information with the understanding that it will not be shared with parents or members of the School. Counselors and nurses at Milton Academy are bound by laws of HIPAA (Health Insurance Portability and Accountability Act). Students are verbally told about laws of confidentiality when they meet with a counselor, and this is also described in affective education classes, assemblies, and dorm talks from counselors.

In situations of sexual misconduct, the counselors and nurses must report to the Sexual Misconduct Response Coordinator. In addition, counselors and nurses are mandated reporters and will have to report certain information when safety is compromised, including when an instance of sexual misconduct is disclosed. For example, in situations where medical attention is needed, the nurses and counselors will need to report some information to the medical providers in order to ensure the student receives comprehensive care. The number of people informed is limited to those necessary to ensure the student is safe and receives proper care and for the School to respond most effectively to the misconduct.

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## REPORTING OPTIONS

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### REPORTING SEXUAL MISCONDUCT TO THE SCHOOL

Milton Academy encourages students who are victims of sexual misconduct to talk to someone about their experience so that they can get the support they need and the School can respond appropriately. A report may be made by:

- A person who experienced sexual misconduct; and/or
- A person who has information that sexual misconduct may have been committed by a member of the Milton Academy faculty, staff, or student body.

This section of the Policy describes, below, the various reporting and disclosure options available to students so that they can make informed choices about where to turn should they become a victim of sexual misconduct.

As described in the “Confidentiality” section, while Milton Academy employees have differing obligations or duties with respect to maintaining a victim’s confidentiality, the privacy of student information is respected at all times. Even when a victim’s complete

confidentiality cannot be maintained, information is shared among a small number of School personnel solely to the extent required to help ensure that the School responds appropriately to a report of sexual misconduct. In those limited situations (discussed below) in which the School concludes that it must investigate and take action against an accused student, information may be shared as necessary in connection with the investigation. Milton Academy encourages victims to talk to someone identified below.

Any member of the Milton Academy community, including students as well as current faculty and staff, may make a report of sexual misconduct by contacting the following individuals:

- Lisa Morin, director of counseling and student support coordinator, at 617-898-2452 or [lisa\\_morin@milton.edu](mailto:lisa_morin@milton.edu)
- José Ruiz, dean of students and sexual misconduct response investigator, at 617-898-2142 or [jose\\_ruiz@milton.edu](mailto:jose_ruiz@milton.edu)
- Deborah O'Toole, chief human resources officer and sexual misconduct response coordinator for Milton Academy, at 617-898-2186 or [deborah\\_otoole@milton.edu](mailto:deborah_otoole@milton.edu)
- David Ball, Upper School principal and sexual response coordinator for the Upper School, at 617-898-2144 or [david\\_ball@milton.edu](mailto:david_ball@milton.edu)

In the unlikely event that any of the individuals above cannot be contacted, the student, faculty or staff member may reach out to any of the following individuals below, who will connect them with the appropriate person:

- Counselor on call at 617-898-2470
- Administrator on duty at 617-908-0882, weekdays after 6 p.m. or any time during weekend hours
- Campus Safety at 617-898-2911, available 24 hours a day, seven days a week
- Any trusted adult

Reporting sexual misconduct can be difficult and reporters/victims/survivors (or witnesses to such behavior) may experience a multitude of emotions when considering whether or not to report the conduct. Milton Academy encourages reporters/victims/survivors (or witnesses to such behavior) to prioritize their personal safety and physical/emotional well-being. It is also important to consider reporting the conduct so that steps can be taken to prevent this conduct from happening to anyone else. Milton Academy seeks to empower reporters/victims/survivors to know that there are multiple options to address this conduct, both through our disciplinary process and/or through the legal system.

When the School learns of an instance of sexual misconduct, the School will contact the Massachusetts Department of Children & Families (“DCF”) as required under its responsibility as a mandated reporter. Such reports are also made, where appropriate, to the Milton Police Department (“MPD”), including in all instances involving a minor under the age of 18.

Making an intentionally false report violates Milton Academy standards. False reports are defined as the act of making deliberate false and/or malicious accusations of policy violations to the School, as opposed to allegations, which, even if erroneous, are made in good faith.

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#### REPORTING A CRIME TO THE POLICE

The School will notify the police of any instance of suspected sexual assault that involves a student and/or occurs on Milton Academy’s campus. Where a report involves suspected abuse of a minor younger than 18, the School is required by state law to file a report with the DCF (see the “Mandatory Reporting Requirements Section”, below), and School policy requires that a report be filed with the MPD as well.

If you have concerns regarding your safety or the safety of another individual, you may call Campus Safety at 617-898-2911. You may also contact 9-1-1 or Milton Police directly at 617-698-1212.

MPD has officers trained to work with reporters/victims/survivors of sexual misconduct, and MPD can explain the individual’s rights and options. It is important to note that reporting sexual misconduct to MPD or any other law enforcement agency does not require filing criminal charges or pursuing an investigation under School policy. Should a reporter/victim/survivor wish to pursue criminal charges in a sexual misconduct case, MPD can assist in the investigation of the case. Milton Academy will honor a reporter/victim/survivor’s decision to either pursue a law enforcement remedy (i.e., investigation, order of protection) or to decline to do so.

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#### LEGAL REQUIREMENTS

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##### MANDATORY REPORTING REQUIREMENTS

State law requires Milton Academy to report all child abuse or neglect of which it is aware or has reasonable cause to believe has occurred or may be occurring.

More specifically, Massachusetts General Laws, Chapter 119 Section 51A(a) provides that a “mandated reporter” who, in his or her professional capacity, has reasonable cause to believe that a child (under the age of 18) is suffering physical or emotional injury resulting from: (1) abuse inflicted upon them that causes harm or substantial risk of harm to the child’s health or welfare, including sexual abuse; (2) neglect, including malnutrition; or (3) physical dependence upon an addictive drug at birth, must report such condition to DCF. Massachusetts law requires mandated reporters to make an oral report to DCF immediately and submit a written report within 48 hours thereafter.

A “mandated reporter” includes, among other people, public or private school teachers; educational administrators; guidance or family counselors; and early education, preschool, child care or after-school K-12 program employees. As such, all employees at Milton qualify as “mandated reporters” under the law.

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#### AGE OF CONSENT

Massachusetts state law specifically prohibits sexual activity involving persons under the age of 16. When the School becomes aware that such sexual activity has occurred, the School is required to notify DCF. The School will notify the MPD. Actions by DCF may result in criminal consequences beyond the School’s disciplinary process.

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#### RETALIATION

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##### PROHIBITION AGAINST RETALIATION

Retaliation against any individual for filing a report of sexual misconduct or for assisting in the investigation of such a report, is unlawful and will not be tolerated. Retaliation is any form of intimidation, reprisal, bullying or harassment directed against an employee, student or third party who reports sexual misconduct, provides information during an investigation of a report of sexual misconduct, witnesses or has reliable information about any such incident or behavior, or otherwise assists in the enforcement of this Policy. Any act of retaliation by a student or employee will be subject to discipline, up to and including dismissal.

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#### PROTECTIONS

The School will take appropriate steps to prevent retaliation against any member of the community who files a report or complaint of sexual misconduct, either on their own behalf or on the behalf of a third party, or against those who provide information as witnesses. The School considers retaliatory acts as serious as the initial conduct violation. Services and accommodations will be made available to any victim of retaliatory action.

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#### REPORTING RETALIATORY INCIDENTS

All concerns and/or instances of retaliation should be reported immediately to Deborah O'Toole, chief human resources officer and sexual misconduct response coordinator for Milton Academy or David Ball, Upper School principal and sexual misconduct response coordinator for the Upper School.

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#### OTHER KEY TERMS

*Accused:* Anyone who is alleged to have committed an act of sexual misconduct, as described by this Policy.

*Incapacitation:* The physical or mental inability to make informed, rational judgments. States of incapacitation include, without limitation, sleep and blackouts. If alcohol or drug use is involved, incapacitation is determined by how the alcohol or drug consumed affects a person's decision-making capacity, awareness of consequences and ability to make informed judgments. Being intoxicated, drunk or under the influence of drugs is not a defense to a complaint of sexual misconduct.

*Intimidation:* The use of threats or other behavior, other than physical force, in order to frighten or compel the target into submitting to sexual activity. Intimidation includes pressure through misuse of authority.

*Victim:* For clarity, this Policy uses the term victim to refer to anyone who alleges that sexual misconduct has occurred, regardless of whether the incident has yet been investigated or substantiated.

#### STUDENT-SPECIFIC SEXUAL MISCONDUCT POLICIES

##### SANCTUARY POLICY AND ITS APPLICATION IN CASES OF SEXUAL MISCONDUCT

Sanctuary is a non-disciplinary response to situations in which student safety is compromised. This policy applies in instances of alcohol or drug use or overdose, danger due to physical or psychological distress, or presence in an unsafe environment off campus. Designed to promote greater safety for our students, the Sanctuary Policy, or "Sanctuary," is normally a confidential arrangement among the health center staff, a student, and their family. If Sanctuary is granted, neither the student in jeopardy, nor the student requesting assistance on behalf of another student, will be subject to disciplinary action for violation of the School's drug, alcohol or whereabouts policies. (Please see Section IV, Standards, in the US Student Handbook.)

##### IMMUNITY POLICY FOR VICTIMS OF SEXUAL MISCONDUCT

Milton recognizes that a student in violation of major school rules at or near the time of an incident of sexual misconduct may be hesitant to report the misconduct due to the fear of potential disciplinary consequences. The intent of the School's Immunity Policy is to encourage victims to report potential misconduct. Under the Immunity Policy, any student victim who reports an incident of sexual misconduct will be granted immunity for policy violations, including alcohol, drug or whereabouts violations.

For example, any student who is victimized while under the influence of drugs or alcohol, on or off campus, may report the incident without fear of punishment for violating School policies on drugs and alcohol or whereabouts. Such policy does not prevent the School from addressing the policy violation with the student; however the student will not face formal disciplinary actions. (Please see Section IV, Standards, in the US Student Handbook.)

## STUDENT VICTIM SERVICES AND ACCOMMODATIONS

### REQUESTING SUPPORT SERVICES OR ACCOMMODATIONS

All student requests for support services or accommodations should be made to David Ball, Upper School principal. Requests can be made orally or in writing to Mr. Ball. Mr. Ball's office is in Warren Hall, his email is david\_ball@milton.edu, and his extension is 2144.

In addition to Mr. Ball, health center personnel, including nurses and counselors, are available to discuss options and help students access any assistance that they may need. The Health and Counseling Center is staffed Sunday through Thursday from 7 a.m. through 11 p.m., and Friday and Saturday from 7 a.m. through 11:30 p.m. Counselors can be reached in the Health and Counseling Center from 8 a.m. to 6 p.m., Monday through Friday. After 6 p.m. and over the weekends, a counselor is on call and may be reached at 617-898-2470.

### ACADEMIC ACCOMMODATIONS

Depending on the nature of the incident and its impact on the reporting student, the School may consider a number of interim academic measures, for example:

- Victim and accused do not attend the same classes
- Accused student may be transferred to a different class section
- Reschedule academic assignments or tests
- Access academic support services
- Arrange an incomplete, a leave of absence, or withdrawal from a class without penalty

### RESIDENTIAL LIFE ACCOMMODATIONS

Depending on the nature of the incident and its impact on the reporting student, the School may consider a number of residential life measures, for example:

- Altered dining schedule
- Temporary change of residential house
- Permanent change of residential house

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#### PROTECTIVE AND SAFETY ACCOMMODATIONS

Examples of accommodations that can be made in this area are:

- An adult or Campus Safety escort to ensure the victim can move safely between classes and activities
- Access to campus safety shuttles

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#### HEALTH AND COUNSELING SERVICES

Milton's Health and Counseling Center is located at 348 Centre Street, next to Goodwin and Hathaway houses. Health Center staff work with students to empower them to make good decisions and help them to shape a safe, healthy high school experience. Staff provide educational services, keeping students informed about the numerous options Milton offers to help them, including support and intervention when students are in need. The Health and Counseling Center offers a comfortable, approachable space where students can find warm, empathetic counselors and medical professionals. The Health and Counseling Center is committed to helping students develop their intellectual, social and emotional potential.

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#### SERVICES AVAILABLE

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##### HEALTH

The Health and Counseling Center is staffed 24 hours a day, seven days a week, by registered nurses who work in conjunction with counselors and are well versed and trained in the appropriate response to sexual assault. The staff understands the sensitive and confidential nature of sexual assault, and students can expect to be offered medical care as needed, comforting support, and appropriate referrals. Nurses receive training from the Massachusetts Sexual Assault Nurse Examiner (SANE) program through the Massachusetts Department of Public Health. In addition, the health center has a sample rape kit that can be used as a teaching tool to help victims of sexual assault understand the process that would take place at a crisis center if they choose that option of care. To ensure that students feel well supported and cared for, nurses collaborate closely with counselors on all matters related to reports of sexual assault.

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##### COUNSELING

Students who have disclosed that they are affected by sexual misconduct will have individual therapy available to them at the Health and Counseling Center. All full-time

counselors at Milton Academy are independently licensed therapists (e.g., LICSW, LMHC, PsyD, PhD), and have been trained in trauma-centered therapy. Counselors are versed in off-campus therapy, crisis services, and health interventions, and can provide referrals to students who would like more support.

Students should feel empowered to seek answers to questions for themselves and their friends. A student can feel free to ask about support without a counselor drawing the conclusion that the student has been directly affected by sexual misconduct. Students may talk to a counselor about off-campus resources, which are available to all students, without disclosing additional details. The health and safety of all individuals is paramount. However, if a counselor has enough information that a sexual misconduct did take place, they will be mandated to report.

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#### CONTACTING THE HEALTH CENTER

A nurse is available to students 24 hours a day, seven days a week either on site at the Health and Counseling Center located on east campus or on call. The Health and Counseling Center is staffed Sunday through Thursday from 7 a.m. through 11 p.m., and Friday and Saturday from 7 a.m. through 11:30 p.m. A nurse is available on call after hours, and may be reached at 617-898-2470.

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#### CONTACTING THE COUNSELING CENTER

While school is in session, a counselor is available to students 24 hours a day, seven days a week either on site at the Faulkner House Health and Counseling Center located on east campus or on-call. A counselor is available at the Health and Counseling Center Monday through Friday from 8:00 a.m. through 6:00 p.m. After 6:00 p.m. and over the weekend, a counselor is on call and may be reached by calling 617-898-2470.

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#### OTHER AVAILABLE RESOURCES

The following resources can help to provide immediate and ongoing assistance, both on and off campus, following an incident of sexual misconduct:

Milton Police Department

- 617-698-1212

Boston Area Rape Crisis Center (BARCC)

- 800-841-8371
- [www.barcc.org](http://www.barcc.org)
- BARCC provides a 24-hour hotline, 24-hour medical advocacy, individual and group counseling, legal advocacy, and case management.



Boston Children's Hospital

- 617-636-5467

RAINN (Rape, Abuse & Incest National Network)

- [www.RAINN.org](http://www.RAINN.org)
- RAINN provides free, confidential support services for victims of sexual misconduct. While RAINN staff are mandatory reporters, callers or individuals using chat services are not required to disclose their name, age, or any contact information in order to receive support. Services are available for any person affected by sexual misconduct, including friends, family and peers.

## STUDENT REPORTING PROCESS

### REPORTING TO THE SCHOOL:

Any student or third party (e.g., parent or guardian) who witnesses or feels that they or any other student has been the victim of sexual misconduct is strongly encouraged to report the matter promptly to any School employee. All employees have been trained on reporting duties, including mandatory reporting obligations. All alleged violations of the Sexual Misconduct Policy will be forwarded to the dean of students for investigation.

Reports of sexual misconduct may be made orally or in writing (via email or otherwise), and/or anonymously. If a report is made anonymously, although the School will investigate, in most cases the School is unable to take any disciplinary action against a student solely on the basis of an anonymous report, because the information is insufficient.

Many students may choose to disclose or report sexual misconduct to a member of counseling staff. Counselors may be present with a student victim when the report is made to the dean of students. As such, the dean of students may 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 purpose of the investigative process or disciplinary process.

Any student, parent, or other third party who does not feel comfortable reporting sexual misconduct against a student, for any reason, may make their report to any employee at the School. The School has also designated the following individuals as reporting officials:

- Todd Bland, head of school, 617-898-2200 or [todd\\_bland@milton.edu](mailto:todd_bland@milton.edu)
- Deborah O'Toole, chief human resources officer and sexual misconduct response coordinator, 617-898-2286 or [deborah\\_otoole@milton.edu](mailto:deborah_otoole@milton.edu)

Reports will be accepted at any time, and the School encourages victims or witnesses to report older incidents of which they are aware. However, we encourage reporting new misconduct as soon as possible after it occurs, to allow for a prompt and thorough investigation.

A student who knowingly makes a false accusation of sexual misconduct will be subject to disciplinary action, up to and including dismissal.

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## MANDATORY REPORTING AND PARENTAL NOTIFICATION

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### MANDATORY REPORTING

Reports of sexual misconduct to the School may trigger the School's mandatory reporting obligations as described in section 1, "Community-Wide Policies." While state law does not allow the School to maintain complete confidentiality, we will disclose information with the utmost sensitivity to those involved.

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### PARENTAL NOTIFICATION

If the School is required to make a report to external authorities, the School will notify the guardians of all students identified in the report. In addition, the School will notify the guardians of all students interviewed by School officials during an investigation of sexual misconduct, regardless of the School's reporting obligations. Notification will, to the degree possible, follow these guidelines:

- School officials will explain the need to notify guardians to students before making the notification.
- School officials will help students decide how best to notify guardians.
- School officials will follow principles of confidentiality as described above to the greatest degree possible when making such notifications.

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## INVESTIGATIONS INTO STUDENT SEXUAL MISCONDUCT

Milton's response process, including a formal investigation, will begin immediately upon receiving the report of misconduct. However, in order to avoid interfering with a criminal investigation, if the incident requires Milton to file a police report or a 51A report with Department of Children & Families, Milton will not collect additional evidence nor conduct additional interviews with relevant parties until authorized by the Milton Police Department or DCF.

Once Milton is able to move forward, the dean of students or designee will promptly conduct an impartial investigation of the incident. The nature and extent of the investigation

will depend upon the circumstances of the report and may include, without limitation, interviews with:

- the person who filed the report (if a third party);
- the victim;
- the person or persons against whom the report was made (i.e., the accused); and
- any students, employees or other persons who witnessed or who may otherwise have relevant information about the incident or the involved student(s).

In all interviews, students may elect to have a counselor, an advisor, or another trusted faculty or staff member present, although students may not normally ask to have more than two adults present. Parents and guardians, including guardians who are employed by Milton Academy, may not be present for these interviews. The dean of students will remind all adults present for these interviews of the School's confidentiality policy in sexual misconduct investigations.

The investigation will be handled in as expeditious a manner as possible, given the facts and circumstances. The dean of students will meet with both the victim and the accused to discuss the timeline of the investigation. The dean of students will also share this information, in person, by phone, or electronically, with the students' guardians, advisors, and, at the request of students, a selected faculty member. Any concerns about the investigative process, timeline or processes can be addressed with the dean of students, the Upper School principal or the School's sexual misconduct prevention and response coordinator.

- José Ruiz, dean of students, 617-898-2142 or [jose\\_ruiz@milton.edu](mailto:jose_ruiz@milton.edu)
- David Ball, Upper School principal, 617-898-2144 or [david\\_ball@milton.edu](mailto:david_ball@milton.edu)
- Deborah O'Toole, chief human resources officer and sexual misconduct response coordinator, 617-898-2286 or [deborah\\_otoole@milton.edu](mailto:deborah_otoole@milton.edu)

## STUDENT DISCIPLINARY PROTOCOLS

### OVERVIEW AND DETERMINATIONS

The School will pursue an investigation into any and all reports of sexual misconduct, regardless of whether the accused has left the campus. Upon completion of the investigation, the Upper School principal will convene the Sexual Misconduct Discipline Committee. Given the sensitive nature of sexual misconduct, this committee will be composed of seven adults: the dean of students and six faculty members, all of whom have received training in responding to instances of sexual misconduct. The principal, as the sexual misconduct coordinator for the Upper School, will chair the committee but will not serve as a voting member.

Sexual Misconduct Committee Discipline Committee procedures

- The dean of students or his designee will present a written report outlining the findings of the investigation.
- Based on the findings of the investigation, the committee will determine whether a violation of the sexual misconduct policy has occurred.
- The committee may determine that although there was no violation of the sexual misconduct policy, a violation of another School policy may have occurred. In such situations, the committee will recommend that the dean of students follow the appropriate investigatory and sanctioning procedures for the misconduct discovered.
- If the committee finds, by a preponderance of evidence (i.e., more likely than not) that a student has violated the Sexual Misconduct Policy, it will follow these procedures for recommending a disciplinary response.
  - The student(s) will appear before the committee to discuss the case and to answer questions from the Sexual Misconduct Discipline Committee members. Both the case statement and the catalogued items from the previous record will be presented to the student for discussion.
  - A student's advisor may be present during the hearing, when possible. The advisor will share a personal perspective and provide a character reference for the student. The advisor will be asked to leave prior to the committee's discussion of disciplinary response.
  - The Sexual Misconduct Discipline Committee will determine a recommended penalty after review of the charge(s), the student's previous record, and the circumstances of the case, including how it came to light. Items of fact not included in the previous record may not be considered unless the student is granted an opportunity to comment upon them.
  - The committee is guided by the chair to reach a consensus in recommending a particular response to the head of school.
  - In the occasional case when the committee exonerates a student, the meeting is not considered an "appearance" before the committee.
  - Once the a decision has been made, both the complainant and the respondent will be notified by the dean of students. Each party will meet with the dean of students and be notified of the committee's decision, referencing the supporting information that the committee relied on from the investigation. If the decision results in disciplinary action which includes separation from campus, the response will be imposed immediately, regardless of whether an appeal has or will be filed.
  - The dean of students, or designee, will designate one member of the Sexual Misconduct Discipline Committee to act as secretary and record the proceedings, which will be entered in the Sexual Misconduct Discipline Committee's permanent record book. A statement of the charge and of the

penalty will be placed in the student's folder. This information will be removed from the folder at the time of the student's graduation.

- A public statement of the charge, penalty and other brief comments that may be announced to the class assemblies shall be discussed by the Sexual Misconduct Discipline Committee.

The head of school retains final authority over all disciplinary matters at Milton Academy and may, in their discretion, make all final decisions regarding discipline. This includes the decision, in any instance and for any reason, to exercise jurisdiction over a disciplinary matter rather than referring the matter to the School's normal disciplinary channels or any committee or person.

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## SANCTIONS

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### OVERVIEW

Disciplinary consequences imposed for violations of the Sexual Misconduct Policy may include any form of discipline that the School imposes for other violations of its rules and policies, up to and including dismissal.

In its determination of sanctions, the committee will consider

- the victim's continued participation in academic, housing and extracurricular life at the School,
- the impact of the perpetrator's actions on the community, including any potential negative effect that their continued involvement at Milton may have upon reporting rates, and
- the emotional and/or physical impact the perpetrator's actions have had on the victim and the community.

The committee will make its recommendation to the head of school, who will determine the School's disciplinary response.

Once the results of the adjudication have been determined, both the victim and the accused will receive simultaneous written notice regarding the outcome of the investigation, and the option to appeal the decision (see the "Student Appeals" section). Milton will not require either party to abide by a nondisclosure agreement and will not place any limitations on the student's discussion or disclosure of information related to the incident of sexual misconduct in question, or the outcome of the proceedings.

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### COMMUNICATION OF RESPONSE

Unless the facts and circumstances of the case must remain confidential at the discretion of the dean of students, the Upper School principal, or head of school, a public announcement including the student's name, the general nature of the offense, and the disciplinary response may be made to the School as soon as possible in cases of suspension and dismissal. At no time will the name of any reporting victim be disclosed by the School. Normally, this statement will be read in morning assembly. The School may choose to communicate more or less information depending on the circumstances of the situation and at the discretion of the administration. At all times, the communication of the disciplinary response will be discussed with the victim prior to the release to the student body, and every effort will be made to support and protect the victim's privacy.

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#### REPORTING TO TRANSFER SCHOOLS AND COLLEGES

Many colleges and secondary schools ask the School and the applicant whether the applicant has ever been suspended or dismissed from the School. The School will answer these questions truthfully and expects students to do the same. Whether a college or secondary school asks or not, the School will report all suspensions and dismissals that have resulted from serious integrity violations, including violations of the sexual misconduct policy.

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#### VOLUNTARY WITHDRAWALS AMIDST PENDING SEXUAL MISCONDUCT POLICY VIOLATIONS

Students are not allowed to withdraw from the School in the face of discipline. Therefore, students may not withdraw from school once the School has received an allegation of sexual misconduct.

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#### APPEALS

The sanctions accepted by the head of school will be final, except for an appeal based on not following procedure or due to new information that was not available at the time of the investigation. Appeals may be made to the sexual misconduct response coordinator. Appeals may be made verbally or in writing as soon as practicable, and ideally within three (3) business days of receiving a decision. The sexual misconduct response coordinator will review the appeal promptly.

- If a procedural issue is identified, the sexual misconduct response coordinator will assess whether the identified issue is one that affected the investigator's recommendations and the sanctioned decision. If so, the sexual misconduct response coordinator will either ask the investigation team to correct the procedural error and reconsider the circumstance, or reassign evaluation of the complaint to another team. The circumstance will only be reassigned if it appears to the sexual misconduct response coordinator that the procedural issue is so grave that the investigation team cannot reconsider the facts.
- If a piece of information that was not available at the time of the investigation is presented, the sexual misconduct response coordinator will provide the information

to the investigation team and ask them to reconsider the case with the newly discovered information.

If any appeal results in a reconsideration of the case, a recommendation, based on this reconsideration, will be sent to the head of school, as the sanctioning official.

## EMPLOYEE-SPECIFIC SEXUAL MISCONDUCT POLICIES

### EMPLOYEE VICTIM SERVICES AND ACCOMMODATIONS

The School is committed to ensuring that employee victims of sexual misconduct receive appropriate access to victim support services, as well as any necessary or requested protective or safety-related accommodations.

For more information about employee benefits, including leaves of absence, please refer to the *Personnel Policies Manual*.

### RESOURCES AND REFERRALS FOR IMMEDIATE AND ONGOING ASSISTANCE

Employees who would like to request services, accommodations, or resources through the School may do so by contacting:

- Emily Cincotta, assistant director of human resources, 617-898-2287 or [emily\\_cincotta@milton.edu](mailto:emily_cincotta@milton.edu)
- Deborah O'Toole, chief human resources officer and sexual misconduct response coordinator, 617-898-2286 or [deborah\\_otoole@milton.edu](mailto:deborah_otoole@milton.edu)

### OTHER AVAILABLE RESOURCES

#### Boston Area Rape Crisis Center (BARCC)

- 800-841-8371
- [www.barcc.org](http://www.barcc.org)
- BARCC provides a 24-hour hotline, 24-hour medical advocacy, individual and group counseling, legal advocacy, and case management.

#### RAINN (Rape, Abuse & Incest National Network)

- [www.RAINN.org](http://www.RAINN.org)
- RAINN provides free, confidential support services for victims of rape and sexual assault. Services are available for any person affected by sexual misconduct, including friends, family and peers.

#### Employee Assistance Program—The Standard

- 888-293-6948
- [www.eapbda.com](http://www.eapbda.com); enter “standard” as the login and “eap4u” as the password
- The Standard provides clinicians who will confidentially consult with you over the telephone, and direct you to the solutions and resources you need.

## EMPLOYEE REPORTING PROCESS

### REPORTING PROCESS

Any employee or third party who witnesses or feels that they or any other individual has been the victim of sexual misconduct is strongly encouraged to report the matter promptly to the sexual misconduct response coordinator, a manager, or any member of the human resources department.

### CONFIDENTIAL REPORTING OPTIONS

Milton Academy has an agreement with a third-party anonymous reporting provider, Ethicspoint, so that faculty and staff can report misconduct, including sexual misconduct, anonymously. Ethicspoint provides employees with the ability to make online reports at <https://secure.ethicspoint.com/domain/media/en/gui/25347/index.html>, and by telephone at 866-228-7418. Ethicspoint is designed to ensure that any communications will remain as confidential as possible in accordance with the individuals who make reports using this option.

### EXTERNAL REPORTING OPTIONS

In addition to the above internal processes for resolving complaints, employees who believe they have been subjected to unlawful sexual harassment, harassment based on other protected categories, discrimination in the workplace, and/or retaliation for making or cooperating in the investigation of a complaint, may file a complaint with either or both of the federal and state government agencies set forth below. These agencies provide further information and assistance concerning your legal rights. Using Milton's complaint process does not prohibit an individual from filing a complaint with these agencies. The agencies are:

Massachusetts Commission Against Discrimination (MCAD)

Boston Office:  
1 Ashburton Place, Suite 601  
Boston, Massachusetts 02108  
617-994-6000

Springfield Office:  
436 Dwight Street  
Second Floor, Room 220  
Springfield, Massachusetts 01103  
413-739-2145

Equal Employment Opportunity Commission (EEOC)  
J.F.K. Federal Building



475 Government Center  
Boston, Massachusetts 02203  
800-669-4000

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## MANDATORY REPORTING OBLIGATIONS

State law allows private educational institutions such as Milton to identify one person at the institution as a “designated filer” for the institution. A mandated reporter who suspects neglect or abuse can notify that person, who will then be charged with notifying the Department of Children & Families via the formal Department of Children & Families filing process. The designated filer at Milton is the head of school. The head of school has delegated this authority to the chief human resources officer and the director of counseling. Thus, if any employee has reason to believe that a student at Milton Academy is being abused or neglected, that employee should inform the chief human resources officer or the director of counseling, who will guide the filing process. Notwithstanding the foregoing, all employees have the right to file a complaint with the Department of Children & Families on their own, should they wish to do so. However, if employees do so, we ask that they inform the chief human resources officer or the director of counseling before filing the complaint or as soon as possible thereafter, so that the School can be aware of the filing and ensure that all proper internal steps are followed.

A person to whom abuse or neglect has been reported should inform the reporting student that this information cannot be kept confidential and must be reported to the director of counseling, chief human resources officer, or head of school, and the Department of Children & Families. The role of the School is not to investigate the allegations of abuse or neglect, or to try to determine if they have actually occurred, but to report them in a timely manner to the Department of Children & Families, who will conduct the investigation. Child abuse or neglect is reported to child protective services in the geographic region where the abuse or neglect occurred (e.g., Boston, MA; New York, NY; Chicago, IL).

In addition, when a child’s life is in immediate danger from the individual who is abusing them, the chief human resources officer, director of counseling or head of school will call the police.

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## INVESTIGATIONS INTO EMPLOYEE SEXUAL MISCONDUCT

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### OVERVIEW

The School will pursue an investigation into all reports of sexual misconduct, regardless of whether the accused is currently employed by Milton. Upon receipt of a credible allegation of sexual misconduct against an employee, the employee will be temporarily removed from all interaction with students.

The School is committed to following all internal investigation procedures to ensure a fair and equitable process for both the victim and accused. The School will investigate all potentially credible reports or information of employee sexual misconduct, including formal or informal complaints, observations of child abuse or suspicious behavior, and rumors or anonymous reports of abuse or misconduct. The School also has a right to investigate alleged sexual misconduct even if no complaint or report has been filed. All investigations will be conducted within a reasonably prompt timeframe.

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## INVESTIGATORS AND PROCESS

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### COMPLAINTS INVOLVING ADULTS (I.E., EMPLOYEE, ADULT VISITOR, CONTRACTOR)

An allegation of sexual misconduct between adults (employees, adult visitors, contractors) can be made to any manager, although ideally it is made to the sexual misconduct response coordinator or any member of the human resources department. The sexual misconduct response coordinator will be immediately notified about any allegation of sexual misconduct.

Once notified, the sexual misconduct response coordinator will notify the head of school and the assistant director of human resources. The sexual misconduct response coordinator will meet with the victim and the accused (separately) to ensure they have the support they need in the face of the allegation. The Health and Counseling Center will provide counseling referrals, if requested. Contact information for the Milton Police Department will be provided in the event that a crime has been committed. In addition, specific information about the employee assistance program will be provided, and where appropriate, information about resources specializing in sexual misconduct will be provided. The sexual misconduct response coordinator will also determine whether there are any actions that need to be taken immediately in response to the allegation (e.g., administrative leave, alteration of schedule).

After these initial conversations, the sexual misconduct response coordinator will be available for consultation to the assistant director of human resources, who will commence the investigation. The assistant director of human resources will partner with a member of the Ad Council to conduct an internal investigation. The investigators will gather facts, review the submissions of the parties, and conduct confidential interviews with any necessary parties, including the reporter, the accused and all other individuals. Depending upon the nature of the claim, one or more of the investigators (or their designees) may meet with witnesses whom they believe may assist in the factual investigation, and/or review documents they believe may assist in the factual investigation. Following its investigation, the investigators will provide a confidential report with findings of fact to a committee comprised of two peers (faculty or staff) and a member of the Ad Council. This team will recommend disciplinary action, up to and including the termination of employment, to the head of school. The head of school will either accept, reject or modify the discipline recommendation. At the conclusion of the investigation process, the complainant and

accused will be informed of the outcome. Depending on the circumstances, the confidential report, or a summary of the confidential report, may be shared with them.

In no circumstance is the reporter or the accused required to retain legal counsel; however, should either party choose to do so, it will be at the expense of the individual.

If external proceedings (civil or criminal litigation) are initiated by the accused, the indemnification provisions of Milton's by-laws will apply.

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## COMPLAINTS INVOLVING AN EMPLOYEE AND A STUDENT

### CURRENT EMPLOYEES

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Complaints alleging sexual misconduct between a current employee and a student may be made to any trusted adult, in accordance with Milton's Sexual Misconduct Policy (see also [Milton's Decision Tree](#)). After ensuring the student is cared for, the adult receiving the complaint will immediately notify the head of school and the sexual misconduct response coordinator about the allegation. Upon hearing a credible allegation, the employee will be placed on paid administrative leave. Simultaneous notifications will be made to the president of the Board of Trustees, the Ad Council member responsible for the employee, and the student's parents. A 51A report will be filed with the Department of Children & Families and the Milton Police Department. To ensure that the student is receiving support and that the employee's rights are being fairly upheld, the student response coordinator, dean of students, and assistant director of human resources will be notified about the allegation.

Milton's response process, including a formal investigation, will begin immediately upon receiving the report of misconduct. However, in order to avoid interfering with a potential or ongoing criminal investigation, after making a police report of 51A, Milton will not collect additional evidence or conduct additional interviews with relevant parties until authorized by the MPD.

Once authorized, Milton will commence an independent internal investigation. This investigation will be conducted by an impartial investigator who is not a School employee.

The investigator will gather facts, review submissions of the parties, and conduct confidential interviews with any necessary parties, including the reporter, the accused and all other individuals. Depending upon the nature of the claim, the investigator may meet with witnesses whom they believe may assist in the factual investigation and/or review documents they believe may assist in the factual investigation. Following its investigation, the investigator will prepare and provide a confidential report of findings of fact and any recommendations deemed appropriate to the head of school, the chief human resources officer and sexual misconduct response coordinator, and the Ad Council member responsible for the employee.

The head of school will consult with the president of the Board of Trustees prior to determining whether to accept, reject or modify the recommendations of the investigator.

Milton Academy has a zero-tolerance policy with regard to acts of sexual misconduct between School employees and Milton Academy students. If the independent investigation concludes that sexual misconduct occurred between an employee and a student, the employee will be terminated immediately from Milton Academy.

The complainant and accused will be informed verbally of the outcome; a confidential report, or a summary of the report, may be shared with them, if appropriate and depending on the circumstance.

#### FORMER EMPLOYEES

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Allegations of misconduct between a former employee and a student should be made to the sexual misconduct response coordinator or the head of school. The president of the Board of Trustees will be notified of the allegation. The sexual misconduct coordinator will consult with legal counsel to ensure that we follow appropriate steps, which will include at least the following:

- Filing a 51A report with the Department of Children & Families
- Sending the 51A report to the Milton Police Department and notifying the Milton Police Department Detective Division in writing that a report has been filed
- Notifying the accused after the police verify that it will not compromise the investigation

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#### INVESTIGATIONS THAT DO NOT INVOLVE A QUESTION OF FACT

The purpose of the investigatory panel is to determine questions of fact. If a question of fact is not presented, then the investigatory panel does not need to be activated. For example, if an employee concedes a violation of the Sexual Misconduct Policy, or the School has enough evidence to establish, by a preponderance of the evidence (i.e., more likely than not), that the employee has violated the Policy, the School may choose to move to the grievance or disciplinary phase of the process.

Note: Milton investigates each report of sexual misconduct in order to ensure that its policies, protocols, processes, and employees are acting in a manner that effectuates the School's sexual misconduct prevention and response programming. The above policy merely informs employees that disciplinary measures may be taken in the absence of an investigatory panel under the circumstances described.

#### EMPLOYEE DISCIPLINARY PROCESS

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## OVERVIEW AND DETERMINATIONS

In the event that the findings of the investigatory panel indicate that a violation of School policy has occurred, or that any inappropriate conduct (even if not unlawful) has occurred, corrective actions will be taken, including but not limited to reprimand, change in work assignment, suspension, termination or other disciplinary actions. The sanction the School imposes will be based upon the law, the emotional or physical effect of the perpetrator's actions on the victim, and the overall health of the community.

The School will not require either party, victim or accused, to participate in arbitration as a condition of the response or investigative process for the incident of sexual misconduct in question.

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## SANCTIONS

Employees who violate Milton's Sexual Misconduct Policy will be disciplined up to and including termination. The investigatory team will make a recommendation for discipline to the sanctioning official, who is the head of school. The head of school will accept, reject or modify the suggested discipline.

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## DISCLOSURES TO CURRENT, PAST, AND FUTURE EMPLOYERS

If an allegation of sexual misconduct is confirmed during an employee's tenure at Milton, and the misconduct involves a student, it is Milton's policy to notify past employers of the misconduct. This notification will be made in writing by the sexual misconduct response coordinator. In addition, the sexual misconduct response coordinator will send the notification to future employers who request a reference for an employee who engaged in misconduct and to those that Milton becomes aware of who may hire the employee, whether or not the employee requests a reference from Milton.

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## POLICY ON LETTERS OF RECOMMENDATION

All inquiries (i.e., references, recommendations, etc.) regarding current or former employment at Milton Academy should be directed to the human resources department. In response to such inquiries, the human resources department will confirm only dates of employment and position(s) held, unless the release of other information has been specifically authorized in writing by the employee. A department head or other member of the School's administration, with prior written consent of the employee, may respond to a reference request. A copy of the written authorization must be provided to the human resources department prior to providing the reference. Please consult with a member of the human resources team if you need a copy of the reference authorization form.

References that are provided by someone other than a department head may not be written on Milton Academy letterhead and are not considered official employment references from Milton Academy.

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#### POLICY ON ACADEMIC AND INSTITUTIONAL HONORS AND DISTINCTIONS

The Milton Academy Healing and Safety Oversight Committee has instituted guidelines that address the removal of institutional honors and distinctions.

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#### APPEALS

The sanctions accepted by the head of school will be final, except for an appeal based on new information that was not available at the time of the investigation, or for not following procedure. Appeals may be made to the sexual misconduct response coordinator. Appeals may be made verbally or in writing as soon as practicable, and ideally within three (3) business days of receiving a decision. The sexual misconduct response coordinator will review the appeal promptly.

- If a procedural issue is identified, the sexual misconduct response coordinator will assess whether the identified issue is one that affected the investigator's recommendations and the sanctioned decision. If so, the sexual misconduct response coordinator will either ask the team to correct the procedural error and reconsider the circumstance, or reassign evaluation of the complaint to another team. The circumstance will only be reassigned if it appears to the sexual misconduct response coordinator that the procedural issue is so grave that the investigation team cannot reconsider the facts.
- If a piece of information that was not available at the time of the investigation is presented, the sexual misconduct response coordinator will provide the information to the investigation team and ask them to reconsider the case with the newly discovered information.

If any appeal results in a reconsideration of the case, a recommendation, based on this reconsideration, will be sent to the head of school, as the sanctioning official.