

2023-2024 Lincoln Academy Student Handbook Appendix

Additional Procedures for Students Involved in Extracurricular Activities & In the Presence of Policy	2
Traditional Response Definitions	3
Weapons in School Policy	3
Bomb Threat Policy	4
Administrative Search Implementation Procedures	4
Student Searches	5
Student Search Administrative Procedure	5
Harassment, Discrimination, Hazing and Bullying Policy	6
Harassment or Discrimination, including Sexual or Gender-Based Harassment	6
Lincoln Academy's Sexual Misconduct Policy:	7
Hostile Environment	8
Bullying	8
Cyber-Bullying	8
Hazing	9
Reporting Process	9
Requests for Confidentiality	9
Lincoln Academy's Response to Report of Discrimination, Harassment, Bullying, Hazing	10
Outcome and Final Written Decision	10
Retaliation	10
Abuse of Process/ Failure to Cooperate with an Investigation	11
Discipline	11
Student Sexual Misconduct Policy	12
Understanding Sexual Misconduct	12
Reporting Sexual Misconduct	14
Lincoln Academy's Response to Sexual Misconduct	14
Requests for Confidentiality	15
Supportive Measures	15
Investigation Process	15
Retaliation	16
Abuse of Process/False Complaints	16
Additional Resources for Students	16
Local Resources	16
Student Medical Leave Policy	17
Short Term Leave	17
Extended Leave	17
Procedure	17

2023-2024 Lincoln Academy Student Handbook Appendix

Additional Procedures for Students Involved in Extracurricular Activities & In the Presence of Policy

Any student involved in athletics and/or extracurricular activities who is found at any time to be using, showing the effects of use, or found to be in possession of alcohol, tobacco or nicotine products, marijuana, or any other substance that is defined by law as a drug, or is “in the presence of” such activities or substances without a reasonable effort to remove themselves and inform a trusted adult, may be subject to the following disciplinary actions.

First Infraction: suspended from all teams, clubs, or other co-curricular activities for a period of up to two (2) weeks and may be required to participate in and complete assessment and/or other recommended services before being allowed to re-join co-curricular activities. Failure to complete this requirement (if mandated) will result in a continuation of a student’s ineligibility. During this suspension period, the student may be required, at the activity advisor’s or coach’s discretion, to attend group activities such as practices, rehearsals or group meetings, but may not participate in interscholastic competition or public performances.

In the event that an infraction occurs during an off-season, the student will serve the suspension, specifically meaning non-participation in interscholastic competition, beginning with the upcoming season’s first scrimmage or scheduled contest, pending athletic administrator’s discretion.

Second Infraction: suspended from all co-curricular activities for a period of up to four (4) weeks and may be required to participate in and/or complete an assessment and, if appropriate, treatment by a recognized counselor. All of the stipulations outlined above for first infractions apply to second infractions as well.

Third Infraction: suspended from all co-curricular activities for a period of up to one (1) calendar year and will be allowed to participate after the year suspension after completion of assessment and, if appropriate, treatment.

Fourth Infraction: suspended from all co-curricular activities for the remainder of his/her high school career.

**In the event the student has two or more suspensions for different reasons, these suspensions will not run concurrent to one another.*

2023-2024 Lincoln Academy 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. In some situations, detention will include a work project to be completed by the student in lieu of the more standard study hall detention.

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 some situations, detention will include a work project to be completed by the student in lieu of the more standard study hall detention.

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.

- **Possession or use of any weapon.** Possession of articles commonly used or designed to inflict bodily harm and/or to intimidate other persons.
- **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.

2023-2024 Lincoln Academy Student Handbook Appendix

Bomb Threat Policy

Lincoln Academy recognizes that bomb threats are a significant concern for our community. Whether real and carried out or intended as a prank or for some other purpose, a bomb threat represents a potential danger to the safety and welfare of students and staff and to the integrity of school property. Bomb threats disrupt the instructional program and learning environment and also place significant demands on school financial resources and public safety services. These effects occur even when such threats prove to be false. Any bomb threat will be regarded as an extremely serious matter and treated accordingly.

No person shall make, or communicate by any means, whether verbal or non-verbal, a threat that a bomb has been, or will be, placed on school property or any location where any school activities may take place. Because of the potential for evacuation of the schools and other disruption of school operations, placement of a bomb or of a “look- alike” bomb on school property or any location where any school activities may take place will be considered a threat for the purpose of this policy. A “bomb” means an explosive, incendiary or poison gas bomb, grenade, rocket, missile, mine, “Molotov cocktail” or other destructive device. A look-alike “bomb” means any apparatus or object that conveys the appearance of a bomb or other destructive device.

It is also a violation of the Academy’s policy to communicate by any means that any toxic or hazardous substance or material has been placed, or will be placed, on school property or any location where any school activities may take place with the intent to endanger the safety and welfare of students or staff and/or to disrupt the operations of the schools. For the purpose of this policy, “toxic or hazardous substance or material” means any material or substance, including biomedical materials or organisms, that, when placed as threatened, could be harmful to humans.

The School prepares for a bomb threat in much the same way it does for a fire alarm. The School drills both specific location and general location scenarios. Any person who is aware of a bomb threat may call 911 and is asked to contact the Head of School’s office immediately. Any faculty member, staff member, or student who is aware of a bomb threat should immediately contact the Head of School’s office or a senior administrator. If the faculty member, staff member, or student is unable to connect immediately with a senior administrator, 911 should be called. All necessary instructions to the community will be communicated by the Head of School or his or her designee or in their absence law enforcement or fire department personnel in command and control of the public safety response to a report of a bomb threat.

All bomb threats will be reported to the Commissioner of the Department of Education within two business days.

Administrative Search 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.

2023-2024 Lincoln Academy Student Handbook Appendix

Student Searches

School administrators have the authority to search a student if they have reasonable suspicion that the student may be in possession of any item prohibited in school. School officials may conduct reasonable searches of students and their possession, when in their judgment, there are reasonable grounds for suspecting that the search will reveal evidence that the student has violated or is violating either the Law or the policies or regulations of the school. The search must be reasonably related in scope to the circumstances which precipitated the search, and the school official conducting the search shall take into account the age and gender of the student and the nature of the alleged infraction.

Lockers and other storage facilities on school premises, including dormitory rooms, are school property and shall remain at all times under the control, custody, authority, and supervision of the school authorities. School administration has the right to search lockers, desks, dorm rooms, and other storage facilities for items that violate the law, school policies, or regulations. The school may at times implement a program of random searches or when reasonable grounds exist to suspect that the search will reveal evidence that the student has violated or is violating the Law or the policies and the rules of the school. Searches in response to reasonable grounds may be conducted by school officials as a result of a patrol of school premises by dogs trained to detect drugs or weapons.

Student Search Administrative Procedure

The following protocol will be observed when conducting searches of students:

1. When the school official has reasonable suspicion that a student has possession of any items which violate law, school policies, or regulations, they will call the student to a private location, if practical, and in the presence of a second staff member, inform the student that there is reason to believe that he/she is in possession of such items.
2. During any search of a student's person, i.e., a pat-down search or a search of garments being worn by the student except outer coats, sweatshirts, or the like which may be removed and searched, the Dean of Students or designee will be present along with one other adult employee of the school, who will be of the same gender as the student being searched; and such search will be conducted in an appropriate private area, if practical.
3. During any search of property belonging to the student, the school official shall ask the student to open and fully reveal the contents of any container, compartment, bag, or other item. If the student refuses to open the item or fully reveal its contents, the school official shall open and search the item to reveal its contents.
4. Any items which are illegal, prohibited by school policies or regulations, or which in the reasonable judgment of school officials, represent a threat to the safety and welfare of the school population may be seized by school authorities.

The following protocol will be observed when conducting searches and seizure or confiscation of items located in a locker, storage facility, dorm room, or vehicle parked on school grounds:

1. Whenever possible, searches will be done by two staff members, one of which is the Dean of Students or their designee.

2023-2024 Lincoln Academy Student Handbook Appendix

2. If practical, a student shall be present during a search. The school official should first request that the student open and reveal the contents of any container, compartment, bag or other item stored in the searched area. If the student refuses to open the item, the school official shall open and search the item to reveal its contents.
3. Each item seized must be identified in documentation to the student and corresponding parent/guardian that it was seized. A copy of this documentation shall also be filed in the school record.

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 creates 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;

2023-2024 Lincoln Academy Student Handbook Appendix

- 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.

2023-2024 Lincoln Academy Student Handbook Appendix

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.

2023-2024 Lincoln Academy Student Handbook Appendix

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 does not investigate, Lincoln Academy may still need to investigate the allegations in order to ensure the safety of the entire campus community.

2023-2024 Lincoln Academy Student Handbook Appendix

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

2023-2024 Lincoln Academy Student Handbook Appendix

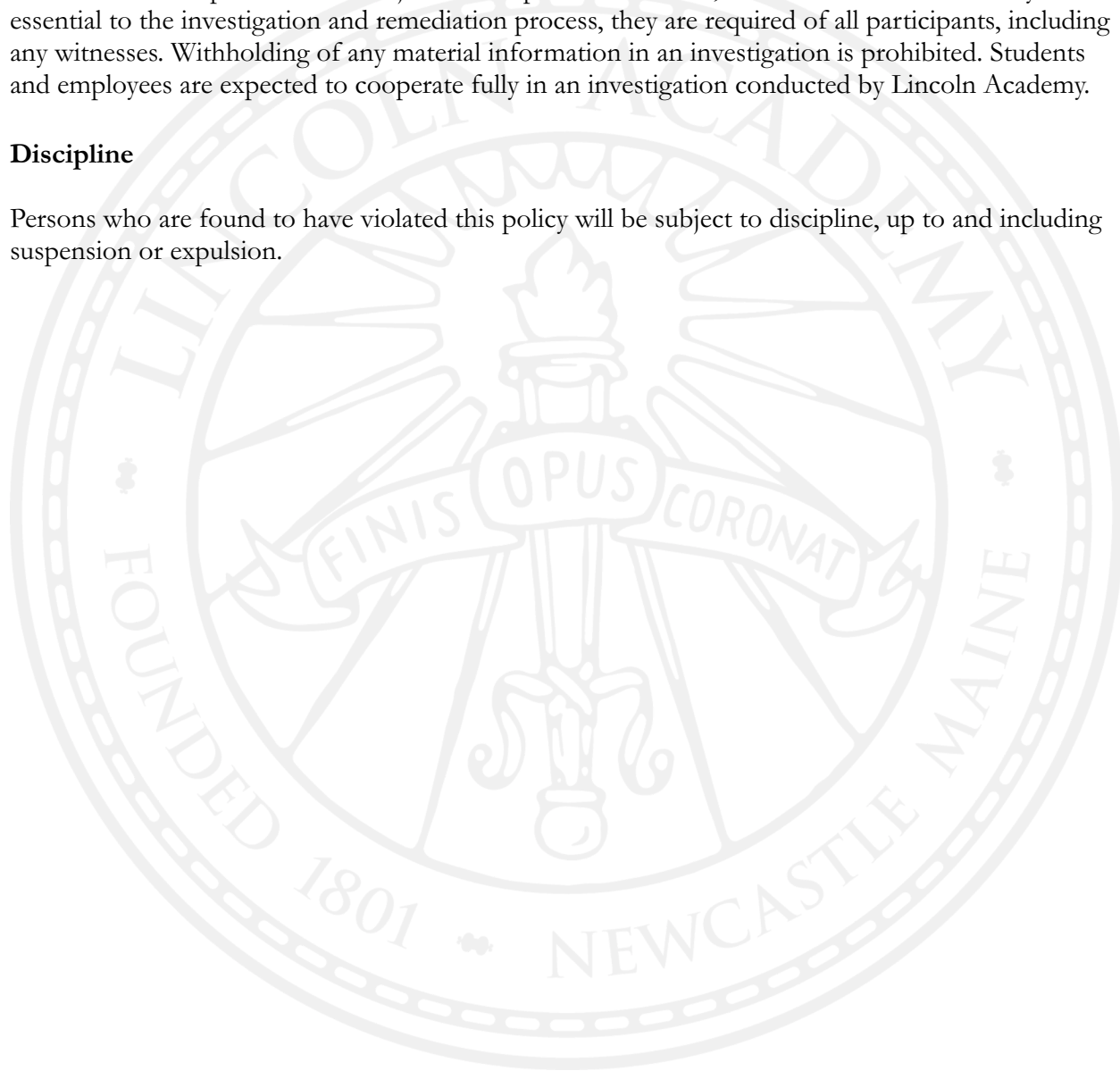
person or someone else, will not be tolerated and will be subject to the same strict discipline as harassment, discrimination, or bullying itself.

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.



2023-2024 Lincoln Academy Student Handbook Appendix

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.

2023-2024 Lincoln Academy Student Handbook Appendix

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.

2023-2024 Lincoln Academy Student Handbook Appendix

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 Dean of Students, who is designated as the Title IX coordinator, 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.

2023-2024 Lincoln Academy Student Handbook Appendix

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

2023-2024 Lincoln Academy Student Handbook Appendix

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

2023-2024 Lincoln Academy Student Handbook Appendix

Student Medical Leave Policy

Lincoln Academy is dedicated to providing for our students academically as well as to affording access to appropriate and quality health care. In some cases, however, a student's health needs may exceed the limits of what the Lincoln Academy Health Center can provide directly or arrange as a supplement to the school's services. In those cases, in which health concerns need to be addressed before a student can be successful in school, a medical leave of absence for physical and/or mental health reasons may be warranted. Lincoln Academy is committed to creating a plan to address the academic needs of students who go on medical leave once they are able to re-engage with their classwork. Medical leave will be defined as either a short-term leave or an extended leave.

Short Term Leave

An approved absence from Lincoln Academy for medical reasons lasting no longer than three weeks.

Extended Leave

An approved absence from Lincoln Academy for medical reasons lasting longer than three weeks, but less than one full trimester.

For a medical absence that extends beyond the parameters of extended leave, the student might be required to withdraw from Lincoln Academy, after consultation with the Head of School and/or the Head of School's designee. If such a situation were to occur, Lincoln Academy would work with the student and family to transition to a more appropriate academic program for the remainder of the school year. The student would also be eligible to re-apply to Lincoln Academy when appropriate from a medical perspective.

Procedure

The Head of School, Dean of Students, Special Education Director, members of the Student Support Team, or other administrators may refer the matter to the Director of Health Services for assessment and decision making about the provision of appropriate services to the student, a leave of absence or withdrawal. The Director of Health Services and/or designees will gather information, including information from counselors, health care providers, and/or other support people, as needed. This information will be shared only with those who have a need to know.

The Director of Health Services, or designee, will have the appropriate releases signed by the family to facilitate communication with the health care professionals involved in the case. Copies of treatment records, evaluations, and psychological or medical testing must be provided to the Director of Health Services upon request.

The Director of Health Services or designee will meet with the student, his or her parents, and other administrators and residential staff as appropriate to discuss the information gathered and the preliminary assessment as to the student's needs while comparing those needs to available services and supports. This meeting will help to determine whether a medical leave or withdrawal will be

2023-2024 Lincoln Academy Student Handbook Appendix

recommended for the student. If it is determined to be appropriate, the recommendation will be made to the Head of School or designee for a final decision.

When a final decision that a leave of absence or withdrawal is warranted, the appropriate parties, including the Dean of Students and the Director of Curriculum and Instruction, parents, and others as deemed appropriate, will be notified. The Dean of Students will contact the teachers of the student. When appropriate, the Director of Curriculum and Instruction will formulate a plan for continuing academic work and communicate these academic expectations to the student and parent/guardian.

A parent or student request for a student to return to Lincoln Academy from a leave or re-enrollment after withdrawal will be communicated to the Director of Health Services, and all appropriate documentation describing the health care and academic services will need to be provided. A review of the information will determine if the return of the student is appropriate at that time. When a family requests that the student be allowed to return, a meeting will be scheduled with the family and student to determine an appropriate return-to-school care plan. It is after this meeting that LA will determine if the return to school is appropriate.

Upon a student's return, he or she will be expected to follow a "return to school plan" developed for a successful reinstatement and placement for the student at Lincoln Academy. Discharge summaries and other appropriate documentation from the health care professionals caring for the student will be required to aid in formulating the return to school plan. In conjunction with the family and care team, LA will continue, as needed, to monitor the student's health and performance academically and in extracurricular and residential settings, and revise the plan, as appropriate, to support the student's successful access to the school's services and programs.