

MILTON ACADEMY
SEXUAL MISCONDUCT POLICY FOR STUDENTS
August 2023

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INTRODUCTION

This stand-alone Sexual Misconduct Policy for Milton Academy students provides access to all relevant policies and procedures for Milton Academy students K-12. The purpose of this policy is to provide a framework within which all circumstances involving sexual misconduct can be resolved and individuals held accountable for their behavior in a manner that is clear, consistent, and promotes Milton Academy’s strong stance against sexual misconduct. In addition, Milton seeks to create an environment where restorative justice processes can be used to address and repair harm **when that approach is preferred by the victim, consented to by all of the individuals involved, and appropriate to the circumstance.** Finally, through education, training, and professional development Milton Academy seeks to facilitate an open discussion of difficult issues related to sexual misconduct.

This is the first major revision of Milton’s standalone policy. After five years of working with the policy, the school determined that it needed to be simplified and written more clearly for each targeted audience. Accordingly, the student policy and the employee policy are now separate. The Community-Wide Policies and Protocols section remained the same for both employee and student policies and is meant to provide clear and consistent information with specific protocols around reporting incidents, investigating, and available resources for victims.

COMMUNITY-WIDE POLICIES AND PROTOCOLS

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. **Milton also recognizes that holding people who engage in sexual misconduct accountable for harm in a way that the victim desires and is appropriate to the circumstance is critical to creating an environment where sexual misconduct is reported and addressed.** The Policy 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, and 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 and employees will receive annual training.

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.

Employee Sexual Misconduct Response Coordinator: Provides guidance to a sexual misconduct investigation for employees, answers questions of policy and procedure

- Emily Cincotta, Director of Human Resources

Student Sexual Misconduct Response Coordinator for each division (Upper School, Middle School, Lower School): Provides guidance to a sexual misconduct investigation for students in the particular division, answers questions of policy and procedure

- Monica Benton, Palmer, Upper School principal
- Steven Bertozzi, Middle School principal
- Amy Criswell, Lower School principal

Sexual Misconduct Response Investigation Coordinator: Focus on executing an equitable and standardized investigation process

- José Ruiz, Upper School dean of students - for students
- Jacqui Hardaway, Middle School dean of students – for students

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

- Lisa Morin, director of counseling, Upper School
- Nicci King, counselor, Middle School
- Tess Powell, Lower School
- Suzanne DeBuhr, director of restorative practices

Sexual Misconduct Accountability Committee Membership for Students

- Heather Sugrue, academic dean, Upper School
- André Heard, associate dean of students, Upper School
- Class deans, Upper and Middle Schools
- Faculty members, Upper and Middle Schools

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

- Alixe Callen, head of school

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

- Susika Wylie, chief legal counsel

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 behavior by a person to harm, threaten, intimidate or control a dating partner and may include 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:

- Rape or 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, (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.

PROHIBITION OF SEXUAL RELATIONSHIPS BETWEEN STUDENTS AND EMPLOYEES OR ADULT MEMBERS OF THE MILTON ACADEMY COMMUNITY

Under no circumstances will sexual contact 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 or removal from campus. The School retains the right to terminate the employment of an adult discovered to engage in sexual contact with a student, even if no complaint has been made under this policy. In addition, 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. Employees and other adult members of the Milton Academy community 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, removal from campus, as well as civil and/or criminal liability.

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. Consent may also be statutorily limited by age. In Massachusetts, individuals under 16 years of age are unable to provide consent.

FUNCTIONS AND LIMITATIONS OF CONFIDENTIALITY

When learning of or 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.

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.

VICTIM SERVICES AND ACCOMMODATIONS

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 policies.

COUNSELING: CONFIDENTIALITY AND PRIVILEGED INFORMATION

Confidentiality is vital to the relationship between a counselor and a student at Milton Academy and is important in building trust with adolescents. Students can share most information with the understanding that it will not be shared with parents or members of the School. Counselors speak with students about confidentiality, including limitations, when they first meet and periodically thereafter.

In situations of sexual misconduct, the counselors and nurses, and anyone else to whom a report is made, must report to a Sexual Misconduct Response Coordinator as soon as possible. This includes cases where a restorative approach is considered. 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 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.

REPORTING OPTIONS

REPORTING SEXUAL MISCONDUCT TO THE SCHOOL

Milton Academy encourages students who are victims of sexual misconduct to talk to someone about their experience, ideally a school counselor, 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 adult or student community.

This section of the Policy describes a variety of reporting and disclosure options available to students so that they can make informed choices about where to receive assistance 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 always respected. 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.

Any member of the Milton Academy community, including students, employees, and other adult members of the community may make a report of sexual misconduct involving students by contacting the division principal, dean of students, director of restorative practices, or a counselor.

In the unlikely event that any of the individuals above cannot be contacted, the student, employee, or adult member of the community 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 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.

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.

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 notifications and/or reports are also made to the Milton Police Department (“MPD”), including all instances involving a minor under the age of 18.

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 within 24 hours 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.

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.

CONFIDENTIAL REPORTING OPTIONS

Milton Academy has an agreement with a third-party anonymous reporting provider, Ethicspoint, so members of the community can report misconduct, including sexual misconduct, anonymously. Ethicspoint reports can be made [online](#) 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.

REPORTING A CRIME TO THE POLICE

The School will report any instance of suspected sexual assault that involves a student and/or occurs on Milton Academy’s campus to the police. 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 necessarily 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.

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 report to DCF. The School will also notify the MPD. Actions by DCF and or MPD may result in criminal consequences beyond the School's disciplinary process, as set out in the student handbook.

RETALIATION

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.

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.

REPORTING RETALIATORY INCIDENTS

All concerns and/or instances of retaliation should be reported immediately to one of Milton's four sexual misconduct response coordinators: Emily Cincotta, Director of Human Resources (employees), Dr. Monica Benton, Upper School Principal, Steven Bertozzi, Middle school Principal, Amy Criswell, Lower School Principal.

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 due to 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 counselor, a student, their family, and program administrators on an as-needed basis. If Sanctuary is granted for behavior that occurred consistent with the timing of the sexual misconduct, 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. A 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. However, while this policy does not prevent the School from addressing the policy violation with the student;

the student will not face formal disciplinary actions but may be required to complete other activities, including but not limited to mandatory counseling or drug testing protocols.

STUDENT VICTIM SERVICES AND ACCOMMODATIONS

REQUESTING SUPPORT SERVICES OR ACCOMMODATIONS

All student requests for support services or accommodations should be made to the student's respective division principal. For the Upper School, please contact Monica Benton Palmer at 617-898-2144 or monica_bentonpalmer@milton.edu. For the Middle School, please contact Steven Bertozzi at 617-898-2322 or steven_bertozzi@milton.edu. For the Lower School, please contact Amy Criswell at 617-898-2238 or amy_criswelli@milton.edu.

In addition to division principals, nurses, counselors, and the director of restorative practices are available to discuss options and help students access any assistance that they may need.

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
- Other accommodations, as deemed appropriate by the School based on the circumstances.

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

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

HEALTH AND COUNSELING SERVICES

Nurses and counselors work with students to empower them to make good decisions and help them to shape a safe, healthy academic experience. The Health Center and Counseling Office offer a comfortable, approachable space where students can find warm, empathetic counselors and medical professionals.

HEALTH

Milton's Health Center is located at 348 Centre Street, next to Goodwin and Hathaway houses. The Health Center is staffed 24 hours per day, 7 days per week, and a nurse can be reached at 617-898-2150.

The Health Center is staffed with 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.

COUNSELING

The Counseling Center is located at 313 Randolph Avenue, behind Forbes House. Counselors can be reached in the Health and Counseling Center from 8 a.m. to 6 p.m., Monday through Friday. Outside of those hours counselors are on call and may be reached at 617-898-2470.

Students who have disclosed that they are affected by sexual misconduct will have individual therapy available to them at the 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 concluding 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 information that sexual misconduct occurred, they will be mandated to report, using the School's reporting process.

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 and Crisis Center
<http://www.barcc.org/> or 800-841-8371
BARCC provides a 24-hour hotline, 24-hour medical advocacy, individual and group counseling, legal advocacy, and case management.

Boston Children's Hospital: 617-636-5647

Jane Doe Inc.: The Massachusetts Coalition Against Sexual Assault and Domestic Violence
<http://www.janedoe.org/>

National Association of Adult Survivors of Child Abuse
<http://www.nasca.org/>

RAINN: The Nation's Largest Anti-Sexual Violence Organization
<https://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.

Learning Courage
<https://learningcourage.org/>

Love is Respect
<https://www.loveisrespect.org/>

The Network/LaRed
<https://www.tnlr.org/en/>

DoVE (Domestic Violence Ended)
<https://www.dovema.org/>

Boston HAPPENS Program
<https://www.childrenshospital.org/programs/boston-hiv-adolescent-provider-and-peer-education-network-services-happens-program>

Norfolk Advocates for Children
<http://norfolkadvocatesforchildren.com/>

Children's Advocacy Center
<https://www.suffolkcac.org/>

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. Reporting responsibilities, including mandatory reporting obligations, are reviewed annually with all employees. All alleged violations of the Sexual Misconduct Policy will be forwarded to the appropriate sexual misconduct response coordinator for the student's division to determine next steps.

Reports of sexual misconduct may be made orally or in writing (via email or otherwise), and/or anonymously through [Ethicspoint](#). If a report is made anonymously, although the School will investigate, however, 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 an incident is reported by the student to the dean of students or designee. As such, the dean of students or designee 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 to a designated sexual misconduct response coordinator, for any reason, may make their report to any employee at the School. The School has designated Alixe Callen, head of school, 617-898-2200, as a reporting official. Therefore, Dr. Callen will be made aware of all reports that are made to any Milton Academy employee.

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 current 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.

RESTORATIVE JUSTICE PROCESS

RESTORATIVE JUSTICE PROCESS IN SEXUAL MISCONDUCT CASES

Students who wish to engage in a restorative process may report the incident to the director of restorative practices. The head of school must approve the use of a restorative process in any given circumstance. The sexual misconduct response coordinator must be aware that a restorative process has been approved before the process begins.

Restorative justice is a framework for addressing and preventing harm. Its philosophical principles include an understanding that individuals exist in an interconnected web of relationships, that human beings are impacted by their particular circumstances in unique ways, and that everyone has the potential for transformation within them. When harm occurs, restorative justice attends to the needs of those who have experienced harm and works with all parties involved in an incident to put things right through repairing, restoring, or transforming the relationship within which harm took place. Restorative practices include methods that bring parties together (not necessarily in person) to share impact, learn from each other, and to determine a plan for accountability that will lead to changed behavior.

If a matter requires that a report be made to DCF and/or the police, restorative processes may only be available as a recommended process of accountability to follow an investigation.

Once a matter is deemed appropriate for a restorative process, the following criteria must be met:

- The individual who was harmed must choose to follow a restorative process.
- A restorative approach can be used only if all parties and their guardians agree in writing to the approach.
- Before the process starts, the director of restorative practice will meet with each party and their guardians to describe the process to help ensure that students and families make an informed decision regarding the restorative practices option.
- There is an understanding that the matter can be referred for investigation at any time, by the complainant, respondent, or by the director of restorative practices.

- If a matter moves from a restorative process to an investigative process, information revealed in the restorative process, including any materials provided by the students or witnesses, will be disclosed to the investigator.
- If a resolution is reached using a restorative process the matter is considered resolved and will not be referred for investigation except that it can be appealed under the Appeals section of this policy.
- All parties and their parents or guardians will receive a letter detailing the resolution and that describes the appeal process.

MANDATORY REPORTING AND PARENTAL NOTIFICATION

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, the School will disclose information with the utmost sensitivity to those involved.

PARENTAL NOTIFICATION

If the School is required to 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.

INVESTIGATIONS INTO STUDENT SEXUAL MISCONDUCT

Milton’s response process, including a formal investigation, will begin as soon as possible upon receiving the report of misconduct. However, in order to avoid interfering with a criminal investigation, for circumstances that require Milton to file a report with DCF or notify or report to the police, the School will not collect additional evidence or conduct additional interviews with relevant parties until authorized by the appropriate authority.

Once Milton receives authorization to move forward with an investigation, the School will conduct an age appropriate investigation of the incident. This investigation will be coordinated by the dean of students and may be conducted using internal or external resources, a decision

which is in the sole discretion of the School. Regardless of whether the investigation is internal or external, 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. Parents and guardians, including guardians who are employed by Milton Academy, may not be present for these interviews. The investigators 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 or the division principal and sexual misconduct response coordinator.

- José Ruiz, Upper School dean of students, 617-898-2142 or jose_ruiz@milton.edu
- Monica Benton Palmer, Upper School principal, 617-898-2144 or monica_bentonpalmer@milton.edu
- Jacqui Hardaway, Middle School dean of students, jacqui_hardaway@milton.edu or 617-898-2527
- Steven Bertozzi, Middle School principal, steven_bertozzi@milton.edu, or 617-898-2322
- Amy Criswell, Lower School principal, amy_criswell@milton.edu or 617-898-2238.

STUDENT ACCOUNTABILITY PROTOCOLS

OVERVIEW AND DETERMINATIONS

The School will investigate any and all reports of sexual misconduct for Milton Academy students. Investigations are as comprehensive as possible and include interviews and the review of any information investigators determine to be relevant (e.g., documents, electronic media, video). Upon completion of the investigation, the appropriate division principal, in their role as sexual misconduct response coordinator, will convene the Sexual Misconduct Accountability Committee. Given the sensitive nature of sexual misconduct, this committee will

be composed of five (5) employees who have received training in responding to instances of sexual misconduct, including at least one member of the divisional leadership team. The sexual misconduct response coordinator will chair the committee but will not serve as a voting member.

Sexual Misconduct Committee Accountability Committee procedures:

- The investigators (external or internal) will present a confidential 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 not violated the Sexual Misconduct Policy, it will notify both the complainant and the respondent accordingly.
- 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 Accountability Committee members. A statement of the student's case will be prepared in the three parts listed below:
 - A specific charge or charges
 - a listing of the previous disciplinary record(s) of the student(s) involved
 - two descriptions of the case; one should be written by the student charged and one should be written by the employee who is most closely involved with the particular offense. Both descriptions should include details regarding time, place, persons involved and other circumstances including how the offense came to light.
 - Copies of these statements will be given to the members of the Sexual Misconduct Accountability Committee and to the student(s) involved before the hearing of the case.
 - A student's Milton Academy 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.

- If the committee determines a policy violation, the victim will have an opportunity to speak to the committee in person or provide a written statement regarding the impact the transgression has had on them.
- The Sexual Misconduct Accountability 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, and any victim statement (written or verbal). 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.
- If the committee exonerates a student, the meeting is not considered an “appearance” before the committee. Once 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 sexual misconduct response coordinator will designate one member of the Sexual Misconduct Accountability Committee to act as secretary and record the proceedings, which will be entered in the Sexual Misconduct Accountability 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.

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.

SANCTIONS

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, as set out in the student handbook.

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 other cases of misconduct,
- the emotional and/or physical impact the perpetrator’s actions have had on the victim and the community, and
- any other relevant fact or piece of evidence that may help determine an appropriate sanction or course of action.

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

Once the results have been determined, both the victim and the accused will receive 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.

REPORTING TO TRANSFER SCHOOLS AND COLLEGES

Many colleges, secondary schools, or school placement services may 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. When the School becomes aware of a student’s pending or actual enrollment at another school, the sexual misconduct response coordinator will notify that school of all suspensions and dismissals that have resulted from violations of the sexual misconduct policy. Milton Academy will do this whether or not the enrolling school asks for the information. This notification will include the category of prohibited conduct (e.g., “harassment”).

Expulsion will appear on a student’s transcript.

WITHDRAWALS PENDING SEXUAL MISCONDUCT POLICY VIOLATIONS

If a student and their family decide to withdraw the student from the School in the face of discipline for a sexual misconduct policy violation, the student’s transcript will be noted accordingly as a withdraw pending discipline. In addition, a withdraw in this circumstance does not change the school’s reporting obligations to external agencies and/or other schools.

APPEALS

The sanctions accepted by the head of school will be final, except for an appeal based on the following reasons:

- If a procedural issue is identified, the chief legal counsel will assess whether the identified issue is one that affected the investigator's recommendations and the sanctioned decision. If so, the chief legal counsel will either ask the investigation team to correct the procedural error and reconsider the circumstances or reassign evaluation of the complaint to another team. The circumstance will only be reassigned if it appears to the chief legal counsel 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 chief legal counsel will provide the information to the investigation team and ask them to reconsider the case with the newly discovered information.
- If any conflict of interest is identified and reported, the chief legal counsel will review the information provided and make a determination as to whether a conflict exists, whether the conflict adversely affected the individual and, if so, whether the conflict warrants a new committee be convened to determine whether a policy violated occurred.

Appeals may be made to the school's chief legal counsel. Appeals may be made verbally or in writing as soon as practicable, and ideally within three (3) business days of receiving a decision. The chief legal counsel will review the appeal promptly. 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.