

2021-22 Student Handbook Appendix

Traditional Response Definitions

One or Two-Hour Detention: A student assigned detention will be detained beyond the normal school day. A 24-hour notice may be granted, if requested by the student, in order to make arrangements for transportation home. Failure to serve a detention, when arranged, may result in additional consequences.

Three-Hour Detention: A three-hour detention (generally scheduled for a Friday afternoon, from 2:45-5:45) may result from disciplinary referrals, attainment of the three-hour detention step in violation of the school's Attendance Policy, and any other situation for which the administration feels that a three-hour detention is in order.

In-School Suspensions: Students may attend school but will have a supervised alternative assignment for their classes for that day. Students will use the time to reflect on their behaviors and their impact on the community and/or themselves as well as complete school work.

Out of School Suspensions: Suspension is the removal of a student from school for a specified time period. Suspension is implemented based on the seriousness of the infraction and will occur immediately for certain infractions. A student who is suspended must make up any missed academic work. Prior to the student returning to school, said student will be required to attend a school re-entry conference with their parents and the appropriate administrator(s). A written plan outlining the parameters and expectations for the student may be developed with the student and their parents.

Expulsion: If a student repeatedly violates the school code of conduct, or has a serious behavior event, the administration may recommend expulsion of the student from Lincoln Academy. Expulsion from school requires a formal meeting with the Head of School. The seriousness of this action dictates that expulsion for the remainder of the school year may be used only after all other alternatives have been exhausted. The administration reserves the right to implement suspension or recommend expulsion proceedings directly if the infraction is serious enough to warrant such action. Such infractions include, but are not limited to, violations of the Weapons Policy, violations of the Bullying and Harassment Policy, instances of terrorizing or violence, and violations of the Alcohol and Chemical Abuse Policy.

Weapons in School Policy

In an effort to ensure a safe environment for students and employees, all persons are prohibited from the following conduct on school grounds, in school buildings or on school buses before, during, or after school or at any school sponsored activity.

1. **Possession or use of any weapon.** Possession of articles commonly used or designed to inflict bodily harm and/or to intimidate other persons.
2. **Use of any object as a weapon.** Use of any object, although not necessarily designed to be a weapon, to inflict or to threaten bodily harm and/or to intimidate, coerce, or harass.
3. **Administrative Implementation Procedures:** At any time, the Head of School or his designee may authorize inspections of student lockers, personal property, dormitory rooms, vehicles on the premises, etc. The Head of School or other delegated administrators shall take appropriate action against any individual violating this policy, including, but not limited to student disciplinary action, employee disciplinary action, and/or referral to appropriate law enforcement agencies.

Harassment, Discrimination, Hazing and Bullying Policy

Lincoln Academy is a large and diverse campus built on a foundation of trust, respect, and acceptance. Creating a safe, welcoming environment for students, staff, and visitors is our foremost goal; any and all forms of conduct that create an intimidating or hostile environment that interferes with an individual's educational performance is strictly prohibited and will not be tolerated. Lincoln Academy reserves the right to apply disciplinary measures and other corrective action for inappropriate conduct that does not meet the legal definitions of harassment, discrimination, and bullying.

This policy, along with all rules of conduct, applies to students while they are on campus or at a school sponsored event such as an athletic competition, dance, performance or field trip. The Academy reserves the right to take action on any behavior that occurs off campus that may impact the educational experience, safety of Lincoln Academy students or staff or adversely affects the interests or reputation of the Academy.

Harassment or Discrimination, including Sexual or Gender-Based Harassment

Lincoln Academy prohibits all forms of illegal harassment or discrimination that is based on an individual's race, color, gender, pregnancy, religion, national origin, ancestry, age, sexual orientation (including gender nonconformity and gender identity and expression, including status as a transgender or transsexual individual), genetic information, whistleblower status, military/veteran status, physical or mental disability, or any other status protected by law. Harassment or discrimination is defined as behavior that is based on a person's protected status and is personally offensive or threatening, impairs morale, or is so pervasive or severe that it has the purpose or effect of:

- Creating an intimidating, hostile, or offensive environment; or
- Unreasonably interfering with an individual's ability to participate in or benefit from the school's program; or
- Creating a situation where academic decisions of a student depend on their submitting to and/or not objecting to the behavior.

Discrimination and harassment can take many forms. Examples include, but are not limited to:

- Limiting opportunities to participate in certain clubs, teams, or activities based on certain characteristics;
- Slurs, jokes, statements, remarks, questions, gestures, pictures, emails, texts, or cartoons regarding legally protected status that are derogatory or demeaning to an individual's or group's characteristics or that promote stereotypes;
- Demands for sexual favors in exchange for favorable treatment, academic rewards, or continued participation in a program or project;
- Obscene, demeaning, or abusive commentary about an individual's body or other personal characteristics;
- Responding to refusals to provide sexual favors with verbal, emotional, or physical abuse;
- Offensive or unwelcome sexual flirtation, advances or touching;
- Unwanted sexual contact or nonconsensual sexual intercourse, including any coerced or non-consensual sexual relations (*see* Lincoln Academy's Sexual Misconduct Policy);
- Sexual or lewd jokes, remarks, leering, whistling, brushing against the body, or other suggestive or insulting gestures or comments;
- Audiotaping, videotaping, or otherwise recording others in sexual or other potentially embarrassing circumstances and forwarding or threatening to forward the recorded material to others;
- Intimidating or suggestive remarks about an individual's sexual orientation or gender identity, whether actual or implied;
- Sexually suggestive or degrading sounds or remarks (written, oral, or electronically transmitted), including graffiti and the spreading of sexual rumors, made to or about another member of the community;
- The use of school technology to transmit sexually suggestive, offensive, and/or degrading material, whether received at school or elsewhere;
- The open display of sexually offensive objects, pictures, and messages.

Sometimes harassing behavior results from ignorance or insensitivity to the feelings of others. Being mindful of how one's behavior is affecting others and communicating the effect of the behavior of others are good ways to minimize harassment.

Some forms of sexual harassment may fall under the Academy's Sexual Misconduct Policy, in which case that policy will be the applicable one.

Hostile Environment

A hostile environment is one in which discrimination, harassment, or bullying causes the School environment to be permeated with intimidation, ridicule, or insult that is sufficiently severe or pervasive to alter the conditions of a student's education.

Bullying

Bullying involves aggressive behavior that is either a single very significant incident or a pattern of repeated incidents that are intended to cause harm. Bullying is defined as the use by one or more students of a written, verbal, or electronic expression or a physical act or gesture or any combination thereof, directed at a target that:

- Causes physical or emotional harm to the targeting student or damage to the targeted student's property;

- Places the targeted student in reasonable fear of harm to themselves or of damage to their property;
- Creates a hostile environment at school for the targeted student;
- Infringes on the rights of the targeted student at school; or
- Materially and substantially disrupts the educational process or the orderly operation of the school.

Bullying can include, but is not limited to:

- Hitting, slapping, pushing, and other physical conduct that causes bodily harm;
- Threatening in a manner that puts someone down or is cruel;
- Deliberately excluding someone as a way to humiliate or demean them;
- Sexually harassing conduct;
- Hazing activities.

Cyber-Bullying

Cyber-bullying is bullying through the use of technology or electronic devices such as telephones, cell phones, computers, fax machines, and the Internet. It includes, but is not limited to, email, instant messages, text messages, and Internet postings, whether on a web page, in a blog, any form of social media, or otherwise.

Cyber-bullying may include, but is not limited to:

- Taking a private email, instant message, or text message and forwarding it, or threatening to forward it to others or posting it where others can see it to embarrass or intimidate a person;
- Spreading hurtful rumors online about another person;
- Threatening or insulting through aggressive emails, instant messages, or text messages;
- Posting or threatening to post embarrassing pictures of someone online without their permission; and
- Creating a web page or blog in which the creator assumes the identity of another person or the knowing impersonation of another person as the author of posted content or messages, if the creation or impersonation causes any of the conditions listed in the definition of bullying listed above.

Hazing

Hazing is defined as conduct or a method of initiation into any student organization or team which willfully or recklessly endangers the physical or mental health of any student or other person, regardless of the consent of the individuals involved.

Examples of hazing include, but are not limited to: whipping, beating, branding, forced calisthenics, exposure to the weather, forced consumption of any food, beverage, drug, or other substance, or any other brutal treatment or forced physical activity which is likely to adversely affect the physical health or safety of a student or other person, or which subjects a student or other person to extreme mental stress, including extended deprivation of sleep or rest or extended isolation.

While harassment, discrimination, bullying and hazing all fall within a spectrum of interpersonal aggression and sometimes violence, they are not synonymous. Hazing is predicated on inclusion and can sometimes be overlooked because it can appear as neither particularly aggressive, nor as intended to harm. In addition, hazing can sometimes be confusing for students to understand because they might consent to the behavior. It is important to note that because hazing involves a group context and the power differential of current members and those seeking membership or acceptance by the group, peer pressure and coercive environment can exist and interfere with consent. Therefore, conduct can be deemed to be hazing regardless of a person's willingness to participate.

Reporting Process

Lincoln Academy seeks to achieve, through education, communication and mediation, a welcoming and respectful work and school environment free of hostility, intimidation, harassment, sexual harassment and discrimination. A student, employee, parent or other individual who has concerns should follow the guidelines described below.

Anyone who believes that this policy has been violated should report to a dean, school counselor, coach or administrator

If you believe that the person's behavior may violate the law, you may report the matter directly to the police. Please be aware that Lincoln Academy is required to report certain misconduct that comes to its attention to parents, Maine Department of Health and Human Services ("DHHS") and/or the District Attorney's Office, and/or the police.

No one will be reprimanded or punished in any way for initiating an inquiry or report in good faith.

Requests for Confidentiality

Lincoln Academy cannot honor requests for complete confidentiality because information must be shared in order to conduct an effective investigation and/or to comply with mandatory reporting laws. However, Lincoln Academy will treat information it receives with sensitivity and will only disclose such information on a need-to-know basis. If a reporting party requests confidentiality and/or that Lincoln Academy not investigate, Lincoln Academy may still need to investigate the allegations in order to ensure the safety of the entire campus community.

Lincoln Academy's Response to Report of Discrimination, Harassment, Bullying, Hazing

Once Lincoln Academy learns of a potential violation of this policy, Lincoln Academy may pursue an informal or formal process depending on the nature of the allegations. In situations for which an informal process is appropriate, a dean, school counselor or administrator may provide advice to the reporting party as to how to respond to the situation independently. Alternatively, a dean, school counselor, or administrator may serve as an intermediary to moderate a conversation (either in person or writing) between the parties to resolve the situation. Further, Lincoln Academy may put measures in place to separate the parties (i.e. mutual no-contact order) and/or stop the inappropriate conduct (i.e. a cease and desist). In addition to the above options, a dean or other administrator may conduct an informal investigation to gather facts and make a determination about the appropriate course of action and/or disciplinary response.

In the event that an informal process is unsuccessful or inappropriate, Lincoln Academy will conduct an investigation in order to determine whether it is more likely than not that the reported conduct occurred, based upon a preponderance of the evidence, and whether disciplinary action is warranted. Such investigation may be conducted by a senior administrator, dean, or external investigator depending on the nature of the report. The investigation may include, but is not limited to, interviews of those individuals directly involved in the incident and relevant witnesses, and collecting documents and any other evidence bearing on the incident. More than one interview of student parties and witnesses may be necessary in order to conduct a thorough investigation.

Lincoln Academy may put interim measures in place for the safety of the reporting party and/or the school community, including a mutual no-contact order. Interim measures may include academic accommodations such as a change to class schedule, residential accommodations, such as a change in housing, and changes to meal time, sports or activities. Interim measures may also include medical or counseling services, a mutual non-contact directive, and/or a voluntary or mandatory leave from school for a period of time.

Upon completion of the investigation in the formal process, the investigator will analyze all the evidence and determine whether this policy was violated. The investigator will submit a written report of the factual findings, rationale, and conclusions to the Head of School or the Head's designee, who will make the final determination as to what, if any, remedial action or disciplinary measures should be taken.

Outcome and Final Written Decision

Following a formal investigation, Lincoln Academy shall inform the student parties and parents of the decision as soon as possible and explain to the student parties the reasons for the decision. The results of the investigation shall be included in a Final Written Decision. The Final Written Decision shall include a summary of the conclusions as to whether this policy was violated.

Retaliation

Retaliation is any form of intimidation, reprisal, or harassment directed against a student who reports discrimination, harassment, or bullying, or who witnesses or provides information during an investigation about such behavior. Retaliation against any such individual, whether by the accused person or someone else, will not be tolerated and will be subject to the same strict discipline as harassment, discrimination, or bullying itself.

Abuse of Process/ Failure to Cooperate with an Investigation

Because allegations of harassment, discrimination, hazing, and bullying are serious and can be damaging to accused persons' reputations, any person who knowingly, maliciously, or recklessly makes a false complaint will be subject to discipline. In addition, because candor and honesty are essential to the investigation and remediation process, they are required of all participants, including any witnesses. Withholding of any material information in an investigation is prohibited. Students and employees are expected to cooperate fully in an investigation conducted by Lincoln Academy.

Discipline

Persons who are found to have violated this policy will be subject to discipline, up to and including suspension or expulsion.

Student Sexual Misconduct Policy

Lincoln Academy strives to be a safe and supportive environment that cultivates learning and personal growth for all of its students. All forms of sexual misconduct, including but not limited to sexual assault, interfere with this critical mission and will not be tolerated. Lincoln Academy will take appropriate action to prevent and correct behavior both by employees and students that violates this policy. Lincoln Academy will also take any necessary disciplinary action against students and employees.

This policy applies to student sexual misconduct that occurs on campus or at any school-related activities. Lincoln Academy reserves the right to address sexual misconduct that takes place off campus under this policy if such conduct causes a substantial disruption to or endangers the safety of the campus community. This policy also applies to staff-on-student sexual misconduct.

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

Understanding Sexual Misconduct

Sexual misconduct under this policy includes, but is not limited to unwanted sexual contact, with or without force; non-consensual sexual penetration, with or without force; sexual intimidation; sexual exploitation; sexting; sexual harassment and relationship violence.

Unwanted sexual contact - with or without force: Unwanted sexual touching without the effective consent of the person being touched; this includes unwanted touching, however slight, with one's body or with an object, up to but not including penetration.

Examples of unwanted sexual contact include but are not limited to: unwanted kissing; and touching or grabbing someone's breasts, buttocks or genitalia over or under clothing. Force includes the use of physical violence, threats, intimidation, and/or coercion.

Non-consensual sexual penetration - with or without force: Penetration of another person's mouth, anus, or vagina, no matter how slight, with any object or body part without effective consent and/or with the use of force.

Sexual intimidation: Persistent, unwanted, and repeated attention through any means, based on gender, gender identity, or expression that causes the targeted student to fear for safety.

Sexual exploitation: Electronically recording, photographing, or disseminating images of intimate body parts without the effective consent of the parties or spying on private sexual activity of others, or allowing a third party to observe sexual activity without effective consent of all parties.

Sexting: Sending, sharing, viewing, or merely possessing sexually explicit images and messages, text messages, emails, or other materials via a computer, digital device or cell phone.

Sexual Harassment: Sexual harassment includes unwelcome sexual advances, requests for sexual favors, sexual contact, gestures, comments, or other physical or verbal conduct of a sexual nature, when: (1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or educational benefits; (2) Submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting that individual; or (3) Such conduct has the purpose or effect of unreasonably interfering with an individual's academic or professional performance or creating an intimidating, hostile or offensive employment or educational environment.

Relationship violence: Threatening or abusive behavior that can be physical or sexual that is intended to control another person in some form of relationship (dating, romantic, sexual).

Effective Consent is the knowing, voluntary and mutual decision among all participants to engage in sexual activity. Lincoln Academy has the expectation that all consent is affirmatively given. Consent can be given by words that create clear permission regarding willingness to engage in the specific sexual activity. Silence, or lack of resistance, in and of itself, does not demonstrate consent. Consent must be ongoing and can be revoked at any time. When consent is withdrawn or can no longer be given, sexual activity must stop. An individual's consent to one type of sexual act or to prior sexual activity does not mean that they consent to any other sexual act. Consent cannot be obtained by threat, intimidation, coercion, or physical force. Agreement under such circumstances does not constitute consent. Consent cannot be obtained from someone who is under the age of consent, asleep or otherwise mentally or physically incapacitated, whether due to alcohol, drugs, or some other condition. The age of consent in Maine is 16.

It is important not to make any assumptions about consent. Relying solely on nonverbal communication can lead to misunderstandings. If there is any confusion or uncertainty about whether an individual is consenting to sexual activity, it is incumbent upon the individual initiating the sexual activity, to stop and clarify the other individual's willingness to continue.

Incapacitation: Defined as the use of drugs and/ or alcohol that prevents an individual from having the physical or mental ability to make informed, rational judgments. Signs of incapacitation include, but are not limited to, the inability to speak coherently, confusion on basic facts, inability to walk unassisted, and/or passing out.

Reporting Sexual Misconduct

Students who believe they have been victims of sexual misconduct should seek help immediately from their parents and/or any trusted adult on campus, including the Director of Student Affairs, who is designated as the Title IX coordinator, Dean of Students, Head of School, a dean, a school counselor, a school social worker, or a school nurse. **Students should call 911 if they need or witness a need for immediate police and/ or medical attention.**

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

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

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

Persons may also report a sexual assault directly to the local police. (The phone number for the Lincoln County Sheriff's Department is (207) 882-6576.

Lincoln Academy's Response to Sexual Misconduct

Lincoln Academy will promptly notify the parents of students who are reported to have experienced and/or engaged in sexual misconduct. Following a formal complaint of sexual misconduct, Lincoln Academy may pursue an informal or formal process depending on the nature of the complaint and the willingness of the parties to do so. Where Lincoln Academy's assessment of a complaint concludes that informal resolution may be appropriate, Lincoln Academy will take prompt action through the imposition of remedies designed to maintain access to the educational and extracurricular activities at Lincoln Academy and remedy the impacts of conduct on members of the Lincoln Academy community.

In the event that an informal process is unsuccessful or inappropriate, Lincoln Academy will conduct its own investigation using an internal or external investigator in order to ensure the safety of its campus community and to determine whether disciplinary action is warranted. This investigation is separate from any investigation that might be conducted by law enforcement. Lincoln Academy may delay its investigation for a reasonable amount of time to allow for law enforcement to interview witnesses and collect evidence. However, a report of criminal activity to law enforcement will not stop Lincoln Academy's investigation process.

Requests for Confidentiality

Lincoln Academy cannot honor requests for complete confidentiality because information must be shared in order to conduct an effective investigation and/or to comply with mandatory reporting laws. However, Lincoln Academy will treat information it receives regarding sexual misconduct with sensitivity and will only disclose such information on a need-to-know basis. If a reporting party requests confidentiality and/or that Lincoln Academy not investigate, Lincoln Academy may still need to investigate the allegations in order to ensure the safety of the entire campus community.

Supportive Measures

Following a report of sexual misconduct, the Head of School or designee shall ascertain whether and what interim or ongoing supportive measures are needed by the parties and implement appropriate measures. Supportive measures may include academic accommodations such as a change to class schedule, residential accommodations, such as a change in housing, and changes to meal time, sports, extracurriculars or other educational programs or activities. Supportive measures may also include medical or counseling services, a mutual non-contact directive, and/or a voluntary or mandatory leave from school for a period of time.

Investigation Process

Upon the determination that a report of sexual misconduct warrants a formal investigation, Lincoln Academy will promptly provide written notice of the allegations to all parties. Lincoln Academy will then conduct its own investigation in order to determine whether it is more likely than not that the reported conduct occurred, based upon a preponderance of the evidence, and whether disciplinary action is warranted. Such investigation may be conducted by a senior administrator, dean, or external investigator depending on the nature of the report. The investigation may include, but is not limited to, interviews of those individuals directly involved in the incident and relevant witnesses and collecting documents and any other evidence bearing on the incident. Parties are permitted to provide other relevant evidence to the investigator and may suggest questions to ask of one another or witnesses through the investigator. More than one interview of student parties and witnesses may be necessary in order to conduct a thorough investigation. Student parties are permitted to have an advisor of their choosing present as support during their interviews. Advisors may not participate in the process or speak on behalf of the parties, although they may ask for brief breaks during any meetings or interviews to provide consultation to a party.

Upon completion of the investigation, the investigator will make factual findings, based on all relevant evidence. The investigator will submit a report detailing all factual findings, relevant evidence and a recommendation to the Director of Student Affairs as to whether Lincoln Academy's policy was violated. The report containing the investigative findings and policy violation recommendation will then be shared with the parties. Each party shall have five (5) business days to review the report and submit a reply statement in writing for the Director of Student Affairs to consider. The Director of Student Affairs may, in their discretion, ask the investigator to conduct additional inquiry or otherwise reconsider the findings based on available evidence and/or the feedback of the parties. After reviewing any additional information, the investigator will prepare a final investigative report and submit it to the Director of Student Affairs, who will make the final determination as to what, if any, policies were violated and what, if any, remedial action or disciplinary measures should be taken. The Director of Student Affairs shall inform the student parties of the decision as soon as possible and explain to the student parties the reasons for the decision.

A student who is disciplined following an investigation may submit an appeal to the decision within five (5) calendar days of learning of the decision. The appeal must consist of a written statement submitted to the Head of School providing the grounds for the appeal and the reasoning supporting the appeal. In order for the appeal to be considered, it must be based on one of the three following reasons: (1) A significant procedural error that materially prejudiced the student; (2) The availability of newly discovered evidence that was not known to the student and not available to the investigator and which likely would have changed the decision had it been available; and/or (3) or the Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias that affected the outcome of the matter.

The Head of School will generally have fifteen (15) days in which to make a final determination and may: (1) Uphold the decision; (2) Modify the sanctions; (3) Send the decision back to the Investigator to consider factual questions; or (4) In extraordinary circumstances such as demonstrated bias or conflict of interest of the Investigator, require a new investigation by a different Investigator.

The Head of School shall inform the student parties of the appeal decision as soon as possible and explain to the student parties the reasons for the decision.

Retaliation

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

Abuse of Process/False Complaints

Because allegations of sexual misconduct are serious and can be damaging to accused persons' reputations, any person who knowingly, maliciously, or recklessly makes a false complaint will be subject to discipline. In addition, because candor and honesty are essential to the investigation and remediation process, they are required of all participants, including any witnesses. Students and employees are expected to cooperate fully in an investigation conducted by Lincoln Academy.

Additional Resources for Students

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

Local Resources

Hospital Emergency Department

Local Police: Emergency 911