

In the event of disagreement, the student and his or her parents should be consulted before a final placement decision.

**Promotion and Retention** Subject to the previous administrative regulation, students typically advance to the next grade after the end of the school year. The building administrator will use the following process if a student's teacher or parent recommends retention:

1. Teachers should identify students who are not meeting grade level objectives in one or more subjects and notify the building administrator and the students' parents by the end of the first semester of each school year. When such notification occurs:
  - (a) The teacher, building administrator and parents should meet to review the student's academic record, current test scores, work samples and anticipated progress; and,
  - (b) Follow-up meetings may be scheduled between the teacher, building administrator and parents.
2. The building administrator is responsible for making a final decision on retention, after consulting the teacher and the parents, and considering the following factors, among others:
  - (a) The student's academic achievement in all subject areas, especially attainment of grade level objectives, as determined by the School District's curriculum, assessments, progress reports, tests, assignments and work samples;
  - (b) The student's chronological age;
  - (c) The student's attendance; and,
  - (d) The student's social and emotional maturity.

### **Graduation Requirements**

**Generally.** All School District students who meet the School District's graduation requirements will be issued a diploma. Participation in School District graduation ceremonies is a privilege rather than a right.

Building principals may recommend eligible students for graduation and a diploma when the student has met the requirements established by these regulations. A student is eligible for recommendation for graduation when he/she: has completed four years of high school, unless a request for early graduation has been granted; has earned 23 total high school credits, including all required by the Michigan Merit Curriculum (MMC) courses and credits (which may include middle school courses aligned with MMC, but not for purposes of calculating GPA); and, has completed all scheduled assessments. The MMC eligibility requirement may be fulfilled through a Personal Curriculum (PC) created according to Michigan law and approved by the Superintendent.

**Early Graduation.** A student who is otherwise eligible for graduation and a diploma may make a request for early graduation to his/her counselor and building principal. The building principal may recommend a student's early graduation to the Superintendent upon the student's counselor's certification the student has or will meet all School District graduation requirements. Parental permission is required for students who are not 18 when the application is filed.

## **2003-AR**

## **Education Records**

**Creation and Retention** The School District maintains records according to the Michigan Department of Education's Record Retention Manual.

**Cumulative File (CA-60)** Building administrators will create and maintain a cumulative file (CA-60) for each student who attends school in the School District. The cumulative file may be created and maintained digitally. The building administrator will determine the contents of the CA-60 including, at a minimum:

1. The student's classes and credits;
2. The student's attendance record;
3. The student's standardized test results, with the exception of standardized tests taken to determine whether the student is eligible for special education and related services;
4. The student's immunization status; and
5. An eligible student's most recent IEP or Section 504 Plan.

**Special Services File** The School District's Executive Director of Special Education will publish legally compliant guidelines requiring School District personnel to create and maintain special education files for students who are eligible for special education and related services or accommodations under the [Individuals with Disabilities in Education Act](#) and [Michigan special education law, Section 504 of the Rehabilitation Act of 1973](#), or the [Americans with Disabilities Act of 1990](#). The special education file may be created and maintained digitally as follows:

Special services files will be maintained in accordance with the Michigan Department of Technology, Management and Budget guidelines, found [here](#). The School District shall ensure the records are stored in a manner so they remain accessible during the entire retention period. All records will be stored in a secure and stable environment that will protect them from damage, tampering, and degradation. Presently, the School District stores Special Services files for current students in paper format. The District stores former students' special services files electronically in PDF format, to ensure the files remain accessible even when the electronic storage hardware and/or software becomes obsolete. In the event technological advances render the current format inaccessible, the District shall re-format the files to be compatible with current technology.

### **Directory Information and Access to Student Education Records**

**Family Education Rights and Privacy Act (FERPA).** This administrative regulation has been developed to comply with FERPA and does not, itself, confer enforceable rights to any person.

#### **Access to Education Records.**

*Parental Access.* The natural parents of minor and dependent students may inspect their children's education record, unless that right has been terminated by a court order.

*Adult Students.* Adult students may inspect their education record.

*Board Members and School District Personnel.* Board members and School District personnel may access a student's education record if they have a "legitimate educational interest" in doing so, within the meaning of FERPA. A "legitimate educational interest" exists if the Board member or other School District personnel are performing a task specific to their position description or contract agreement, performing a task related to a student's education or to discipline of a student, providing a service or benefit related to the student or student's family, or maintaining the safety and security of campus. For example, an academic advisor has a legitimate educational interest in reviewing the courses a student has completed because reviewing completed courses is related to the task of advising the student. The advisor would not be authorized to view records that are not relevant to the task at hand.

*Other Persons.* Other persons may inspect student education records to the extent permitted by FERPA.

**Time and Place of Inspection.** Generally, a person authorized to access a student's education record, other than School District personnel, must make an appointment to review education records at the student's school with the building administrator, or designee, who will remain present during the inspection. An authorized person will be permitted to copy selected education records upon request and fees may be charged as permitted by law.

**Access Log.** The building administrator will include an access log in each student's CA-60 and Special Services file that will identify each person who accessed the education record, the date and time the education record was accessed and the reason the education record was accessed.

**Directory Information.** Board Policy 2003 defines directory information that may be disclosed by School District Board members and personnel. The Superintendent designates each building principal to annually notify parents and adult students of their right to "opt-out" of the disclosure of directory information, the steps that must be taken to exercise that right and to timely notify the building administrator when a parent or adult student has exercise that right.

**Amendment of Education Records.** Parents and adult students may request the amendment of education records that are inaccurate, misleading or in violation of the student's rights of privacy or other rights. The following procedure will be used in cases when parents or adult students request the amendment of education records:

1. The Parent will request the amendment in writing, including: identifying the education record(s) in question; and, the reason(s) the education record should be amended;
2. The building administrator, after conferring with his or her direct supervisor, may agree to amend the education record and do so;
3. The building administrator, after conferring with his or her direct supervisor, may decline to amend the education record and, if so, notify the parent or adult student of the reason(s) and his or her right to a hearing.
4. If a hearing is requested, the building administrator will immediately notify his or her direct supervisor and the Superintendent, who will arrange for a hearing consistent with FERPA requirements.

## 2004-AR Extracurricular Activities

**School District Clubs and Other Activities** On or before October 31 of each school year, each building administrator will forward to the Superintendent and/or his/her designee a complete list of the School District clubs and other activities offered in the building. Building administrators may not add new School District clubs or activities that cost the School District money without the approval of the Superintendent and/or his/her designee. The building administrator will also promptly notify the Superintendent and/or his/her designee of any changes during the school year.

### **Fund Raising**

**Overview.** All fundraising activities must comply with 7007-AR.

**General Guidelines.** Requests to conduct fundraising must be submitted to the building principal for approval. Fundraisers requiring the use of School District facilities must be approved by the building principal. The distribution and posting of fundraiser flyers must also be approved by the building principal. For fundraisers involving food items, only two fundraisers per building per week are permitted if the food

**6006****Drug-Free School Zones**

In accordance with federal and Michigan law, the Board hereby establishes a Drug Free School Zone that extends 1000 feet from the boundary of any school property line. The Board prohibits the use, possession, sale, concealment, delivery or distribution of any controlled substance, and all drug paraphernalia, on District property, within the Drug Free School Zone or at any District-related event. A person, for whom a controlled substance has been lawfully prescribed, may possess the same within an established Drug Free School Zone.

**6007****Tobacco-Free Environment**

The use of all tobacco products on School District property is prohibited. For purposes of this policy, School District property includes all school buildings, areas adjacent to school buildings, athletic fields, pupil transportation vehicles and parking lots. This prohibition applies to students, employees and visitors to the school or school campus and applies whether or not school is in session. The term "tobacco" includes any kind of lighted pipe, cigar, cigarettes, or any other lighted smoking materials, as well as chewing products and snuff.

**6008****Electronic Cigarettes, Vaporizers, Etc.**

The use of electronic cigarettes, vaporizers, etc. on School District property is prohibited.

The following definitions apply to this policy. "Electronic Cigarettes" means any device that provides a vapor of liquid nicotine, lobelia, and/or other substance, and the use or inhalation of which simulates smoking. The term includes any such devices, whether they are manufactured, distributed, marketed or sold as e-cigarettes, or under any other product name or descriptor. "School District Property" means: all school buildings, areas adjacent to school buildings, athletic fields, pupil transportation vehicles and parking lots.

**6009****Integrated Pest Management**

The Superintendent will develop an integrated pest management plan or administrative regulations that include strategies to reduce the use of pesticides that pose health risks to students, staff members and other persons in the school community.

**6010****Transportation**

**Student Transportation** The District will provide transportation to eligible School District students and others consistent with applicable laws. The use of School District transportation resources for field trips, co-curricular activities and other authorized educational, cultural and recreational activities may be permitted when it does not conflict with the primary purpose for transportation and complies with District policies.

Students who reside in the District and meet the following requirements are eligible for transportation to and from school if they meet:

- A. The student lives more than one and one-half (1½) miles from his or her school. However, a student who has been granted permission to attend a school other than the school to which he or she is assigned is not eligible for transportation by the School District.

**Student Code of Conduct** The Superintendent has developed and promulgated the School District's Student Code of Conduct consistent with Board Policy 2006. The current Student Code of Conduct is posted on the School District's website and is also accessible by clicking [here](#). Building administrators and teachers are responsible for enforcing the Student Code of Conduct in their buildings and classrooms.

**Positive Behavior Supports and Alternatives to Corporal Punishment** Each building administrator will notify the Superintendent, or designee, of the positive behavior supports or positive behavior support plan available or implement in his/her building. Positive behavior supports and support plans are one of the School District's alternatives to corporal punishment. The School District's Student Code of Conduct is another alternative to corporal punishment.

**Athletic Code of Conduct** The Superintendent has developed and promulgated the School District's Athletic Code of Conduct. The current Athletic Code of Conduct is posted on the School District's website and is also accessible by clicking [here](#). Building administrators, teachers, club sponsors and coaches are responsible for enforcing the Athletic Code of conduct in their buildings and programs.

**Medication**

**Administration of Medication by School District Personnel.** School District personnel will not administer medication to students except according to this regulation.

The parent must submit a request to administer prescription or non-prescription medication to the building administrator on a form approved by the Superintendent. The request must include at least the following information: the name of the student; the name of medication; the dosage; the time and frequency of administration during the school day; and, other special instructions, if any. Upon approval by the building administrator, School District personnel will administer medication to students subject to the following conditions:

1. Medication must be submitted in its original container, whenever possible. If medication is not in its original container, the parent must label the container with the following information: the name of the student; the name of medication; the dosage; the time and frequency of administration during the school day; and, other special instructions, if any.
2. Medication must be brought to and returned from the school by the parent for elementary students;
3. The parent must ensure that an adequate amount of medication is on hand at the school for the duration of the student's need to take medication;
4. The parent must ensure that the school is informed in writing of any changes in medication instructions; and,
5. In the event a student refuses medication, the parent will be notified immediately.

**Storage and Monitoring.** The building administrator is responsible for properly storing and monitoring medications administered by School District personnel. Medications will be secured by lock; and, access to medication storage keys will be limited to the building principal and designated school staff. Following administration, the medication container will be properly sealed and returned to storage.

**Administration of Medication by Students.** Students are prohibited from sharing or administering medication with or to each other, except in cases of a life-threatening emergency. The building administrator may grant a student permission to self-administer medication if the student's parent has provided written permission. For prescription medications, the parent must also provide the building administrator with written approval of the student's physician. A student who has been approved for self-medication may have in his/her possession only the quantity of medication needed for that school day, unless otherwise approved, in writing, by the building administrator.

**Seclusion and Restraint** Michigan law prohibits seclusion and restraint, except emergency seclusion and emergency physical restraint. The Superintendent designates the School District's Executive Director of Special Education to train staff consistent with Michigan law. In addition, all School District personnel involved in seclusion and restraint must be trained in Nonviolent Crisis Intervention.

**Wellness** The Superintendent establishes the School District's Wellness Committee. The Superintendent delegates to the School District's Nutrition Supervisor the duty of appointing and coordinating the duties of the Wellness Committee, which will include the School District's Health Coordinator and Physical Education Instructional Leaders. The School District's Nutrition Supervisor and Wellness Committee will comply with all applicable legal requirements including, but not limited to: proposing and, upon the Superintendent's approval: implementing School District nutrition and physical activity standards; integrating the School District's nutrition and physical activity standards into the School District's curriculum consistent with the Michigan Physical Education Grade Level Content Expectations and the Michigan Merit Curriculum Guidelines for Physical Education; assuring that School District staff professional development addresses nutrition and physical activity issues; and, assuring School District students receive nutrition education and engage in vigorous physical activity. The Health Coordinator and the Physical Education Instructional Leaders are responsible for communicating the requirements of this administrative regulation to teaching staff who, in turn, are responsible for implementation within their individual classrooms. The School District will promote nutrition standards by ensuring all foods and beverages sold, marketed, or provided to students meet the USDA Nutrition Standards for School Meals and USDA Smart Snack in School nutrition standards.

The School District Wellness Committee will also develop and deliver a regular report to the Superintendent, including: monthly School District menus and meal counts; a la carte, vending and competitive foods sold on School District premises; and, physical activity and program opportunities for School District students. At least once every three years, the School District's Nutrition Supervisor will report to the School District's Superintendent: the extent to which this regulation compares to model school wellness policies; the extent to which the School District's schools are in compliance with this regulation; and, the School District's progress in attaining the goals established by the Wellness Committee. The School District will make the report and any updates to this policy available to the public. The School District will provide information on how the public can participate on the Wellness Committee and assist with the development and implementation of this policy.

### **Epinephrine Auto-Injectors (Epi-Pens)**

**Student Possession and Use.** Students may possess and, if necessary, use epi-pens on School District premises and at school-related activities, programs and events if the following three conditions are met:

- The student has permission to use the epi-pen from his or her physician and, if the student is a minor, from his or her parent(s);
- The building administrator has received a copy of the necessary written permissions; and,
- The school has on file a written emergency care plan (or IEPT Report or 504 Plan that includes a written emergency care plan, however designated) prepared or approved by a licensed physician in collaboration with the student and the student's parent(s) that is updated as necessary to account for any change in the student's circumstances.

## 8008-AR

## Discrimination and Harassment

The Board of Education has adopted anti-discrimination and anti-harassment policies that prohibit illegal discrimination and harassment in the School District's programs and activities by, among others, Board members, School District employees, and students. A student, employee, or any other person who believes a student or employee has been the victim of illegal discrimination or harassment may seek resolution of the matter through the procedures that follow. Alleged discrimination and harassment other than sexual harassment will be investigated and resolved pursuant to 8008.1-AR or 8008.2-AR. Sexual harassment against employees and students will be investigated and resolved pursuant to 8008.3-AR, as required by Title IX and its implementing regulations. The School District's duty to investigate allegations of discrimination and harassment is not affected in cases where the same allegations have been reported to or are being investigated by law enforcement authorities.

**Compliance Officer and Title IX Coordinator** The Director of State and Federal Programs, School Improvement and School Safety and Compliance Officer/Title IX Coordinator, whose telephone number is 248-489-3596 and whose email address is [tyrone.weeks@fpsk12.net](mailto:tyrone.weeks@fpsk12.net), is the School District's Compliance Officer and Title IX Coordinator for purposes of this Administrative Regulation.

**Days** As used in 8008.1-AR through 8008.3-AR, the word "days" means school days during the school year when school is in session and business days during the summer break.

## 8008.1-AR

## Discrimination and Harassment – Students

**Generally** Any student, or any other person, may report that a student has been the victim of illegal discrimination or harassment, other than sexual harassment, to the School District's Compliance Officer and Title IX Coordinator and seek resolution of the matter through the informal or formal procedures described in this Administrative Regulation.

### **Definitions for 8008.1-AR**

**"Complainant"** means the student who is the alleged victim of discrimination or harassment; other than sexual harassment, which is addressed by 8008.3-AR.

**"Respondent"** means the person who allegedly discriminated against or harassed Complainant.

**"Investigator"** means the person investigating a formal complaint of discrimination or harassment.

**"Discrimination"** means behavior based, in whole or in part, on Complainant's race, color, national origin, religion, sex, marital status, genetic information, or disability. The behavior must be sufficiently severe and pervasive that it:

- Affects Complainant's ability to benefit from the School District's educational programs or activities;
- Creates an intimidating, threatening, or hostile educational environment;
- Has the effect of substantially or unreasonably interfering with Complainant's academic performance; or,
- Otherwise adversely affects Complainant's educational opportunities.

**"Harassment"** means behavior that is threatening, harmful, or humiliating and so severe, pervasive, or persistent that it:

- Affects Complainant's ability to benefit from the School District's educational programs or activities;
- Creates an intimidating, threatening, or hostile educational environment;
- Has the effect of substantially or unreasonably interfering with Complainant's academic performance; or,
- Otherwise adversely affects Complainant's educational opportunities.

**Informal Complaint Resolution Procedure** The informal complaint resolution procedure is a less formal option for a Complainant who believes s/he was the victim of discrimination or harassment. Resorting to the informal procedure is not required before filing a formal complaint. Moreover, at any time during the informal complaint resolution procedure, Complainant may request that the matter be moved to the formal complaint process. The informal complaint resolution procedure will not be used for complaints against District employees and other District-affiliated adults.

**Step 1.** A student, or any other person, may report discrimination or harassment to: a School District employee or building administrator; the Superintendent or other central-office administrator; or, the Compliance Officer and Title IX Coordinator.

All informal complaints received by School District employees must be reported to the Compliance Officer and Title IX Coordinator within two (2) days. The Compliance Officer and Title IX Coordinator will either facilitate an informal resolution, as described below, or appoint another person to facilitate an informal resolution.

**Step 2.** Depending upon the facts, circumstances, and wishes of the Complainant, informal resolution may involve, but not be limited to, one or more of the following:

- Counseling Complainant how to effectively communicate the unwelcome nature of the behavior to Respondent.
- Distributing a copy of the School District's anti-discrimination and anti-harassment policy and this Administrative Regulation as a reminder to Respondent and other individuals.
- If both parties agree, the Compliance Officer and Title IX Coordinator may arrange and facilitate a meeting between the Complainant and Respondent to work out a mutual resolution. Such a meeting may include some or all of the features of the restorative practices process described in the Revised School Code, [MCL 380.1310c](#).

**Step 3.** The Compliance Officer and Title IX Coordinator will endeavor to complete the informal complaint resolution procedure within ten (10) days of receiving the informal complaint. If Complainant or Respondent is dissatisfied with the result, s/he may file a formal complaint.

All materials generated as part of the informal complaint resolution procedure will be retained in a single location under the control of the Compliance Officer and Title IX Coordinator in accordance with the Board of Education's records retention and/or Student Records policies.

**Formal Complaint Resolution Procedure**

**Step 1.** A student, or any other person, may file a formal complaint with: a School District employee; the Superintendent or other central-office administrator; or, the Compliance Officer and Title IX Coordinator. All such complaints must be forwarded to the Compliance Officer and Title IX Coordinator within two (2) days.

All formal complaints must include the following information, to the extent it is available:

- The name of Complainant and, if different, the name of the person reporting the allegation;
- The allegation, including a description of relevant incident(s), date(s), and time(s) ( if known);
- The name(s) of all persons alleged to have committed discrimination or harassment, if known, or a description/identifying information if the name is not known; and,
- The name(s) or description/identifying information of all known witnesses.

If Complainant is unwilling or unable to provide a written statement including the information set forth above, the Compliance Officer and Title IX Coordinator will ask for the information in an interview. Thereafter, the Compliance Officer and Title IX Coordinator will prepare a written summary of the interview and ask Complainant to verify the accuracy of the summary by signing it.

**Step 2.** Within two (2) days of receiving the formal complaint, the Compliance Officer and Title IX Coordinator, or designee (the Investigator), will initiate a formal investigation to determine whether Complainant has been subjected to discrimination or harassment.

NOTE: Upon receiving a formal complaint, the Investigator will consider whether any action should be taken during the investigation to protect Complainant from further discrimination or harassment, including, but not limited to, a no-contact order or a change of schedule for Complainant or Respondent. In making such a determination, the Compliance Officer and Title IX Coordinator will consult Complainant to assess his/her reaction to the proposed action. If Complainant disagrees with the proposed change, the Investigator may nevertheless, following consultation with the Superintendent, take whatever actions s/he deems appropriate and in the best interests of Complainant, Respondent, and the integrity of the investigation.

The Compliance Officer and Title IX Coordinator will inform Respondent that a complaint has been received. Respondent will be informed of the nature of the allegations and provided with a copy of the Board's anti-discrimination and anti-harassment policy and this Administrative Regulation. Respondent will also be provided an opportunity to submit a written response to the complaint within five (5) days. Throughout the course of the process, the Compliance Officer and Title IX Coordinator will keep both parties informed of the status of the investigation and the decision-making process.

Although certain cases may require additional time, the Investigator will endeavor to complete the investigation within fifteen (15) days of receiving the formal complaint. The investigation will include:

- Interviews with Complainant and Respondent;
- Obtaining and reviewing any written statements of Complainant, Respondent, and any other witnesses;
- Interviews with other witnesses who may have information relevant to the allegations; and,
- Consideration of any relevant documents or other information presented by Complainant, Respondent, or other witnesses.

**Step 3.** At the conclusion of the investigation, the Compliance Officer and Title IX Coordinator will, within fifteen (15) days of receiving the formal complaint, prepare and deliver a written report to the Superintendent summarizing the information gathered during the investigation and, if applicable, the date of any report to the police. The report will also provide recommendations based on the evidence. A preponderance of the evidence standard will be followed. The Compliance Officer and Title IX

Coordinator's recommendations should consider the totality of the circumstances, including the ages and maturity levels of those involved. Disciplinary recommendations, if appropriate, should be reasonably calculated to prevent the recurrence of discrimination or harassment. Disciplinary recommendations may range from: counseling to permanent expulsion, in the case of a student; counseling to discharge, in the case of an employee; and, recommendation for censure or a complaint to the Governor, in the case of a Board member.

**Step 4.** Absent extenuating circumstances, within ten (10) days of receiving the Compliance Officer and Title IX Coordinator's report, the Superintendent will issue a final decision or request further investigation. A copy of the Superintendent's final decision will be delivered to both parties.

If the Superintendent requests additional investigation, the Superintendent will specify the additional information that is to be gathered, and the additional investigation will be completed within ten (10) days. At the conclusion of the additional investigation, the Superintendent will issue a final written decision as described above.

**Filing a Complaint with the Office for Civil Rights** Complainant, or any other person, may, at any time, file a complaint with the United States Department of Education Office for Civil Rights at:

U.S. Department of Education  
Office for Civil Rights  
Cleveland Office  
1350 Euclid Avenue, Suite 325  
Cleveland, Ohio 44115  
(216) 522-4970

**Cooperation with Law Enforcement Agencies** In certain instances, allegation of discrimination and harassment may be investigated as a criminal matter. To the extent permitted by law, the District will comply with law enforcement requests for cooperation.

**Retaliation** Retaliation against a person who files a complaint alleging discrimination or harassment, or participates as a witness in an investigation, is strictly prohibited. Upon a finding that a person has engaged in retaliation, appropriate disciplinary action will be taken.

**Maintenance of Records** All materials generated as a part of the formal complaint process will be retained in a single location under the control of the Compliance Officer and Title IX Coordinator in accordance with the Board of Education's records retention and/or Student Records policy.

## **8008.2-AR Discrimination and Harassment – Employees**

**Generally** Any employee who believes that s/he has been the victim of illegal discrimination or harassment, other than sexual harassment, may notify the School District's Compliance Officer and Title IX Coordinator and seek resolution of the matter through the informal or formal procedures described below.

### **Definitions for 8008.2-AR**

**“Complainant”** means the employee who is the alleged victim of discrimination or harassment; except sexual harassment, which is addressed by 8008.3-AR.

**“Respondent”** means the person who has allegedly discriminated against or harassed Complainant.

**“Investigator”** means the person investigating a formal complaint of discrimination or harassment.

**"Discrimination"** means behavior based, in whole or in part, on Complainant's race, color, national origin, religion, sex, marital status, genetic information, age, height, weight or disability that is sufficiently severe and pervasive that it:

- Creates an intimidating, hostile, or offensive environment;
- Substantially or unreasonably interferes with Complainant's work performance, opportunities, or benefits; or,
- Otherwise adversely affects Complainant's employment;

**"Harassment"** means behavior that is threatening, harmful, or humiliating and so severe, pervasive, or persistent that it:

- Creates an intimidating, hostile, or offensive environment;
- Substantially or unreasonably interferes with Complainant's work performance, opportunities, or benefits; or,
- Otherwise adversely affects Complainant's employment.

**Informal Complaint Resolution Procedure** The informal complaint resolution procedure is a less formal option for a Complainant who believes s/he was the victim of discrimination or harassment. Resorting to the informal procedure is not required before filing a formal complaint. Moreover, at any time during the informal complaint resolution procedure, Complainant may request that the matter be moved to the formal complaint process. The informal complaint resolution procedure will not be used for complaints alleging violence.

**Step 1.** The Complainant may make an informal complaint, orally or in writing, to: the building administrator of the building to which the employee is assigned; the Superintendent or other central-office administrator; or the Compliance Officer and Title IX Coordinator.

All informal complaints must be reported to the Compliance Officer and Title IX Coordinator within two (2) days. The Compliance Officer and Title IX Coordinator will facilitate an informal resolution, as described below, or appoint another individual to facilitate an informal resolution.

**Step 2.** Depending upon the facts, circumstances, and wishes of the Complainant, informal resolution may involve, but not be limited to, one or more of the following:

- Advising Complainant how to effectively communicate the unwelcome nature of the behavior to Respondent.
- Distributing a copy of the anti-discrimination and anti-harassment policy and this Administrative Regulation to Respondent and other individuals.
- If both parties agree, the Compliance Officer and Title IX Coordinator may arrange and facilitate a meeting between the Complainant and the Respondent to work out a mutual resolution. However, such a meeting will not be held where sexual violence has been alleged.

**Step 3.** The Compliance Officer and Title IX Coordinator will endeavor to complete the informal complaint resolution procedure within fifteen (15) days of receiving the informal complaint. If Complainant or Respondent is dissatisfied with the results of the informal complaint resolution process, s/he may file a formal complaint.

All materials generated as part of the informal complaint resolution procedure will be retained in a single location under the control of the Compliance Officer and the Title IX Coordinator in accordance with the Board of Education's records retention policy.

### **Formal Complaint Resolution Procedure**

**Step 1.** Complainant may file a formal complaint with: the building administrator of the building to which s/he is assigned; the Superintendent or other central-office administrator; or, the Compliance Officer and Title IX Coordinator. The person with whom a complaint is filed must report it to the Compliance Officer and Title IX Coordinator within two (2) days.

All formal complaints must include the following information to the extent it is available:

- Complainant's name and, if different, the name of the person reporting the allegation;
- The allegation, including a description of relevant incident(s), date(s) and time(s) (if known);
- The name(s) of all persons alleged to have committed discrimination or harassment, if known, or a description/identifying information if the name is not known; and,
- The name(s) or description/identifying information of all known witnesses.

If Complainant is unwilling or unable to provide a written statement including the information set forth above, the Compliance Officer and Title IX Coordinator will ask for the details in an interview. Thereafter, the Compliance Officer and Title IX Coordinator will prepare a written summary of the interview, and Complainant will be asked to verify the summary by signing it.

**Step 2.** Within two (2) days of receiving the formal complaint, the Compliance Officer and Title IX Coordinator, or designee (the Investigator), will initiate a formal investigation to determine whether Complainant has been subjected to discrimination or harassment.

NOTE: Upon receiving a formal complaint, the Investigator will consider whether any action should be taken during the investigation to protect Complainant from further discrimination or harassment, including, but not limited to, a change of work assignment or schedule for Complainant or Respondent. In making such a determination, the Investigator will consult Complainant to assess his/her reaction to the proposed action. If the Complainant is unwilling to consent to the proposed change, the Investigator may nevertheless, after consulting with the Superintendent, take whatever actions he/she deems appropriate for the protection of Complainant, Respondent, and the integrity of the investigation.

The Investigator will inform Respondent that a complaint has been received. Respondent will be informed of the nature of the allegations and provided with a copy of the Board's anti-discrimination and anti-harassment policy and this Administrative Regulation. Respondent will also be informed of the opportunity to submit a written response to the complaint within five (5) days. Throughout the course of the process, the Compliance Officer and Title IX Coordinator will keep the parties informed of the status of the investigation and the decision-making process.

Although certain cases may require additional time, the Investigator will endeavor to complete the investigation within fifteen (15) days of receiving the formal complaint. The investigation will include:

- Interviews with Complainant and Respondent;
- Obtaining and reviewing any written statements of Complainant, Respondent, and any other witnesses;

- Interviews with any other witnesses;
- Relevant documents and other information presented by Complainant, Respondent, or any other witnesses.

**Step 3.** At the conclusion of the investigation, the Compliance Officer and Title IX Coordinator will, within fifteen (15) days of receiving the formal complaint, prepare and deliver a written report to the Superintendent that summarizes the evidence gathered during the investigation, the response of School personnel, and, if applicable, the date any incident was reported to the police. The report will provide recommendations based on the evidence. The recommendations should consider the totality of the circumstances. Disciplinary recommendations, if appropriate, should be reasonably calculated to prevent recurrence of illegal discrimination or harassment. Disciplinary recommendations may range from: counseling to discharge, in the case of an employee, and censure to a complaint to the Governor, in the case of a Board member.

**Step 4.** Absent extenuating circumstances, within ten (10) days of receiving the report, the Superintendent will either issue a final decision regarding whether the complaint has been substantiated or request further investigation. A copy of the Superintendent's final decision will be delivered to both parties.

If the Superintendent requests additional investigation, the Superintendent must specify the additional information that is to be gathered, and such additional investigation must be completed within ten (10) days. At the conclusion of the additional investigation, the Superintendent will issue a final written decision as described above.

**Filing a Discrimination or Harassment Complaint with State or Federal Agencies** An employee alleging discrimination or harassment, may, at any time, file a complaint with the United States Department of Education Office for Civil Rights at:

United States Department of Education  
Office for Civil Rights  
Cleveland Office  
1350 Euclid Avenue, Suite 325  
Cleveland, Ohio 44115  
(216) 522-4970  
FAX: (216) 522-2573  
TDD: (216) 522-4944  
E-mail: [OCR.Cleveland@ed.gov](mailto:OCR.Cleveland@ed.gov)  
Web: <http://www.ed.gov/ocr>

A complaint may also, or instead, be filed with:

United States Department of Labor  
Equal Employment Opportunity Commission  
Detroit Field Office  
477 Michigan Avenue, Room 865  
Detroit, Michigan 48226

or

State of Michigan  
Department of Civil Rights  
Cadillac Place, Suite 3-600  
3054 West Grand Boulevard  
Detroit, Michigan 48202

**Cooperation with Law Enforcement Agencies** In certain instances, an allegation of discrimination or harassment may also be investigated as a criminal matter. To the extent permitted by law, the School District will comply with law enforcement requests for cooperation.

**Retaliation** Retaliation against a person who files a complaint alleging discrimination or harassment, or participates as a witness in an investigation, is strictly prohibited. Upon a finding that a person has engaged in retaliation, appropriate disciplinary action will be taken.

**Maintenance of Records** All materials generated as a part of the formal complaint process will be retained in a single location under the control of one of the Compliance Officer and Title IX Coordinator in accordance with the Board of Education's records retention policy.

## **8008.3-AR Sexual Harassment – Employees and Students**

**Generally** This Administrative Regulation sets forth the procedure the School District follows to investigate and resolve allegations of sexual harassment against School District employees or students. Administrative Regulations 8008.1-AR and 8008.2-AR apply to illegal discrimination and harassment on other bases.

The School District's Title IX Coordinator is responsible for implementing 8008.3-AR. The Title IX Coordinator will ensure his/her contact information is posted on the School District's website, included in the School District's annual notifications document, published in every handbook and catalogue distributed to parents and students, and conveyed to the president of every School District collective bargaining unit.

### **Definitions for 8008.3-AR**

**“Complainant”** means an employee or student who is the alleged victim of conduct that could constitute sexual harassment.

**“Respondent”** means the person who has been reported to be the perpetrator of conduct that could constitute sexual harassment against a Complainant.

**“Investigator”** means a person the Title IX Coordinator has appointed to investigate allegations of sexual harassment against a Respondent.

**“Sexual Harassment”** means, with respect to the School District's programs and services:

- Conditioning an aid, benefit, or service on Complainant's participation in unwelcome sexual conduct;
- Unwelcome sexual conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies Complainant equal access to the School District's programs or activities; or,
- “Sexual assault” as defined in [20 USC 1092\(f\)\(6\)\(A\)\(v\)](#), “dating violence” as defined in [34 USC 12291\(a\)\(10\)](#), “domestic violence” as defined in [34 USC 12291\(a\)\(8\)](#), or “stalking” as defined in [34 USC 12291\(a\)\(30\)](#).

**Duty to Respond** The School District has a duty to respond to alleged sexual harassment any time a School District employee reports an employee or student has been sexually harassed and any time any other person makes a report of sexual harassment to the Title IX Coordinator. School District employees are required to report all incidents of suspected sexual harassment to the Title IX Coordinator.

**Supportive Measures.** The Title IX Coordinator, upon receiving a report of sexual harassment, will promptly contact Complainant to offer supportive measures, regardless whether a formal complaint is filed. Supportive measures are non-punitive individualized services, at no cost to Complainant, intended to restore or preserve Complainant's access to the School District's programs and activities without unreasonably burdening Respondent. Supportive measures may include, but are not limited to: the Title IX Coordinator's duty to discuss options with Complainant, including explaining the process for filing a formal complaint; and, no-contact orders, counseling, course modifications, schedule changes, transfers, or increased security and monitoring. The Title IX Coordinator will take into account Complainant's wishes before implementing supportive measures.

Action to remove Respondent from the School District prior to a final decision is not a supportive measure. However, the Title IX Coordinator may, after an individualized risk assessment of Respondent takes place, temporarily remove Respondent from the School District if s/he poses an immediate threat to the physical health or safety of Complainant or any other person. In such cases, upon removal, the Title IX Coordinator will provide Respondent with notice and an opportunity to challenge the temporary removal at the earliest possible date. The Title IX Coordinator may, after consulting with the School District's chief human resources officer, place a Respondent-employee on temporary administrative leave. A temporary removal or administrative leave will end when a final decision is reached.

**Formal Complaint** A Complainant may file a formal complaint. The Title IX Coordinator may file a formal complaint even if Complainant declines to do so. The formal complaint will include: the names of Complainant and Respondent, or identifying information if Respondent's name is unknown; as complete a description of the alleged sexual harassment as is available, including dates, times, and places; actual and potential witnesses; actual and potential relevant documents, data, and other items; and, the signature of the student or the Title IX Coordinator.

#### **Response to Formal Complaint and Grievance Procedure.**

*Generally.* The Title IX Coordinator will ensure that, at every step of the Grievance Procedure: the parties are treated equitably; all information and evidence is evaluated objectively; and, there are no conflicts of interest affecting the Title IX Coordinator or any informal resolution facilitator, Investigator, Decision-Maker, or any individual resolving an appeal.

*Notice.* Upon receiving or filing a formal complaint, the Title IX Coordinator will issue a notice to Complainant and Respondent. The notice will include: a statement of the allegations, in sufficient detail to permit Respondent to prepare a response; a statement Respondent is presumed not responsible unless a final decision is rendered against Respondent; the parties' right to inspect the formal complaint and all evidence gathered during any investigation; the parties' right to be represented by an advisor or advocate, who may be an attorney; and, any provision in the School District's Student Code of Conduct prohibiting knowingly making a false statement or providing false evidence or information. If, during the investigation, the School District decides to investigate allegations that were not included in the original notice, the Title IX Coordinator will notify Complainant and Respondent of the additional allegations.

*Dismissal.* The Title IX Coordinator must dismiss a formal complaint if the allegations: do not establish sexual harassment even if they are true; did not occur in connection with the School District's programs and services; or, did not occur in the United States. The Title IX Coordinator may dismiss a formal complaint, in whole or in part, if: Complainant withdraws some or all of the allegations; Respondent's employment or enrollment in the School District ends; or, specific circumstances prevent the School District from gathering sufficient relevant evidence to reach a decision disposing of the formal complaint. The School District's Title IX Coordinator will notify Complainant and Respondent, in writing, if a formal complaint is dismissed, including an explanation for the dismissal. The Complainant may appeal the dismissal.

**Informal Resolution** The School District cannot informally resolve an allegation of sexual harassment before a formal complaint is filed. The allegations in a formal complaint may not be resolved informally

unless: Claimant and Respondent have been provided notice of their rights by delivery of the applicable anti-harassment policy and 8007.3-AR; and, Claimant and Respondent have voluntarily consented to informal resolution, in writing, after having been informed when informal resolution may preclude the resumption of a formal complaint investigation. Informal resolution may consist of a voluntary agreement between Claimant and Respondent, facilitated and documented by the Title IX Coordinator, or his/her designee; restorative practices, such as described at [MCL 380.1310c](#); or, facilitative mediation by an experienced mediator. Informal resolution may also be reached through other conflict resolution strategies, including arbitration. Informal resolution may not be used to resolve an allegation that a School District employee sexually harassed a student.

**Investigation** The Title IX Coordinator, or designee (the Investigator), will investigate a formal complaint. The burden of undertaking and completing the investigation rests on the School District. The Investigator will be appointed within two (2) days from the date the Title IX Coordinator receives or files the formal complaint. The Investigator will presume Respondent is not responsible unless a final decision against Respondent is reached. The Investigator will not require, seek, or rely on privileged information without consent of the privilege-holder.

The Investigator will notify Respondent of his/her right to file a written response to the formal complaint within five (5) days from the date Respondent received the formal complaint. Regardless whether Respondent files a written response, the Investigator will, within ten (10) days, complete an investigation that will include, but not be limited to: interviewing Complainant and Respondent and preparing interview summaries; interviewing all actual and potentially relevant witnesses identified by Complainant and Respondent, including expert witnesses, and preparing interview summaries; obtaining, to the extent they are available, all relevant documents, data, and other items identified by Claimant, Respondent, and witnesses; preparing an investigative report that fairly summarizes the relevant evidence; and, providing the investigative report to the parties simultaneously. The parties and their advisors may attend party interviews and the Investigator will provide sufficient notice to permit them to prepare. The School District will not interfere with the parties' ability to discuss the allegations or gather and present evidence, except to the extent a no-contact or similar order has been issued by the Title IX Coordinator.

The Title IX Coordinator will, upon receiving the Investigator's Report, notify the parties of their right to: submit relevant written questions to parties and witnesses, receive answers, and submit limited follow-up questions; and, after any such answers are received, file a written response to the Investigator's Report within seven (7) days from such receipt. If the Investigator declines to submit a question, s/he will provide a written explanation to the party who posed it.

The Title IX Coordinator may permit an adjournment of the investigative timelines for good cause and, in the event of an adjournment, so notify Complainant and Respondent. Separately, if Respondent is a School District employee, the Title IX Coordinator will review any applicable collective bargaining agreement and grant any required adjournment of the investigative timelines.

**Decision.** The Title IX Coordinator will appoint a Decision-Maker, who is not the Title IX Coordinator or Investigator. The Decision-Maker will objectively review all inculpatory and exculpatory evidence gathered during the investigation including, but not limited to, the formal complaint, Respondent's response, if any, the Investigator's entire file and investigative report, and the parties' responses to the investigative report, if any. Credibility determinations, if any, will not be based on an individual's status as Complainant, Respondent, or witness. The Decision-Maker will not hold Respondent responsible unless a preponderance of the evidence establishes Respondent sexually harassed Complainant. Regardless whether the Decision-Maker concludes Respondent is responsible, the Decision-Maker will issue a decision within ten (10) days of his/her appointment and will provide the decision to Complainant and Respondent simultaneously. The decision will include: Complainant's allegations; procedural steps taken with respect to the allegations, including notifications, interviews, site visits, and any other methods used to gather evidence; findings of fact; the application of the applicable anti-harassment policy, this 8008.3-AR, and the School District's Student Code of Conduct to the facts; and, a statement of all rationale for the result as to each allegation, including determinations of responsibility, disciplinary sanctions, whether Complainant will be provided remedies to restore or preserve his/her equal access to the School District's

education programs and activities, and the procedure and bases for appeal. Upon a finding of responsibility, sanctions for Respondent-students may range from administrative intervention to permanent expulsion. Sanctions for Respondent-employees may range from counseling to discharge. Sanctions for Respondent-Board members may range from censure to a petition to the Governor for removal from the Board of Education.

**Appeal.** Complainant or Respondent may appeal the Decision-Maker's decision by filing an appeal with the Superintendent within five (5) days from receipt of the decision. The Superintendent will provide notice to the opposite party if an appeal is filed, including a copy of the appeal and an opportunity to respond. The appeal must include all of the reasons the appealing party disagrees with the decision. The Superintendent will review the appeal and, based on the appeal, the decision, and the entire record upon which the decision is based, will affirm the decision, in whole or in part, or reverse the decision, in whole or in part. The Superintendent may reverse the decision, in whole or in part: based on procedural irregularity affecting the outcome, including the failure to comply with 8008.3-AR; the Decision-Maker's lack of knowledge of newly discovered evidence; or, bias or conflict of interest on the part of the Title IX Coordinator, Investigator, or Decision-Maker. The Superintendent may, if warranted, remand the decision, in whole or in part, for additional investigation by the original or a different Investigator and/or further consideration by the original or a different Decision-Maker. The Superintendent will issue his/her decision within ten (10) days of receiving the appeal or response, if any, and provide his/her decision to the parties simultaneously. The grievance process is complete and a final decision is reached when no timely appeal is taken or after the appeal process is completed.

**Training** The Title IX Coordinator will ensure that s/he and all informal resolution facilitators, Investigators, and Decision-Makers (including those who resolve appeals) receive the following training: the definition of sexual harassment; the scope of the School District's programs and activities; how to determine whether information and evidence is relevant, including the application of Title IX's "rape-shield" provision; the grievance process, including how to conduct an investigation, how to prepare a fair summary of evidence gathered during an investigation, how to prepare a decision, and how to resolve an appeal; and, how to serve impartially, including avoiding prejudgment of facts, conflicts of interest, and bias. The Title IX Coordinator is responsible for ensuring the School District's training and training materials are posted on the School District's website.

**Confidentiality and Retaliation** Except as required or permitted by law, the School District will keep confidential the identity of any individual who makes a report or complaint of sexual harassment, any individual who is identified as a potential or actual Complainant or Respondent, and any witness. Neither the School District nor any other person may illegally retaliate against an individual who has made a report or a formal complaint or has participated or refused to participate in an investigation or other proceeding under this Administrative Regulation. Retaliation includes actual and attempted threats, coercion, or discrimination.

**Filing with OCR or EEOC** An employee or student alleging harassment may, at any time, file a complaint with the United States Department of Education Office for Civil Rights at:

United States Department of Education  
Office for Civil Rights  
Cleveland Office  
1350 Euclid Avenue, Suite 325  
Cleveland, Ohio 44115  
(216) 522-4970  
FAX: (216) 522-2573  
TDD: (216) 522-4944  
E-mail: [OCR.Cleveland@ed.gov](mailto:OCR.Cleveland@ed.gov)  
Web: <http://www.ed.gov/ocr>

An employee alleging sexual harassment against another employee or supervisor may also, or instead, file a complaint with:

United States Department of Labor  
Equal Employment Opportunity Commission  
Detroit Field Office  
477 Michigan Avenue, Room 865  
Detroit, Michigan 48226

Or

State of Michigan  
Department of Civil Rights  
Cadillac Place, Suite 3-600  
3054 West Grand Boulevard  
Detroit, Michigan 48202

**Cooperation with Law Enforcement Agencies** In certain instances, an allegation of sexual harassment may be investigated as a criminal matter. To the extent permitted by law, the School District will comply with law enforcement requests for cooperation.

**Record Retention** The School District will retain, for at least seven (7) years: all training materials; all reports received by the Title IX Coordinator and actions taken in response to such reports, including why any decision not to provide supportive services was not clearly unreasonable; and, all formal complaints, documents, and other items (including data) arising from formal complaints or investigations conducted pursuant to this Administrative Regulation, including investigative reports and related documents, decisions, appeals and appeal decisions, and informal resolutions.

## **8010-AR Digital Communications**

Digital communication (including social networking) provides educational and other opportunities for staff and students. There are also potential pitfalls arising from, among other things, the speed, permanence and perceived anonymity of digital communication. These regulations are intended to help staff and students take advantage of opportunities presented by digital communication in a manner that enhances education, student achievement and appropriate relationships between staff, students, parents, and the larger community. These regulations are not intended, and should not be interpreted, to limit the legal rights of any person.

**Digital Communication Involving Students** Digital communication between staff and students should always be professional and of the same content, tone, and demeanor as in-school communications. This applies to direct communication between staff and students and to communication to which students reasonably may be exposed. Unless otherwise protected by law, examples of inappropriate and/or unreasonable digital communication include, but are not limited to:

- Communication that violates Board Policy, such as: communication that discloses personally identifiable information about students (see Policy 2003); communication that violates Board Policy against illegal harassment (see Policy 8008); etc.
- Communication that is false or misleading.
- Communication that attributes personal views to others, including the School District.
- Communication that defames, insults, derogates, or embarrasses staff members or students.