



## **The Birches Academy of Academics and Art Student Anti-Discrimination and Anti-Harassment Policy**

### **I. PURPOSE**

The Birches Academy of Academics and Art will not discriminate against any student because of race, color, sex, marital status, sexual orientation, gender identity, national origin, religion, age, physical or mental disability, veteran status, or any other characteristic protected by law. Such discrimination constitutes illegal discrimination at The Birches Academy of Academics and Art.

The Birches Academy of Academics and Art has established the following Complaint Procedures to address all types of discrimination complaints. Students and/or legal guardians have the right to use these procedures without jeopardizing their current or prospective student status.

The Birches Academy of Academics and Art believes that each student has the right to be free from illegal discrimination or harassment because of race, creed, color, religion, national origin, age, sex, marital status, sexual orientation, gender identity, physical or mental disability or veteran status. All students should be able to learn in an environment free from all forms of discrimination, intimidation and harassment, including sexual harassment. All members of the School community must treat each other with courtesy, consideration and professionalism.

To achieve our goal of providing a school environment free from illegal harassment and discrimination, the conduct that is described in this policy will not be tolerated and The Birches has provided a procedure by which inappropriate conduct will be dealt with. Where inappropriate conduct is found, The Birches will act promptly to eliminate the conduct and impose such corrective actions as are necessary including but not limited to counseling, training, warning, suspension, disciplinary action and/or termination of employment where appropriate.

Please note that while this policy sets forth The Birches Academy of Academics and Art's goal of promoting a school environment that is free of sexual or other illegal harassment, the policy is not designed or intended to limit our authority to discipline or take remedial action for conduct which we deem unacceptable, regardless of whether that conduct satisfies the definition of illegal or sexual harassment or illegal discrimination or sexual violence.

### **II. REPORTING PROCEDURES**

Any student who believes he or she has been the victim of discrimination or harassment, or any third person with knowledge or belief of conduct which may constitute discrimination or harassment, should report the alleged acts immediately to an appropriate Birches official as designated by this policy. All The Birches Academy of Academics and Art employees and



independent contractors are required to report any possible violations of this policy of which they are aware. The Birches Academy of Academics and Art encourages the reporting party or complainant to make a written complaint. However, a written complaint is not mandatory.

Reports should be made to the Dean of School. If the complaint involves the Dean of School, the complaint may be filed directly with the Chairperson of the Board.

The Birches Academy of Academics and Art will respect the confidentiality of the complainant and the individual(s) against whom the complaint is filed as much as possible, consistent with The Birches Academy of Academics and Art's legal obligations and the necessity to investigate allegations of discrimination or harassment and take disciplinary action when the misconduct has occurred.

### **III. INVESTIGATION AND RECOMMENDATION**

The Dean of School, upon receipt of a report or complaint (verbal or written) alleging illegal discrimination or harassment, shall promptly authorize an investigation. This investigation may be conducted by the Dean of School or by a third party designated by The Birches Academy of Academics and Art. The investigating party shall provide a written report of the status of the investigation to the Dean of School within ten working days. A final written report with recommendations for action by the Dean of School shall be submitted at the conclusion of the investigation. If the Dean of School is the subject of the complaint, the report shall be submitted to the Chairperson of the Board.

In determining whether alleged conduct constitutes discrimination or harassment, The Birches Academy of Academics and Art will consider the surrounding circumstances, the nature of the conduct, relationships between the parties involved and the context in which the alleged incidents occurred. Whether a particular action or incident constitutes discrimination or harassment requires a determination based on all of the facts and surrounding circumstances.

The investigation may consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigator.

In addition, The Birches Academy of Academics and Art may take immediate steps, at its discretion, to protect the complainant, pending completion of an investigation.

### **IV. THE BIRCHES ACADEMY OF ACADEMICS AND ART ACTION**

Upon receipt of a recommendation that the complaint is valid, The Birches Academy of Academics and Art will take such action as appropriate based on the results of the investigation.



The Birches Academy of Academics and Art may take such remedial action it deems necessary and appropriate, including but not limited to training, counseling, warning, suspension or immediate discharge to end illegal discrimination, harassment and/or sexual violence and to prevent its recurrence.

If the person engaged in the inappropriate conduct is not The Birches Academy of Academics and Art student or employee, the school will take whatever corrective action is reasonable and appropriate under the circumstances.

The Birches Academy of Academics and Art shall provide the complainant with a summary of the results of the investigation (subject to FERPA and privacy obligations).

The complainant or person allegedly engaged in inappropriate conduct may appeal the investigation recommendations to the Dean of School unless the Dean of School is the subject of the complaint, in which case the appeal is made to the Chairperson of the Board.

If the appeal is accepted by the Dean of School or the Board, the Dean of School or the Board (or a personnel committee formed by the Board) shall review the appeal and issue a written response within ten working days of the acceptance of the appeal.

As stated previously, this anti-harassment and discrimination policy is not designed or intended to limit The Birches Academy of Academics and Art's authority to discipline or take remedial action for conduct which we deem unacceptable, regardless of whether that conduct satisfies the definition of illegal harassment or discrimination.

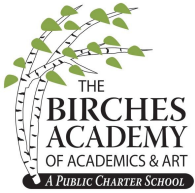
## **V. RETALIATION**

Retaliation (attempts to intimidate, punish or get back at someone) against any person who in good faith opposes illegal discrimination or harassment, initiates a complaint, or cooperates in any investigation violates state and federal law and is a violation of this policy. The Birches Academy of Academics and Art will take prompt remedial action against any individual who retaliates. Disciplinary action may include, but is not limited to, suspension or termination.

## **VI. RESOURCES/BY-PASS**

Questions regarding this policy and/or issues of illegal harassment or sexual violence may be directed to the Dean of School.

While The Birches Academy of Academics and Art encourages the use of this policy, employees are entitled to by-pass this policy and proceed directly to the Office of Civil Rights, Region I, John W. McCormack PO and Courthouse, Room 222, Post Office Square, Boston MA 02109-4557, (617) 565-1340.



## **VII. NOTICE AND PUBLICATION**

The Birches Academy of Academics and Art shall provide notice of this policy to students and school employees by including it in the student handbook and by posting it at the school. The Birches Academy of Academics and Art shall also use its discretion in developing programs and/or procedures to further inform students and employees about the substance of this policy and procedures.