

## **MFOA's Commitment to a Safe, Healthy, and Respectful Space**

### **A Preamble to the Discrimination Complaint Policy**

MFOA is committed to creating a safe, healthy and respectful space for every member of our community. We try to make good on that commitment in a number of ways.

**Prevent problems where possible.** To prevent as much as possible the chances of problems arising between people, we try to set clear expectations of behavior and support people in meeting those expectations. This includes communicating our expectations to people and reminding people about our expectations. (For example, this is something we talk about at the Opening Assembly of Mathcamp every year when we're introducing and unpacking Rule 1, and at the opening of the Annual Conference of the Summer Mathematics Programs Consortium.)

**Surface concerns.** Recognizing that, despite even best efforts, problems can still arise between people, we try to encourage and support people in bringing forward any concerns as early as possible. This includes working to demonstrate that we'll listen to people's concerns respectfully and supportively. (For example, avenues like surveys and anonymous comment boxes, as well as encouraging participants to talk about any issue with the appropriate staff or organizers.)

**Address concerns.** We try to address concerns in a timely and appropriate way.

**Different resolution process options.** We try to have a tool box of different resolution processes, ranging from more informal processes in which steps and outcomes are very flexible (for example, mediating a dispute about noise in the hallway), to more formal processes in which the steps and outcomes are very prescribed, such as a disciplinary investigation.

**Match resolution process to case.** For each case we try to select a resolution process that is appropriate, taking into account all the circumstances of that case. In selecting the resolution process for each case, we of course also have to take into account any laws, regulations or policies that might apply to that case.

**Supporting people.** We try to support each of the people involved as we work through concerns in each case. We recognize that it can be tough to bring concerns forward. We try to ensure that people have access to resources to support them as we work to address concerns, recognizing that every person and every case is different. In any given case, those resources may be available directly through MFOA (like a point person or advocate) or through other providers and channels (for example, an outside ombuds).

**Learn & improve.** We try to learn from each case and continually improve the way we do things. This can include making changes to our policies, procedures, systems and processes.  
**We welcome and appreciate concerns.**

We're appreciative every time someone brings concerns forward. Every case gives us an opportunity for us to work with the people involved to understand what's happened, how each person has been affected, and what might make things better in that case. When someone brings forward a concern, it gives us a chance to work with them and with others to resolve the situation well.

But it's more than just dealing with the specifics of each case. Hearing and dealing with people's concerns also provides us with opportunities to reflect and grow as an organization, to improve how we do things. Each case gives us a chance to identify changes we want to make to how we respond when concerns are brought forward, and to improve our systems for keeping people informed about how their concerns are dealt with. Those changes are then iteratively reflected in our policies and procedures going forward, so we're also very grateful for that.

## **The Mathematics Foundation of America Discrimination Complaint Policy**

The Mathematics Foundation of America (MFOA) is a non-profit organization whose mission is education, inspiration, and community-building in mathematics, with a pre-collegiate focus. The flagship program of MFOA is Canada/USA Mathcamp ("Mathcamp"), a five-week summer program for mathematically talented high school students. MFOA also houses the Summer Mathematics Programs Consortium ("the Consortium"), which brings together the leadership of intensive summer math programs in a community to further their work.

MFOA does not unlawfully discriminate based on race, color, national origin, sex (including pregnancy, sexual orientation, and gender identity), religion, disability, age (40 or older), or genetic information (including family medical history), or any other legally protected status (collectively, "Protected Statuses") in the administration of its educational programs, admissions policies, employment practices, financial aid, or any other programs. MFOA does not unlawfully retaliate against individuals for exercising their rights to be free of unlawful discrimination. MFOA does not tolerate discrimination, harassment, or retaliation against members of our community, including based on Protected Statuses. MFOA will provide reasonable accommodations to applicants, campers, employees, conference participants, and other community members for medical or religious purposes as required by law.

### Nondiscrimination/Title IX Coordinator

MFOA's Nondiscrimination/Title IX Coordinator (the "Coordinator") is the Executive Director. The Coordinator is responsible for ensuring compliance with applicable laws, overseeing anti-discrimination, anti-harassment, and anti-retaliation training and education, and overseeing and coordinating the response to, investigation of, and resolution of reports or complaints made under this policy. The Coordinator will update parties to a complaint of the status of the complaint on a regular basis. You can reach the Coordinator using the following contact information:

By email: [director@mfoa.org](mailto:director@mfoa.org)

By mail: 129 Hancock St., Cambridge MA 02139

By telephone: (888) 371-4159

## Prohibited Conduct

The following is “Prohibited Conduct” under this policy:

*Discrimination* is:

- Different treatment by MFOA, Mathcamp, or the Consortium on the basis of race, color, national origin, sex, sexual orientation, gender identity, marital status, disability, religion, age, or any other protected status;
- MFOA, Mathcamp, or the Consortium’s creation of, encouragement of, tolerance of, or failure to adequately respond to a hostile environment based on race, color, national origin, sex, sexual orientation, gender identity, marital status, disability, religion, or age where MFOA, Mathcamp, or the Consortium has actual or constructive knowledge of the hostile environment. A hostile environment can be based on conduct by a non-agent or employee community member of MFOA, Mathcamp, or the Consortium if MFOA, Mathcamp, or the Consortium has actual or constructive knowledge of the conduct and fails to adequately respond; and
- Irrespective of intent, MFOA, Mathcamp, or the Consortium's use of policies or practices that have a discriminatory effect against an individual or group based on race, color, national origin, sex, sexual orientation, gender identity, marital status, disability, religion, or age.

For purposes of the definition of *discrimination*, MFOA includes an agent or employee of MFOA acting within the scope of their official duties.

*Harassment* is words, conduct, or action directed at a specific person that is generally so severe, pervasive, or persistent that it limits a person’s ability to participate in MFOA’s programs or activities (including Mathcamp, alumni reunions, and email lists, as well as the Consortium, its Annual Conference and email lists). It includes slurs, taunts, stereotypes, or name-calling as well as physical threats, attacks, or other hateful conduct based on race, color, national origin, sex, sexual orientation, gender identity, marital status, disability, religion, age, or any other protected status.

*Sexual harassment* is harassment of a sexual nature. It includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature.

*Sexual Violence* is a form of sexual harassment. Sexual violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of

giving consent (including due to the victim's age or use of drugs or alcohol or because an intellectual or other disability prevents the victim from having the capacity to give consent). A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse, and sexual coercion.

*Gender-Based Harassment* is harassment based on an individual's actual or perceived sex or gender.

*Retaliation* is where MFOA, its agent, or its employee intimidates, threatens, coerces, or discriminates against any individual for the purpose of interfering with any right or privilege secured by this policy or relevant law, including where an individual has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this policy. Retaliation can include conduct by a non-agent or employee member of the MFOA, Mathcamp, or Consortium community if MFOA, Mathcamp, or the Consortium has actual or constructive knowledge of the conduct and fails to adequately respond.

Prohibited Conduct may result in consequences up to and including removal from a program or activity, termination from employment, and banning from the Mathcamp or Consortium community.

#### Reporting Misconduct or Filing a Complaint

Aggrieved individuals, if they feel comfortable doing so, should directly inform any person engaging in Prohibited Conduct that such conduct, including communications, is offensive and must stop. Alternatively, aggrieved individuals may contact the Coordinator for assistance in communicating with the person engaging in Prohibited Conduct.

MFOA strongly encourages all individuals to seek assistance from a medical provider and/or law enforcement promptly in any situation involving violence, including sexual assault, to facilitate preservation of evidence. MFOA also strongly encourages all individuals to promptly report Prohibited Conduct to MFOA. No reporting option is required and none are mutually exclusive. Internal and external reports may be made simultaneously. Any delays in MFOA's response based on medical or law enforcement activities will only be temporary and for good cause.

Any person may report Prohibited Conduct to MFOA, whether the reporting party is the person alleged to be the victim of the conduct or not. Individuals are encouraged to promptly report Prohibited Conduct. Every effort should be made to report conduct or file a complaint as soon as possible, while events are recent and potential witnesses are available. Delayed reporting can

make investigation and resolution of a complaint difficult and in some cases may prevent MFOA from processing a report or complaint.

Reports may be made directly to the Coordinator using the contact information above. Reports may also be made to any other employee, volunteer, or Board member of MFOA. Reports may be made either verbally or in writing. If a report is made verbally, the employee, volunteer, or Board member receiving the report must immediately make a written log, including all pertinent facts and the circumstances under which the report was made. Any employee, volunteer, or Board member who receives a report of Prohibited Conduct, or who otherwise is aware of a report or alleged incident of Prohibited Conduct, including suspected child abuse or neglect, must promptly report it to the Coordinator. Failure to do so can lead to discipline, up to and including termination, and permanent exclusion from all Mathcamp and/or Consortium activities.

The reporting party should provide the following information: a statement of the complaint that identifies the issue, provides pertinent facts, identifies those involved, and (optionally) states what remedy is sought. The Coordinator may request that the reporting party or the party who is alleged to have been subjected to Prohibited Conduct complete additional complaint forms, provide a written statement regarding the nature of the complaint, or meet with the Coordinator to clarify the allegations in a complaint.

### Confidentiality

MFOA will respect the confidentiality of individuals who report or are alleged to be the subject of unlawful discrimination, harassment, or retaliation or who participate in an investigation under this policy to the greatest extent possible.

### Initial Response to Reports or Complaints

Upon receipt of a report or complaint, the Coordinator will assess the severity of the situation and determine how to proceed with the complaint. This may require meeting with the reporting party and, if the reporting party is someone other than the alleged victim of misconduct, with the alleged victim (the “Complainant”).

The Coordinator will offer supportive measures to the reporting party and the Complainant and, once they are notified, to the individual alleged to have engaged in discriminatory, harassing, or retaliatory conduct (the “Respondent”). Supportive measures are individualized supports offered, as appropriate and as reasonably available, and without fee or charge to the recipient of the measure, to preserve access to Mathcamp or Consortium program or activity, including measures designed to protect the safety of all parties. Examples include access to counseling and/or Ombuds services, assignment of a point person from Mathcamp or the Consortium to answer

questions, leaves of absence, mutual and unilateral no contact orders, changes in access to electronic communications, and changes to schedules or assignments, among other measures.

If upon review a report or complaint is not of Prohibited Conduct, the Coordinator will notify the Complainant in writing that the matter is dismissed under this policy. Dismissal does not preclude review of the report or complaint through another process, such as through Mathcamp's discipline processes or the Consortium's conference committee.

### Informal Complaint Process

If the Coordinator determines a report or complaint is of Prohibited Conduct, the Coordinator, will, if appropriate, offer the Complainant (and a minor Complainant's parent(s)/guardian(s)) the option to proceed informally with the complaint. Examples of informal complaint processes include mediation and/or [Restorative Conferencing](#). While a full-scale formal investigation must focus on determining whether or not there is enough evidence to support a complaint of misconduct in violation of this policy, an informal process provides much more flexibility as to the steps involved, the people who can have a voice in the process, the information and perspectives that can be taken into account, the types of harm that can be acknowledged and considered, and the range of outcomes and remedies that can be implemented to address that harm.

No one will be required to participate in the informal complaint process; the process is voluntary. If the Complainant (and a minor Complainant's parent(s)/guardian(s)) agrees in writing to proceed informally, the Coordinator will notify the individual alleged to have engaged in discriminatory, harassing, or retaliatory conduct (the "Respondent") and ask if the Respondent (and a minor Respondent's parent(s)/guardian(s)) want to proceed informally. Any party can end the informal complaint process at any time by notifying the Coordinator in writing. The Coordinator may also end the process at any time by notifying the parties in writing.

### Formal Complaint Process (Investigation)

If the informal complaint process is not offered, not elected by the parties, unsuccessful, or ended by the Coordinator or a party, the Complainant may select to proceed with the formal complaint process, which involves a formal investigation. The Coordinator will notify the Respondent that the formal complaint process has been elected and, if not previously provided, provide the Respondent a statement of the nature of the allegations and a copy of any relevant policies or procedures related to the investigation.

The Coordinator will investigate or appoint a qualified unbiased individual to investigate the complaint and submit a report to the Board or its designee within 90 days of the complaint. The

report will contain a recommendation as to whether there is sufficient evidence, using a preponderance of the evidence standard, to establish a violation of this policy. When necessary, the report should also recommend prompt and effective corrective and preventative action.

Within 30 days of receipt of the investigative report, the Board or its designee will issue a final written decision or, if necessary, remand the matter for more investigation with specification of areas or issues for further investigation. The Board's final written decision will be provided to all parties within 5 business days of the decision. The written decision will include, at a minimum, the results of the investigation and any corrective and preventative action taken.

After receipt of the final decision and implementation of any remedies, the Complainant should notify the Coordinator if there are any persisting issues that the remedies are failing to address. The Coordinator will modify the remedies or provide for additional remedies as necessary if the Coordinator finds the initial remedies are inadequate to redress the matter and prevent further violations.

MFOA will handle every complaint as expeditiously as possible. Unexpected or unforeseen circumstances can cause delay. Should the Coordinator determine that good cause warrants an extension of any timeframe in this policy, the Coordinator will notify the parties of the reason and length for each extension.

#### Nondiscrimination Legal Requirements

MFOA is subject to certain federal and state laws that govern employers, including:

- **Title VII of the Civil Rights Act of 1964** (prohibiting discrimination on the basis of race, color, national origin, religion, sex (including sexual orientation, gender identity, and pregnancy, childbirth, and other related medical conditions), disability, age, citizenship status, and genetic information in employment), and
- The **Massachusetts Fair Employment Practices Act** (prohibiting discrimination on the basis of race, color, religious creed, national origin, ancestry, sex, gender identity, age, criminal record (inquiries only), disabilities, mental illness, pregnancy, retaliation, sexual harassment, genetics, and military status in employment).

From time to time, MFOA receives federal funds that require limited compliance with certain regulations issued by the federal government regarding nondiscrimination. This policy is intended to demonstrate good faith compliance with the regulations issued by governmental agencies enforcing laws that attach to MFOA due to its receipt of federal financial assistance. MFOA will comply with relevant laws, through this policy, at a minimum during any relevant grant term or while any relevant federal loan is not unpaid or not yet forgiven.



The following are potentially relevant laws that prohibit recipients of certain federal funds from discriminating against individuals on the basis of race, color, national origin, disability, sex, religion, or age.

- **Title VI of the Civil Rights Act of 1964** (prohibits discrimination on the basis of race, color, or national origin)
- **Section 504 of the Rehabilitation Act of 1973** (prohibits discrimination on the basis of a disability)
- **Title IX of the Educational Amendments of 1972** (prohibits discrimination on the basis of sex), and
- **Age Discrimination Act of 1975** (prohibits discrimination on the basis of age).

For educational program recipients, the prohibition extends to both employment and admissions as well as other educational programs and activities.

Individuals may contact the following for more information about any of relevant laws or their application to MFOA or to file a complaint alleging MFOA's noncompliance with relevant laws or this policy:

- The MFOA Nondiscrimination/Title IX Coordinator
- Federal agencies from which MFOA has received funding:
  - The U.S. Small Business Association ("SBA") at 202-205-6750 or by mail to the Administrator, Small Business Association, Washington, D.C. 20416
  - The U.S. National Science Foundation ("NSF") at [programcomplaints@nsf.gov](mailto:programcomplaints@nsf.gov) or (703) 292-8020
- The U.S. Department of Education's Office of Civil Rights ("OCR") at <https://www2.ed.gov/about/offices/list/ocr/complaintintro.html> or [ocr@ed.gov](mailto:ocr@ed.gov).
- The U.S Equal Employment Opportunity Commission ("EEOC"): detailed contact information available at <https://www.eeoc.gov/contact-eeoc>
- The Massachusetts Attorney General's Civil Rights Division at (617) 963-2917 or <https://www.mass.gov/how-to/file-a-civil-rights-complaint>.