



Ogemaw Heights  
High School  
Student Handbook  
2023-2024

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## 2023-2024 OHHS SCHOOL CALENDAR

August 21	9 <sup>th</sup> - 12 <sup>th</sup> Grade Orientation Day
August 28	First day of School
September 1	No School
September 4	No School – Labor Day
September 22	Homecoming vs. Boyne City 7:00 pm
September 23	Homecoming Dance 8:00
September 26	Student Pictures make-up starting at 7:45 am
October 18	Open House / Conferences 4:00 pm – 7:00 pm
October 19	Open House / Conferences 4:00 pm – 7:00 pm
October 20	Announcement, Cap & Gown, Class Ring Presentation
October 27	End of First Quarter
November 9, 10, 11	Fall Musical – Tuck Everlasting 7:00 pm
November 15	No School
November 22	No School
November 23 – 24	Thanksgiving: No School
December 19	Theatre Class Holiday Performance 7:00 pm
December 22 – January 1	Christmas Vacation
January 2	Return to School
January 17	1 <sup>st</sup> , 2 <sup>nd</sup> & 3 <sup>rd</sup> hour Exams (Full day of school)
January 18	4 <sup>th</sup> , 5 <sup>th</sup> & 6 <sup>th</sup> hour Exams (Full day of school)
January 18	End of Quarter 2/First Semester
January 19	Teacher Work Day: No School
January 22	First Day of Second Semester
February 1	Senior Information Sheet Due
February 1	Senior Pictures Due
February 12	Teacher In-Service: No School
February 28	8 <sup>th</sup> Grade CTE Visitation
February 28	8 <sup>th</sup> Grade Parent Night
February 29	Open House / Conferences 4:00 pm – 7:00 pm
March 1	Deadline for most scholarships
March 13 – 16	Spring Musical – Singin’ In the Rain 7:00 pm
March 21	End of Third Quarter
March 22 – 29	Spring Break
TBD	Senior Announcement delivery during lunches
April 25	Sophomore & Junior Academic Excellence 6:00pm
April 26	Deadline for seniors to pay outstanding fines
April 26	Last day for seniors to turn in graduation marching partner
May 1 – 12	AP Testing (date varies on test)
TBD	Cap and Gown Delivery during lunches
May 4	Prom
May 9	Spring Choir Concert 7:00 pm
May 14	Spring Band Concert Middle School 6:00 High School 7:00 pm
May 16	Senior Awards and Scholarship Program 6:00 pm
May 21	Senior Exams
May 22	Senior Exams
May 23	Senior Trip
May 23	Last day for Seniors
May 27	Memorial Day: No School
May 31	Graduation practice (Dress Rehearsal) 11:00 am
May 31	Graduation: OHHS 7:00 pm
June 3	Exams (Full day of school)

June 4  
June 4  
June 4

Exams (Half day of school)  
Last student day of School (Half Day) (Tentative)  
Last Teacher Day (Tentative)

**Dates and times and events are subject to change.**

**Please contact Ogemaw Heights at 989-343-2020 to verify.**

## SCHOOL STAFF

### Administration

Trisha Ziegler	Principal
Jason Pilarski	Assistant Principal
Korey Kripli	Director of Athletics
Heather Phelps	K-12 Director of Curriculum
Janis Phillips	Food Service Director
Susan Shepardson	...Special Education Director
Brian Klein	CTE Director

### Coordinators

MaryAnn M. Krzyminski	Credit Recovery
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### Counseling

Craig Williams	A-K
Louise Hofer	L-Z
Julia Sobah	School Social Worker

### Administrative Assistants

Dawn Johnson	Administrative Assistant to the Principal
Caitlin Baird	Administrative Assistant to the Athletic Director
Beth Quick	Administrative Assistant to the Food Service Director
Christine Rice	Administrative Assistant to the Assistant Principal

### Paraprofessionals

Dena Alderton	Special Education
Candice Older	Special Education
Ron Boomer	Delegated Instructor- Machine Shop
Brad Schrems	Delegated Instructor- Building Trades
Pam McQuarrie	Media Center

### Maintenance

Scott Kearns	Maintenance
Chris Epifanio	Maintenance
Wayne Zettle	Maintenance

## TEACHING STAFF

Andersen, Mark	Band	Music
Bennett, Rabecca	English	156
Buck, Ashley	Physical Education/ /Health	Gym/210
Canda, Tara	English	152
Dowell, Ashley	Health Science	HOCC
Duell, Nicole	Art	Art room
Goulette, Dominic	Science/Math	235

Hansen, Timothy	Physical Education/ Media	Gym
Heinz, Mark	Special Education	161
Hupcik, Helga	Business Education/ Accounting	104
Klein, Brian	Construction Trades/CTE/Work Based Learning	Wood Shop
Krzyminski, MaryAnn	Credit Recovery/English	155
Magoon, Sam	Choir	Music
Miller, Gavin	Social Studies	150
Murphy, Kelly	Spanish/Social Studies	157
Nichols, Phil	Science	108
Nowakowski, Kylie	Agriculture/Science	112
Peace, Jeremiah	Science/Instructional Coach	106
Powley, Chris	Science	110
Radecki, Stacy	Social Studies	154
Retherford, Nicholas	Special Education	161
Rodriguez, Isaiah	Special Education	159
Rexford, Anne	Social Studies	153
Scott, Jon	Math	105
Sisco, Kyle	Machine Tool	. Machine Shop
Spiess, Cathryn	English	151
Thomas, Toni	English/ Theater	251
Thurston, Alicia	Special Education	159
Van Goethem, Cody	Math	111
Wangler, Kristen	Math	107
Wood, Greg	Math	109

### **OGEMAW HEIGHTS FALCONS FIGHT SONG**

Go you Falcons, go to win this game.  
 Go you Falcons on and on to fame.  
 So that the proud, proud name of Ogemaw Heights  
 Shall ever be the team that's ready to fight.  
 Go you Falcons ever brash and bold.  
 Go you Falcons for the brown and gold.  
 Because when you reach the Heights  
 You are at Ogemaw  
 That's why we fight, fight, fight.

## **OGEMAW HEIGHTS HIGH SCHOOL ATTENDANCE**

Please call 343-2020 (available 24 hours per day) to report your child's absence from school.

### **SCHOOL CLOSING INFORMATION**

WNEM TV 5 (Bay City/Saginaw)	WKJC-FM 104.7/ WIOS-AM Tawas
WJRT TV-12 (Flint)	The Promise FM 90.5 Gaylord
WWUP TV-10/Fox 32 (Cadillac)	106.1 Tawas / 91.3 The Rock
WEYI TV-25 / Fox 66	91.1 Cadillac
WBKB TV-11 Alpena	Facebook

Closings are also placed on the website and school messenger is used. You may also call School (989)343-2020 or the Bus Garage (989)343-2240 for recorded information. This list is continually updated.

### **CONTINUOUS IMPROVEMENT**

If you would like to become a member of a Continuous Improvement team or if you would like information regarding the school improvement process, please contact the building principal.

## **ACADEMICS**

### **GRADUATION REQUIREMENTS**

4 English	4 Math
3 Social Studies	3 Science
½ Physical Education	½ Health
1 Visual, Performing, Applied Arts	
2 World Language	
Online Learning Experience	

22 credits for graduation - **See course description handbook for additional details.**  
The following criteria will be used to determine if a student is on track for graduation.

**Sophomore status:** 6 credits

**Junior status:** 12 credits

**Senior status:** 19 credits

**To participate in commencement, seniors must have completed all graduation requirements and all fines and fees must be paid.**

### **ACADEMIC AWARDS**

Honor roll is figured at the end of each nine weeks. Students must carry a 3.0 grade point average to be eligible.



The Academic Excellence pin and certificate is given to sophomores who have maintained a 3.5 grade point average for three semesters. Sophomores who have maintained a 3.0 – 3.49 for the first 3 semesters will receive an Honor Roll Certificate.

The Academic Excellence emblem and certificate is given to juniors who have maintained a 3.5 grade point average for five semesters and have met the following requirements or are completing these requirements: 3 credits of math (Algebra 1 or above), 3 credits of English, 2 credits of social studies and 2 credits of science. Juniors who have maintained a 3.0 – 3.49 for the first 5 semesters will receive an Honor Roll Certificate.

Awards for seniors at graduation:

Valedictorian	Hood, medal, gold honor cord, certificate, graduation speaker
Salutatorian	Hood, medal, gold honor cord, certificate, graduation speaker
Summa Cum Laude	Hood, gold honor cord, certificate
Magna Cum Laude	Gold honor cord, certificate
Cum Laude	Certificate
National Honor Society	Silver honor cord, certificate

Class ranking will be determined by combining grade point averages (GPA) and Michigan Merit Exam (MME).

**Only students participating in diploma track programming are eligible to receive these academic awards.**

**DUAL ENROLLMENT**

Dual enrollment is available at Ogemaw Heights. Specific details can be obtained from the course description book and/or a high school counselor.

**PUBLIC NOTIFICATION CONCERNING CTE OPPORTUNITIES**

Each year, the West Branch-Rose City Schools offer career technical education programs at Ogemaw Heights High School and at Kirtland Community College. These programs are designed to prepare youth for a broad range of employment and training services and are offered under the guidance of certified teachers, counselors and cooperative education coordinators.

The following is a list of programs being offered this year and criteria for admission:

<b>COURSE</b>	<b>PRE-REQUISITE</b>	<b>RECOMMENDATIONS</b>
Agriculture Entrepreneurship	Animal Biology/Plant Biology/Ag. Leadership	
Agriculture Leadership	Animal Biology/Plant Biology	
Automotive Technology		Technical math
Building Trades	Intro to Bldg. Trades	
CAD/CAM		
Work Based Learning		
Cosmetology	2 years of science and health education	
Health Care Provider	Medical Basics	
Machine Tool	General Metals	Technical math and reading skills
Public Safety/Protective Services	Must be 17 by January	
Welding		

All CTE programs follow the district's policies of nondiscrimination on the basis of race, religion, color, national origin, sex, age, disability, height, weight, or marital status in its educational programs, services, or activities and in employment. In addition, arrangements can be made to ensure that the lack of English language skill is not a barrier to admission or participation.

Requests for general information about CTE programs and inquiries concerning equal opportunity on the basis of sex or equal opportunity for the handicapped should be directed to:

Ted Matuszak  
Director of Finance  
960 S. M-33  
P.O. Box 308  
West Branch, Michigan 48661

Heather Phelps  
Director of Curriculum and Instruction  
960 S. M-33  
P.O. Box 308  
West Branch, Michigan 48661

#### **REPORT CARDS**

The school year will be divided into four, nine-week quarters. Progress reports for the 1<sup>st</sup> and 3<sup>rd</sup> quarters can be found in the student portfolio in Skyward. The Semester Report cards will also be placed in the students' portfolio in Skyward.

#### **CLASS CHANGES**

The class schedule is built on the student registration process. The deadline for schedule changes is ten school days from the start of the semester. In order to be considered for a schedule change, a schedule change request form must be completed and submitted to the student's counselor. All schedule requests will be dealt with on a case by case basis and may not be honored.

#### **NOTIFICATION TO PARENTS REGARDING HIV/AIDS EDUCATION**

WBRC Board of Education has established a program of instruction in health education which includes HIV/AIDS and other serious communicable disease prevention education.

According to the State School Aid Act, you have the right to review the materials and curriculum content to be used for HIV/AIDS education. The local board of education, in compliance with the statute, has made the materials and curriculum guides available for your review. Contact the district Curriculum Director, 960 S. M-33, West Branch, Michigan 48661 to review the materials.

This statute allows you to excuse your child from participation in the classes which include AIDS/HIV and other serious communicable disease instruction, if you choose. If you wish to exercise your right to excuse your child from instruction without penalty, please send written notice to the principal of your child's school as soon as possible.

### **ATTENDANCE POLICY/PROCEDURES**

#### **OGEMAW HEIGHTS ATTENDANCE POLICY**

West Branch-Rose City Area Schools recognizes the importance of attendance as an essential component for student success and achievement through the cooperative effort of parents, students, and school personnel. Studies of student achievement in school show a high correlation between good attendance and academic success. Regular attendance at school is also important because the habits and attitudes that each student develops early in life will carry over into his or her future education and career. The school policy tries to teach students the value of regular attendance; however, the primary responsibility for insuring regular attendance rests with the parent and student.

#### **AUTHORITY TO ESTABLISH AN ATTENDANCE POLICY**

The authority of the Board of Education to establish the policies and regulations contained in this Attendance Policy is based on the following excerpt from the State of Michigan General School Laws (generally referred to as the School Code): "380.1561. Compulsory attendance at public school. Sec. 1561. Every parent, guardian or other person in this state having control and charge of a child from the age of 6 to the child's sixteenth birthday, shall send that child to the public school during the entire school year. The child's attendance shall be continuous and consecutive for the school year fixed by the school district in which

the child is enrolled.”

### **ACTION STEPS FOR TRUANCY:**

**Step 1:** Attendance letter will be sent to parents/guardians when a student accumulates **5 unexcused absences** for a semester.

**Step 2:** When a student accumulates **10 unexcused absences** for a Semester, a required meeting/phone conference will take place with an administrator and may include the school resource officer and the student. The purpose of the meeting will be to develop a plan to reduce/eliminate incidence of absenteeism.

**Step 3:** At the point when a student accumulates **15 unexcused absences** for a Semester, a required meeting will take place between an administrator, school resource officer, the student, and the parent/guardian. The purpose of the meeting will be to review/develop a plan to reduce/eliminate incidence of absenteeism.

**Step 4:** At the point when a student accumulates **20 unexcused absences** for a semester, the school may file for truancy/incorrigibility with the Ogemaw County Prosecuting Attorney. Parents will be notified of this possibility in writing delivered by an Ogemaw County Sheriffs Deputy.

### **MAKEUP WORK**

Teachers will have individual guidelines to be followed for making up work in each class. Students are responsible for knowing the guidelines and contacting their teachers to initiate makeup work. When an absence is anticipated, students are to see teachers in advance regarding any work that will be missed. Students can make up work for any type of absence, including suspensions, as long as each teacher’s guidelines are followed.

### **Exam Exemption Policy**

Criteria:

- Class grade of 86.5% or higher (resets each semester)
- No Suspensions (resets each semester)
- No more than 8 unexcused absences per hour, per school year (absences DO NOT reset each semester)

The 8 unexcused absences per hour, per school year will be piloted for the 23-23 school year. If student data shows that it negatively affects attendance, the policy will go back to 4 unexcused absences per hour, per semester.

### **ATTENDANCE**

#### **VERIFIED ABSENCES**

An absence is verified when a parent or guardian calls the attendance line / school or sends in a note. Please be aware that verified absences count against the exam exemption policy. Verified absences will be coded as:

I : Illness

Z : Personal

V : Vacation Request

Y : Suspension

Q : Skipping

P: Absence due to 3 tardies

#### **EXCUSED ABSENCES**

An absence is excused when a doctor’s note or court appearance documentation is turned into the main office. Documentation must be turned into the office before the end of the quarter the absence falls in for the absence to be excused. Other excused absences are attending a funeral or school related activities. Please be aware that excused absences do NOT count against the exam exemption policy. Excused absences will be coded as:

M : Medical

C : Court

F : Funeral

S : School / Athletic Related

### **UNEXCUSED ABSENCES**

An absence is unexcused when it has not been verified by a parent / guardian or the school. Please be aware that unexcused absences DO count against the exam exemption policy. Unexcused absences will appear as "A".

- A student who misses more than 10 minutes of class will be considered absent from that class.

It is the parent's responsibility to call, or send a note, to the school to verify their student is absent from school. It is the student's responsibility to check Skyward upon returning to school to confirm that his or her absence has been verified. Students may not leave school during the day without office and parent permission. If a student desires to leave before school is let out, parents must contact the office prior to the student being released from school. Parents may contact the office by calling (989) 343-2020. A message can be left when calling outside of the office hours of 7:00 am – 3:30 pm, Monday – Friday.

### **18-YEAR-OLD SIGN OUT POLICY:**

- In order for a student who is 18 years of age to be able leave campus without parent permission, they must have an approved and completed release form in the main office.
- All students must meet with administration to learn the rights associated with signing him/herself out of school.
- Students that are 18 must follow the same guidelines as a parent when it comes to providing doctor slips, etc.
- Students are NOT allowed to sign out for lunch.

### **CLASS TARDINESS**

Each student is expected to be in his/her assigned location throughout the school day. If a student is late arriving at school, they must report to the school office before proceeding to their first assigned location.

- Three tardies in a class equal an absence in that class.
- 3rd, 6th, 9th tardy etc.- Recorded as an absence (P) in Skyward.
- A tardy is when a student misses up to 10 minutes at the beginning of a class.

Students who are tardy more than 3 times during a semester shall be disciplined as follows:

- 4<sup>th</sup>, 8<sup>th</sup>, 12<sup>th</sup> tardy etc.- Teachers will notify parents and document in Skyward. Administration will assign detention.
- Habitually tardy students will be scheduled to have a corrective action plan meeting with parents, administration, and the school resource officer.

## **CODE OF CONDUCT**

It is the desire of the West Branch-Rose City Area Schools to provide the students with a safe and orderly learning environment. In order for that environment to exist, it is necessary to establish and enforce rules and regulations that will guide discipline within the schools of the district. As a result, the following policy has been developed with the assistance of representatives from the various constituent groups within the district (Board of Education, central office, building administration, teachers, parents and students).

## **DISTRICT MISSION STATEMENT**

West Branch-Rose City Area Schools -The School of Choice for Educational Excellence...Your Future Begins Here!

## **PHILOSOPHY OF DISCIPLINE**

West Branch-Rose City Area Schools view discipline as a joint effort between parents, students and staff to create an orderly and safe environment conducive to learning and to encourage behavior that promotes citizenship through responsibility for one's own actions and respect for the rights of others.

## **AUTHORITY TO ESTABLISH A DISCIPLINE CODE**

The authority of the Board of Education to establish the policies and regulations contained in this Discipline Code is based upon the State of Michigan revised School Code.

## **EMERGENCY REMOVAL, SUSPENSION, AND EXPULSION OF STUDENTS- Board Policy 5610**

The Board of Education is continually concerned about the safety and welfare of District students and staff and, therefore, will not tolerate behavior that creates an unsafe environment, a threat to safety or undue disruption of the educational environment.

### **Factors to be Considered Before Suspending or Expelling a Student**

The Board of Education also recognizes that exclusion from the educational program of the schools is a severe sanction that should only be imposed after careful and appropriate consideration.

Except as otherwise noted below with respect to possession of a firearm in a weapon-free school zone, if suspension or expulsion of a student is considered, the Board (Superintendent) shall consider the following factors prior to making a determination of whether to suspend or expel:

- A. the student's age
- B. the student's disciplinary history
- C. whether the student has a disability
- D. the seriousness of the violation or behavior
  
- E. whether the violation or behavior committed by the student threatened the safety of any student or staff member
- F. whether restorative practices will be used to address the violation or behavior
- G. whether a lesser intervention would properly address the violation or behavior

The Board will exercise discretion over whether or not to suspend or expel a student for persistent disobedience or gross misconduct. In exercising that discretion for a suspension of more than ten (10) days or expulsion, there is a **rebuttable presumption that a suspension or expulsion is not justified** unless the Board can demonstrate that it considered each of the factors listed above. For a suspension of ten (10) days or fewer, there is no rebuttable presumption, but the Superintendent will still consider the factors.

### **Restorative Practices**

The Board shall consider using restorative practices as an alternative to or in addition to suspension or expulsion. If the District determines that it will utilize restorative practices in addition to or as an alternative to suspension or expulsion of a student, it will engage in restorative practices which emphasize repairing the harm to the victim and school community caused by the student's misconduct.

Restorative practices should be the first consideration to remediate offenses such as interpersonal conflicts, bullying, verbal and physical conflicts, theft, damage to property, class disruption, and harassment and cyberbullying.

If the Board decides to utilize restorative practices as an alternative to or in addition to suspension or expulsion, the restorative practices may include victim-offender conferences that:

- A. are initiated by the victim;
- B. are approved by the victim's parent or legal guardian or, if the victim is at least fifteen (15), by the victim;
- C. are attended voluntarily by the victim, a victim advocate, the offender, members of the school community, and supporters of the victim and the offender (the "restorative practices team");
- D. would provide an opportunity for the offender to accept responsibility for the harm caused to those affected, and to participate in setting consequences to repair the harm, such as requiring the student to apologize; participate in community service, restoration of emotional or material losses, or counseling; pay restitution; or any combination of these.

The selected consequences and time limits for their completion will be incorporated into an agreement to be signed by all participants.

## **Due Process**

The Board of Education recognizes that exclusion from the educational programs of the District, whether by suspension or expulsion, is the most severe sanction that can be imposed on a student in this District and one that cannot be imposed without due process since exclusion deprives a child of the right to an education. The Board also recognizes that it may be necessary for a teacher to remove a student from class for conduct which is disruptive to the learning environment and that such removals are not subject to a prior hearing, provided said removal is for a period of less than twenty-four (24) hours. However, if an emergency removal may result in a suspension, then due process must be ensured.

In all cases resulting in short-term suspension, long-term suspension, or expulsion, appropriate due process rights described in Policy 5611 and AG 5610 must be observed. The principal shall check to make sure the student is not classified as disabled under Section 504. Students with disabilities under IDEA or Section 504 shall be expelled only in accordance with their rights under Federal law.

For purposes of this policy, suspension shall be either short-term (not more than ten (10) days) or long-term (for more than ten (10) days but less than permanent expulsion) removal of a student from a regular District program. The Superintendent may suspend a student for a period not to exceed ten (10) school days.

For purposes of this policy, unless otherwise defined in Federal and/or State law, expulsion is defined as the permanent exclusion of a student from the District. Students who are expelled may petition for reinstatement as provided below.

## **Emergency Removal or Short-Term Suspension**

A student may be removed from a class, subject, or activity for one (1) day by his/her teacher for certain conduct as specified in the Code of Conduct, or he/she may be given a short-term suspension by the Superintendent. A student so removed may be allowed to attend other classes taught by other teachers during the term of the one (1) day removal. A student removed from the same class for ten (10) days will be entitled to the process for short-term suspensions outlined in AG 5610. A student removed from the same class for more than ten (10) days will be entitled to the process for long-term suspensions outlined in AG 5610. The Board designates the Superintendent as its representative at any hearings regarding the appeal of a suspension.

## **Long-Term Suspension or Expulsion**

Due process set out in Policy 5611 and AG 5610 shall be followed in all circumstances in which a student may be expelled or suspended for a period of more than ten (10) days.

The Superintendent may suspend a student for a period longer than ten (10) days or expel a student. The Board shall act on any appeal to the decision.

In all cases resulting in short-term suspension, long-term suspension, or expulsion, appropriate due process rights must be observed. In determining whether a student is to be suspended or expelled, District administrators shall use a preponderance of evidence standard.

The Superintendent shall develop procedures to implement this policy that shall include the following:

- A. strategies for providing special assistance to students in danger of being expelled and not achieving the academic outcomes of the District's core curriculum;
- B. standards of behavior for all students in accordance with District Board policy on student discipline;
- C. procedures that ensure due process; and
- D. provision for make-up work at home, when appropriate.

When making a determination whether or not a student will be expelled or permanently excluded under this policy, the Superintendent shall retain all documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315 - Information Management (i.e. "Litigation Hold")) created and/or received as part of an investigation.

The documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal (e.g., FERPA, ADA) and/or State law – e.g., student records and confidential medical records.

The documents, ESI, and electronic media (as defined in Policy 8315) shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, and Policy 8330 for not less than three (3) years, but longer if required by the District's records retention schedule.

### **Persistent Disobedience or Gross Misconduct/CSC Against Another District Student**

Any student may be removed from the classroom, and/or, after consideration of the factors identified above, suspended or expelled for persistent disobedience or gross misconduct or if the student commits criminal sexual conduct against another student enrolled in the District regardless of the location of the conduct. A student may not be expelled or excluded from the regular school program based on pregnancy status.

In recognition of the negative impact on a student's education, the Board encourages the District's administrators to view suspensions, particularly those over ten (10) days, and permanent expulsions as a discipline of last resort, except where these disciplines are required by law. Alternatives to avoid or to improve undesirable behaviors should be explored when possible prior to implementing or requesting a suspension or expulsion.

### **Physical and Verbal Assault**

Unless a different determination is made after consideration of the factors identified above, the District shall permanently expel a student in grade six (6) or above if that student commits physical assault at school against a staff member, a volunteer, or a contractor.

Unless a different determination is made after consideration of the factors identified above, the District shall suspend or expel a student in grade six (6) or above for up to 180 school days if the student commits physical assault at school against another student.

Physical assault is defined as "intentionally causing or attempting to cause physical harm to another through force or violence."

Unless a different determination is made after consideration of the factors identified above, the District shall suspend or expel a student in grade six (6) or above and may discipline, suspend or expel a student in grade five (5) and below for a period of time as determined at the Board's discretion if the student commits verbal assault at school against a District employee, volunteer, or contractor or makes a bomb threat or similar threat directed at a school building, property, or at a school-related activity.

Verbal assault is a communicated intent to inflict physical or other harm on another person, with a present intent and ability to act on the threat.

"At school" means in a classroom, elsewhere on school premises, on a school bus or other school-related vehicle, or at a school-sponsored activity or event whether or not it is held on school premises.

The District may provide appropriate instructional services at home for an expelled student not placed in an Alternative Education Program. The instructional services provided shall be similar to those provided to homebound or hospitalized students and shall be contracted for in the same manner.

### **Weapons, Arson, Criminal Sexual Conduct**

In compliance with State and Federal law, and unless a different determination is made after consideration of the factors identified above, the District shall expel any student who possesses a dangerous weapon, other than a firearm, in the District's weapon-free school zone (except as noted below), commits either arson or criminal sexual conduct in a school building or on school property, including school buses and other District transportation, or pleads to, is convicted of or is adjudicated of criminal sexual conduct against another student enrolled in the District.

In compliance with State and Federal law, the District shall expel any student who possesses a firearm in the District's weapon-free school zone in violation of State law, unless the student can establish the mitigating factors relating to possession of a dangerous weapon set out below, by clear and convincing evidence.

For purposes of this policy, a "dangerous weapon" is defined by law as a firearm, dagger, dirk, stiletto, knife with a blade over three (3) inches in length, pocket knife opened by a mechanical device, iron bar, or brass knuckles. This definition also includes other devices designed to (or likely to) inflict bodily harm, including, but not limited to, air guns and explosive devices. The term "firearm" is defined as any weapon (including a starter gun) that will, is designed to, or may readily be converted to expel a projectile by the action of the explosive, the frame, or the bearer of any such weapon, as well as a firearm muffler, firearm silencer, or any such destructive device.

The District need not expel a student for possession of a dangerous weapon, including a firearm, if the student can establish in a clear and convincing manner the following mitigating factor(s) to the satisfaction of the Board the:

- A. object or instrument was not possessed for use as a weapon, or for direct (or indirect) delivery to another person for use as a weapon; or
- B. weapon was not knowingly possessed; or



- C. student did not know (or have reason to know) that the object or instrument in his/her possession constituted a dangerous weapon; or
- D. weapon was possessed at the suggestion, request, direction of, or with the express permission of the Superintendent or the police.

There is a **rebuttable presumption** that expulsion for possessing the weapon is not justified if the Board determines in writing that the student has established that he or she fits under one of the exceptions above by clear and convincing evidence, and that the student has no previous history of suspension or expulsion.

For expulsions for dangerous weapons, arson, criminal sexual conduct, or assault upon an employee, volunteer, or contractor, the Superintendent shall provide that the expulsion is duly noted in the student's record, the student is referred to the Department of Human Services or Department of Community Health within three (3) school days after the expulsion, and the parents are informed of the referral. Furthermore, if a student who is expelled is below the age of sixteen (16), the Superintendent shall ensure notification of the expulsion is given to the Juvenile Division of the Probate Court. In compliance with Federal law, the Superintendent shall also refer any student (regardless of age) expelled for possession of a dangerous weapon to the criminal justice or juvenile delinquency system serving the District. In addition, the Superintendent shall send a copy of this policy to the State Department of Education and shall include a description of the circumstances surrounding the expulsion of the student for possessing a firearm or weapon in the District's weapon-free school zone, together with the name of the District, the number of students so expelled, and the types of firearms or weapons brought into the weapon-free school zone.

A student expelled under this policy for dangerous weapons, arson, criminal sexual conduct, or assault upon an employee, volunteer, or contractor may apply for reinstatement in accordance with the following guidelines:

- A. If the student is in grade five (5) or below at the time of the expulsion and was expelled for possessing a firearm or threatening another person with a dangerous weapon, the parents, legal guardian, adult student, or emancipated minor may submit a request for reinstatement after sixty (60) school days from the date of expulsion, but the student may not be reinstated before ninety (90) school days from the expulsion date.
- B. If the student is in grade five (5) or below at the time of the expulsion and was expelled for a reason other than possessing a firearm or threatening another person with a dangerous weapon, the parents, legal guardian, or emancipated minor may submit a request for reinstatement at any time, but the student may not be reinstated before ten (10) school days from the expulsion date.
- C. If the student is in grade six (6) or above at the time of the expulsion, the parents, legal guardian, adult student, or emancipated minor may submit a request for reinstatement after 150 school days from the date of the expulsion, but the student may not be reinstated before 180 school days from the expulsion date.
- D. The parent, adult student, or emancipated minor shall submit the request for reinstatement to the Superintendent.
- E. Within ten (10) school days after receiving the petition, the Board shall appoint a committee consisting of two (2) Board members, a school administrator, a teacher, and a school-parent representative. During this time period, the Superintendent shall prepare and submit for consideration by the committee information concerning the circumstances of the expulsion and any factors mitigating for or against reinstatement.
- F. Within ten (10) school days after being appointed, the committee shall review all pertinent information and submit its recommendation to the Board. The recommendation may be for unconditional reinstatement, conditional reinstatement, or non-reinstatement, based on the committee's consideration of the following the:
  - 1. extent to which reinstatement would create a risk of harm to students or school staff;
  - 2. extent to which reinstatement would create a risk of school or individual liability for the Board or school staff;
  - 3. age and maturity of the student;
  - 4. student's school record before the expulsion incident;
  - 5. student's attitude concerning the expulsion incident;

6. student's behavior since the expulsion and the prospects for remediation.
- G. The degree of cooperation and support the parent has provided and will provide if the student is reinstated (if the request was filed by a parent), including, but not limited to the parent's receptiveness toward any conditions placed on the reinstatement. Such conditions, for example, might include a written agreement by the student and/or a parent who filed the reinstatement request to accomplish the following:
1. abide by a behavior contract involving the student, his/her parents, and an outside agency;
  2. participate in an anger management program or other counseling activities;
  3. cooperate in processing and discussing periodic progress reviews;
  4. meet other conditions deemed appropriate by the committee;
  5. accept the consequences for not fulfilling the agreed-upon conditions.

The Board shall make its decision no later than the next regular Board meeting following the committee's submission of its recommendations. The Board's decision shall be final and is not subject to appeal.

In the event a student who has been permanently expelled from another school requests admission to this District, in making its decision, the Board shall follow the same procedure it has established in paragraphs A-G, above, for the reinstatement of a student.

Students expelled for reasons other than dangerous weapons, arson, criminal sexual conduct, or assault upon an employee, volunteer, or contractor may also petition the Board for reinstatement. The Board may, at its discretion, consider the petition in accordance with the procedures set forth above or upon any standards and with any procedures it determines appropriate under the circumstances.

The Superintendent shall ensure Board policies and procedures regarding a student's rights to due process are followed when dealing with a possible suspension or expulsion under this policy.

### **In-School Discipline**

The purpose of this policy is to provide an alternative to out of school suspension. The availability of in-school discipline options is dependent upon the financial ability of the Board to support such a program.

In-school discipline will only be offered at the discretion of the Superintendent for offenses found in the Student Code of Conduct.

The Superintendent is to establish procedures for the proper operation of such a program and to ensure appropriate due-process procedures are followed as applicable. (See Policy 5630.01)

### **Due Process Rights**

The Board recognizes the importance of safeguarding a student's constitutional rights, particularly when subject to the District's disciplinary procedures.

To better ensure appropriate due-process is provided a student, the Board establishes the following:

#### *A. Students Subject to Short-Term Suspension*

Except when emergency removal is warranted, a student must be given at least oral notice of the charges against him/her and the opportunity to respond prior to the implementation of a suspension. When emergency removal has been implemented, notice and opportunity to respond shall occur as soon as reasonably possible. The

Superintendent or other designated administrator shall provide the opportunity to be heard and shall be responsible for making the suspension decision. An appeal may be addressed to the Superintendent whose decision will be final.

## **B. Students Subject to Long-Term Suspension and Expulsion**

A student and his/her parent or guardian must be given written notice of the intention to suspend or expel and the reasons, therefore, and must also be given an opportunity to appear before the Board with a representative to answer the charges. The student and/or his/her guardian must also be provided a brief description of the student's rights and the hearing procedure, a list of the witnesses who will provide testimony to the Board, and a summary of the facts to which the witnesses will testify. At the student/parent's request, the hearing shall be held in closed session, but the Board must act publicly. The Board shall act by providing a written decision on any appeal of an expulsion, a request for reinstatement, or a request for admission after permanent expulsion from another school.

The Superintendent shall develop procedures to ensure all members of the staff use the above guidelines when dealing with students. In addition, this statement of due process rights shall be placed in all student handbooks, in a manner that facilitates understanding by students and their parents.

## **Corporal Punishment**

While recognizing that students may require disciplinary action in various forms, the Board does not condone the use of unreasonable force and fear as an appropriate procedure in student discipline.

Staff shall not use physical force or violence to compel obedience. If all other means fail, staff members may always resort to the removal of the student from the classroom or District through suspension or expulsion procedures.

Within the scope of their employment, all staff may use reasonable force and apply restraint to accomplish the following:

- A. restrain or remove a student who refuses to comply with a request to behave or report to the office;
- B. quell a disturbance threatening physical injury to self or others;
- C. obtain possession of weapons or other dangerous objects within the control of the student, for either self-defense;  
or
- D. the protection of persons or property.

In accordance with State law, corporal punishment shall not be permitted. If any staff member (full-time, part-time, or substitute) deliberately inflicts, or causes to be inflicted, physical pain upon the student (by hitting, paddling, spanking, slapping, or any other kind of physical force) as a means of discipline, the staff member may be subject to discipline and possibly criminal assault charges. This prohibition also applies to volunteers and those with whom the District contracts for services.

The Superintendent shall provide guidelines, including a list of alternatives to corporal punishment.

## **Removal, Suspension, and Expulsion of Students with Disabilities**

The District shall abide by Federal and State laws in matters relating to discipline, suspension, and expulsion of disabled students.

Revised 6/19/17

Revised 12/17/18

Revised 11/16/20

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Adopted June 12, 2012

Revised 6/19/17

Revised 12/17/18

## **SEARCH AND SEIZURE – Board Policy 5771**

The Board of Education has charged school authorities with the responsibility of safeguarding the safety and well-being of the students in their care. In the discharge of that responsibility, school authorities may search school property such as lockers used by students or the person or property, including vehicles, of a student, in accordance with the following policy.

### **School Property**

The Board acknowledges the need for in-school storage of student possessions and shall provide storage places, including desks and lockers, for that purpose. Where locks are provided for such places, students may lock them against incursion by other students, but in no such places shall students have an expectation of privacy as to prevent examination by a school official. The Board directs the school principals to conduct a routine inspection at least annually of all such storage places. In the course of any search, student's privacy rights will be respected regarding any items that are not illegal or against Board policy.

The Board also authorizes the use of canines, trained in detecting the presence of drugs or devices, when the Superintendent has reasonable suspicion that illegal drugs or devices may be present in a school. This means of detection shall be used only to determine the presence of drugs in locker areas and other places in the school where such substances could be concealed. Canine detection must be conducted in collaboration with law enforcement authorities or other certified organizations and is not to be used to search students unless either a warrant or parental permission has been obtained prior to the search.

### **Student Person and Possessions**

The Board recognizes that the privacy of students or his/her belongings may not be violated by unreasonable search and seizure and directs that no student be searched without reasonable suspicion or in an unreasonable manner. The extent of the search will be governed by the seriousness of the alleged infraction, the student's age, and the student's disciplinary history.

This authorization to search shall also apply to all situations in which the student is under the jurisdiction of the Board.

Reasonable suspicion that a communication device has been used to violate District policies or administrative guidelines shall be subject to disciplinary action and may result in the communication device being confiscated.

Administrators are authorized to arrange for a breath-test instrument, according to the Superintendent's guidelines, for the purpose of determining if a student has consumed an alcoholic beverage. It is not necessary for the test to determine blood-alcohol level, since the Board has established a zero tolerance for alcohol use.

Except as provided below, a request for the search of a student or a student's possessions will be directed to the principal. S/He shall attempt to obtain the freely-offered consent of the student to the inspection; however, provided there is reasonable suspicion, s/he may conduct the search without such consent. Whenever possible, a search will be conducted by the principal in the presence of the student and a staff member other than the principal. A search prompted by the reasonable belief that health and safety are immediately threatened will be conducted with as much speed and dispatch as may be required to protect persons and property.

Search of a student's person or intimate personal belongings shall be conducted by a person of the student's gender, in the presence of another staff member of the same gender, and only in exceptional circumstances when the health or safety of the student or of others is immediately threatened.

The principal shall be responsible for the prompt recording in writing of each student search, including the reasons for the search; information received that established the need for the search and the name of informant, if any; the persons present when the search was conducted; any substances or objects found and the disposition made of them; and any subsequent action taken. The principal shall be responsible for the custody, control, and disposition of any illegal or dangerous substance or object taken from a student.

The Superintendent shall prepare administrative guidelines to implement this policy.

## **GENERAL SCHOOL PROCEDURES AND INFORMATION**

### **DRESS CODE**

Clothing and accessories, including but not limited to, purses, backpacks, jewelry and electronic device covers, or decals may not display racial or ethnic slurs, historical symbols of oppression (i.e. confederate flag), gang affiliation, vulgar, obscene or sexually suggestive language or images, nor may they promote items or products that which students may not legally purchase or possess (i.e. alcohol, tobacco, vapes or illegal drugs). The only flags considered appropriate for display are the Flags of the United States, State of Michigan and Ogemaw Heights.

In addition to the above, the following items listed, but not limited to, are regarded as inappropriate to wear to school.

- A. Footwear must be worn at all times. Slippers are not permitted.
- B. Coats and jackets should be kept in lockers and should not be worn in the hallways or classrooms.
- C. Hoods should not be worn in the hallways or classrooms.
- D. Clothing that advertises alcohol, marijuana, tobacco, promotes any illegal substances, violence, or includes suggestive, profane or obscene language cannot be worn.
- E. Tops must cover the midriff completely. Tops with mesh and lace or large arm holes must have a tank top worn underneath. All tops must have straps.
- F. Shorts or skirts are expected to be mid-thigh length.
- G. Pants are expected to be worn at the waist; sagging or low-rise pants are not to be worn.
- H. Jewelry or objects that might cause a safety hazard are not acceptable.

Any student not attired appropriately, will be required to change before attending class. If the student does not have appropriate clothes to change into, they may call home for clothes or receive school issued attire. Repeat offenses will be regarded as insubordination. **See discipline matrix for dress code disciplinary actions.**

### **PERSONAL COMMUNICATION DEVICES – Board Policy 5136**

Students may use personal communication devices (PCDs) before and after school, in between classes as long as they do not create a distraction, disruption or otherwise interfere with the educational environment, during after school activities (e.g., extra-curricular activities), or at school-related functions. Use of PCDs, except those approved by a teacher or administrator, at any other time is prohibited and they must be powered completely off (i.e., not just placed into vibrate or silent mode) and stored out of sight.

For purposes of this policy, "personal communication device" includes computers, tablets (e.g., iPads and similar devices), electronic readers ("e-readers"; e.g., Kindles and similar devices), cell phones (e.g., mobile/cellular telephones, smartphones (e.g., BlackBerry, iPhone, Android devices, Windows Mobile devices, etc.), telephone paging devices (e.g., beepers or pagers), and/or other web- enabled devices of any type. Students may not use PCDs on school property or at a

school-sponsored activity to access and/or view Internet web sites that are otherwise blocked to students at school. Students may use PCDs while riding to and from school on a school bus or other Board-provided vehicles or on a school bus or Board-provided vehicle during school-sponsored activities, at the discretion of the bus driver, classroom teacher, or sponsor/advisor/coach. Distracting behavior that creates an unsafe environment will not be tolerated.

Also, during after school activities, PCDs shall be powered completely off (not just placed into vibrate or silent mode) and stored out of sight when directed by the administrator or sponsor.

Under certain circumstances, a student may keep his/her PCD "On" with prior approval from the building principal.

Except as authorized by a teacher, administrator or IEP team, students are prohibited from using PCDs during the school day, including while off-campus on a field trip, to capture, record and/or transmit the words or sounds (i.e., audio) and/or images (i.e., pictures/video) of any student, staff member or other person. Using a PCD to capture, record and/or transmit audio and/or pictures/video of an individual without proper consent is considered an invasion of privacy and is not permitted. Students who violate this provision and/or use a PCD to violate the privacy rights of another person may have their PCD confiscated and held until the end of the school day a parent/guardian picks it up, and may be directed to delete the audio and/or picture/video file while the parent/guardian is present. If the violation involves potentially illegal activity, the confiscated-PCD may be turned-over to law enforcement.

PCDs, including but not limited to those with cameras, may not be activated or utilized at any time in any school situation where a reasonable expectation of personal privacy exists. These locations and circumstances include, but are not limited to, classrooms, gymnasiums, locker rooms, shower facilities, rest/bathrooms, and any other areas where students or others may change clothes or be in any stage or degree of disrobing or changing clothes. The Superintendent and building principals are authorized to determine other specific locations and situations where use of a PCD is absolutely prohibited.

Students shall have no expectation of confidentiality with respect to their use of PCDs on school premises/property.

Students may not use a PCD in any way that might reasonably create in the mind of another person an impression of being threatened, humiliated, harassed, embarrassed or intimidated. See Policy 5517.01 – Bullying and Other Forms of Aggressive Behavior. In particular, students are prohibited from using PCDs to: (1) transmit material that is threatening, obscene, disruptive, or sexually explicit or that can be construed as harassment or disparagement of others based upon their race, color, national origin, sex, sexual orientation, disability, age, religion, ancestry, or political beliefs; and (2) engage in "sexting" - i.e., sending, receiving, sharing, viewing, or possessing pictures, text messages, e-mails or other materials of a sexual nature in electronic or any other form. Violation of these prohibitions shall result in disciplinary action. Furthermore, such actions will be reported to local law enforcement and child services as required by law.

Students are also prohibited from using a PCD to capture, record, and/or transmit test information or any other information in a manner constituting fraud, theft, cheating, or academic dishonesty. Likewise, students are prohibited from using PCDs to receive such information.

Possession of a PCD by a student at school during school hours and/or during extra-curricular activities is a privilege that may be forfeited by any student who fails to abide by the terms of this policy, or otherwise abuses this privilege.

Violations of this policy may result in disciplinary action and/or confiscation of the PCD. The building principal will also refer the matter to law enforcement or child services if the violation involves an illegal activity (e.g., child pornography, sexting). Discipline will be imposed on an escalating scale ranging from a warning to an expulsion based on the number of previous violations and/or the nature of or circumstances surrounding a particular violation. If the PCD is confiscated, it will be released/returned to the student's parent/guardian after the student complies with any other disciplinary consequences that are imposed, unless the violation involves potentially illegal activity in which case the PCD may be turned-over to law enforcement. A confiscated device will be marked in a removable manner with the student's name and held in a secure location in the building's central office until it is retrieved by the parent/guardian or turned-over to law enforcement. School officials will not search or otherwise tamper with PCDs in District custody unless they reasonably suspect that the search is

required to discover evidence of a violation of the law or other school rules. Any search will be conducted in accordance with Policy 5771 – Search and Seizure. If multiple offenses occur, a student may lose his/her privilege to bring a PCD to school for a designated length of time or on a permanent basis.

A person who discovers a student using a PCD in violation of this policy is required to report the violation to the building principal.

Students are personally and solely responsible for the care and security of their PCDs. The Board assumes no responsibility for theft, loss, or damage to, or misuse or unauthorized use of, PCDs brought onto its property.

Parents/Guardians are advised that the best way to get in touch with their child during the school day is by calling the school office.

Students may use school phones to contact parents/guardians during the school day.

**See discipline matrix for cell phone discipline guidelines.**

### **OHHS Homework Guidelines**

Homework encompasses a range of activities but in general refers to subject work to be completed outside of class. Teachers will make every effort to provide guided practice and allow time in class for students to begin homework. Actual time required to complete assignments will vary with each student's study habits, academic skills and selected course load. More rigorous courses may necessitate more homework. If you are spending a large amount of time doing homework (approximately two hours per night on a regular basis), please contact your teachers for suggestions for studying more efficiently. Students should be aware that assessment activities that have been scheduled well in advance, a test for example, may require some additional preparation time in addition to regular homework time. Note: Advanced Placement Coursework requires a larger amount of homework. Students taking these courses should expect to spend more time on homework than what is outlined here.

### **CHEATING POLICY/ ACADEMIC DISHONESTY (PLAGIARISM, CHEATING, A.I., Chat GPT, ETC.)**

Students who conspire and act to gain an academic grade advantage over their classmates by cheating through any means, including, plagiarizing documents/school work, the use of A.I., etc. will be subject to the following penalties.

1. The grade or points are forfeited for the entire material in question.
2. The teacher or paraprofessional reports the incident to the office and the student is assigned a detention.

**See discipline matrix for multiple violations of cheating/academic dishonesty.**

### **LOCKERS**

Students will be issued a locker upon enrollment in school. Changes in locker assignments must be with office approval. The lockers are the property of the school and they are subject to periodic inspection by administrators. Nothing is to be put on the outside of the locker door. Students will be fined for any damages or alterations to lockers. Students should keep their locker clean and free of food and pop cans. Students are responsible for cleaning their locker at the end of the school year. NO STICKERS OR ITEMS WITH STICKERS OR TAPE ARE ALLOWED INSIDE OR OUTSIDE THE LOCKER. It is highly recommended that articles of personal value not be kept in lockers.

### **HALLWAY AND CAFETERIA CONDUCT**

Conduct during class change should be orderly. Running and horseplay are not permitted. Boisterous, rude acts such as slamming lockers, barging through doors, loud exchanges and shoving others will not be tolerated.

Students will have 30 minutes for lunch. The cafeteria is the only area where students may eat their lunch. Students are

allowed to use the library during lunch with a pass from a teacher or librarian. **Students may not be in the parking lot, hallways or near classrooms during lunch time.** Students will keep the entrances and exits to the commons clear during lunch. Students are expected to remove their trays and clean up after eating. Rude behavior such as cutting in front of others and throwing food will result in disciplinary action. Students who throw food or other objects may be suspended.

### VISITORS

No visitors are allowed during the school day. For all dances, the student bringing the visitor must have the appropriate form filled out and returned to the office before the designated deadline, signed by an administrator. The visitor must bring identification to the dance.

### TELEPHONE USE

Students that need to use a telephone may use the designated student-office telephone with staff permission. Students may use the telephone during the change of classes, lunch time, before and after school.

### CLOSED CAMPUS

The campus at Ogemaw Heights High School is closed. A closed campus means that students are not allowed to leave the school grounds without parent permission. Should a situation arise where a student must leave because of illness, funeral, or doctor appointment, it will be necessary that the office receive a phone call giving permission for that student to leave. **If leaving any time before 2:19, students must sign out at the office. Students must check into the office with a member of the secretarial staff if they arrive any time after 7:30 before going to class.**

### AUTHORIZED AREAS AND PASSES

Students may only have access to supervised areas of school property. Students are not allowed in the parking area without office permission. Movement in the hallways during class time is restricted to students with a designated pass. Passes are not to be altered in any way and must be shown upon the request of any school employee. Students are encouraged to use the bathroom during passing time, so class time is not disrupted. Students with medical problems requiring frequent use of the bathroom facility will receive a special pass from the office upon presenting a doctor's recommendation.

### MOTOR VEHICLES AND PARKING LOT PROCEDURES

The following is a list of rules and penalties which all drivers must obey:

1. The parking lot is considered off campus. Once a vehicle is parked, the student is not to return to the vehicle until 2:19 p.m. except with permission from the main office.
2. Vehicles will remain in the designated parking area. There is to be no parking in the rear of the building, on the service drive, bus area, and physical education area or on the lawns.
3. Vehicles must be operated in a slow, cautious manner.

**Any speeding, unsafe, careless, or negligent operation will be turned over to law enforcement and the driver may be ticketed. In addition, careless actions may result in further school discipline.**



## **AFTER-SCHOOL ACTIVITIES**

Activities or student trips occurring after school and in the evening are managed under the same guidelines set for students during the regular school day.

## **STUDENT RELATIONSHIPS**

Limited expressions of affection such as hand-holding are accepted at Ogemaw Heights. Inappropriate public displays of affection such as kissing, embracing and undue familiar body contact are forbidden. See discipline matrix for student violations.

## **STUDENT CODE OF TECHNOLOGY USE**

Every student attending Ogemaw Heights High School will have to sign a computer use agreement in order to have computer privileges. The computer use agreement has the terms and conditions that each student must meet in order to keep computer privileges. Use of Ogemaw Heights technology equipment and programs shall be for educational purposes consistent with the goals and educational directives of the district. Failure to comply with the following will result in the appropriate disciplinary action. The building administration has the right and discretion to deviate from the designated sequence of consequences and impose any of the set-forth disciplinary measures or any available disciplinary measure (such as loss of technology privileges, detention, suspension, expulsion, legal prosecution, or monetary restitution for repair or replacement of systems or equipment resulting from misuse or abuse, etc.) without first imposing a less or more severe type of discipline and, in addition, refer a particular incident of misconduct to the appropriate law enforcement agency.

### **Level 1**

Disciplinary actions:

1. 1 to 2 day suspension
2. 10 day suspension of Internet use *and/or* WBRC Internal Network Use
  - a. No user shall install or run programs other than those approved by the school
  - b. No posting anonymous messages
  - c. All passwords are to be kept secret
  - d. No wasteful use of resources and supplies
  - e. No adjustments of setting on the computer or software
  - f. No use of equipment for playing games

### **Level 2**

Disciplinary actions:

1. 1 to 10 day suspension
2. Varies from 30 day suspension of Internet use *and/or* WBRC Internal Network use, up to total loss of Internet *and/or* WBRC Internal Network privileges for the rest of school year and possibly into the next.
  - a. No modifying or copying files/data of other users without their consent
  - b. No use of the equipment or programs for commercial purposes
  - c. No hacking or attempting to break into the network or any outside networks
  - d. No unauthorized access to resources or sites

- e. No using another person's account
- f. No stealing passwords
- g. No creating, viewing, or printing of inappropriate material
- h. No software or hardware theft
- i. Use of email accounts by students is not permitted

### **3. Level 3**

Disciplinary actions:

1. Expulsion from school
2. Total loss of Internet and/or WBRC Internal Network privileges for the rest of school year, and possibly into next
  - a. No using the network or equipment for any illegal activity, including violation of copyright

Repeated violations of the code of technology use will be regarded as chronic misconduct and will result in loss of computer privileges.

## **DISCIPLINARY CODE**

West Branch-Rose City Area Schools follows a progressive discipline policy. To this end, types of misbehavior are divided into three groups General, Severe, Expulsion.

### **CLASS, SUBJECT AND ACTIVITY SUSPENSIONS:**

A teacher is authorized to immediately remove and suspend a student from a class, subject or activity when the student's behavior is so unruly, disruptive or abusive that it materially interferes with the teacher's ability to effectively teach the class, subject or activity, or the student's behavior interferes with the ability of other students to learn. Any student suspended pursuant to this policy shall not be allowed to return to the class, subject or activity from which he/she was suspended from until permitted by the teacher who ordered the suspension.

The teacher must report the suspension from class and the reason to the asst. principal and send the student to the asst. principal for appropriate action. In order for the student to return to class, the student must schedule an appointment with the teacher to resolve the issue that caused the suspension from class. Whenever practicable, the school counselor or social worker shall attend the conference and a school administrator must attend if the teacher or parent or guardian requests his/her attendance.

Students attending separate class periods throughout the school day shall be permitted during the term of the suspension to attend other classes taught by other teachers only when the student's conduct does not rise to the level of requiring a multiple day suspension or expulsion in accordance with board of education policy and the school's Student Code of Conduct.

Any student suspended from the same class, subject or activity for ten consecutive days during the school year shall be given a formal procedural hearing for each additional suspension beyond the tenth day in accordance with due process requirements outlined in this document.

This policy shall be applied in a manner consistent with the rights secured under federal and state law to students who are determined to be eligible for special education programs and services.

### **ASSERTIVE DISCIPLINE FOR THE CLASSROOM AND WITHIN THE BUILDING-GENERAL CATEGORY**

You are allowed a learning environment that prepares you to be a successful adult/citizen. The staff at Ogemaw Heights

will provide you the support to manage your own behavior. They will support and encourage pro-active, positive, skill-building behavior. The procedures followed regarding violations of the provisions contained under this section which occur outside of the classroom setting (hallway, ball fields, bus area, etc.) will be the same as outlined in the explanation of General violations.

***The building administration has the right and discretion to deviate from the designated sequence of consequences and impose any of the set-forth disciplinary measures or any other available disciplinary measure without first imposing a less or more severe type of discipline. In addition, administration may refer a particular incident of misconduct to the appropriate law enforcement agency, including any misconduct that may be harmful to school, self, or others not listed above.***

**See Discipline Matrix below.....**

<b>High School Discipline Rubric</b>			
<b>VIOLATION/ INFRACTION</b>	<b>1ST OFFENSE</b>	<b>2ND OFFENSE</b>	<b>3RD OFFENSE</b>
<b>Group 1 (General)</b>	These are behaviors or actions that impede orderly classroom procedures or interfere with the orderly operations of the school. These are disruptive to the normal teaching environment.		
<b>Tardy to Class</b>	3 tardies =1 absence Classroom teacher discusses the issue with the student, notifies home and documents absence in Skyward	4 tardies= Detention Classroom teacher discusses the issue with the student, Administration assigns detention and documents in Skyward	Every 3 tardies = 1 absence Every 4 tardies = Detention Corrective action plan meeting scheduled

<b>Inappropriate Language/Profanity</b>	Warning given, Skyward documentation	Second warning given, Skyward documentation, and detention(s) will be assigned	Skyward documentation, parent contact and ISS/OSS or a combination of both assigned
<b>Dress Code Violation</b>	Warning and corrective measures to fix violation, Skyward documentation	Detention and corrective measures to fix the violation. Skyward documentation, parent notification	Detention(s) or ISS/OSS. Corrective measures to fix the violation, Skyward documentation, parent notification
<b>Disruptive/Disrespectful Behaviors</b>	Discussion & verbal warning of behaviors with student by teacher and Skyward documentation	Discussion of behaviors with student by teacher and administration. Detention(s) will be assigned, parent notification and Skyward documentation	Discussion of behaviors with student by teacher and administration, detention(s) or ISS/OSS, parent notification and Skyward documentation
<b>Cell Phone Violation</b>	Discussion & verbal warning of behaviors with student by teacher and/or administration and Skyward documentation	Cell Phone/Electronic device will be confiscated and held for the remainder of the class period, Skyward documentation. Refusal to relinquish device may be deemed as insubordination. (See Insubordination disciplinary actions under the Severe group)	Cell Phone/Electronic device will be confiscated and held for the remainder of the school day, Skyward documentation. Refusal to relinquish device may be deemed as insubordination. (See Insubordination disciplinary actions under the Severe group)
<b>Backpacks</b>	Warning given, Skyward documentation	Discussion/Action plan of behavior with student by teacher and/or Administration, Skyward documentation	Discussion of behavior with student by teacher and administration. Detention, parent notification, Skyward documentation

**Persistent misbehavior.** Upon reaching the level of persistent misbehavior, the administrator has the discretion of involving juvenile court through the filing of a petition charging the student with incorrigibility within the school.

<b>High School Discipline Rubric</b>			
<b>VIOLATION/ INFRACTION</b>	<b>1ST OFFENSE</b>	<b>2ND OFFENSE</b>	<b>3RD OFFENSE</b>
<b>Group 2 (Severe)</b>	These violations will be handled by Administration		
<b>Fighting/Physical Altercations</b>	1-10 days of ISS, OSS or combination of ISS/OSS, parent notification, possible notification of Law Enforcement, and Skyward documentation.		Parent notification, notification of Law Enforcement, documentation in Skyward, possible referral for

			Expulsion
<b>Academic Dishonesty</b> (Cheating/Plagiarism/A.I.)	Assignment results in a grade of 0%, parent notification, detention. Skyward documentation	Assignment results in a grade of 0%, parent notification, ISS, Skyward documentation.	Assignment results in a grade of 0%, parent notification, OSS, Skyward documentation
<b>Cafeteria Misconduct</b>	All incidents involved in the Cafeteria will be investigated and assigned appropriate consequences		
<b>Disruptive/Disrespectful Behaviors</b>	Discussion & verbal warning of behaviors with student and Skyward documentation	Discussion of behaviors with student. Detention(s), parent notification, Skyward documentation	Discussion of behaviors with student, Detention(s) or ISS/OSS, parent notification and Skyward documentation
<b>Possession of a knife with a blade less than 3 inches long and minor explosives (firecrackers, smoke bomb etc.) or other harmful devices</b>	5 Days of OSS, parent notification, Skyward documentation	7 days of OSS, parent notification, Skyward documentation	10 days of OSS, parent notification, Skyward documentation. Possible referral for expulsion.
<b>Indecent exposure/ Gross Obscenities</b>	5 Days of OSS, parent notification, Skyward documentation	7 days of OSS, parent notification, Skyward documentation	10 days of OSS, parent notification, Skyward documentation. Possible referral for expulsion.
<b>Public display of affection (PDA)</b>	Discussion & verbal warning of behaviors with student and Skyward documentation	Discussion of behaviors with student. Detention(s), parent notification, Skyward documentation	Discussion of behaviors with student, Detention(s) or ISS/OSS, parent notification and Skyward documentation
<b>Use or possession of tobacco/vape</b>	5 Days of OSS, parent notification, referral to Law Enforcement (MIP), Skyward documentation	7 Days of OSS, parent notification, referral to Law Enforcement (MIP), Skyward documentation	10 Days of OSS, parent notification, referral to Law Enforcement (MIP), Skyward documentation Possible referral for expulsion.
<b>Skipping Class</b>	Discussion of infraction, detention, parent notification, Skyward documentation	Discussion of second infraction, ISS, parent notification, Skyward documentation	Discussion of third infraction, OSS, parent notification, Skyward documentation
<b>Insubordination/ Missing Detention/ Persistent Misbehavior</b>	Detention(s), parent notification, Skyward documentation	ISS, parent notification, Skyward documentation	OSS, parent notification, Skyward documentation. Possible referral for expulsion.

***The building administration has the right and discretion to deviate from the designated sequence***

***of consequences and impose any of the set-forth disciplinary measures or any other available disciplinary measure without first imposing a less or more severe type of discipline. In addition, administration may refer a particular incident of misconduct to the appropriate law enforcement agency, including any misconduct that may be harmful to school, self, or others not listed above.***

**EXPULSION CATEGORY**

Procedures outlined herein do not diminish the due process rights under federal and state law of a pupil who has been determined to be eligible for special education programs and services.

Expulsion can only be authorized by action of the superintendent. An expulsion may result in a report being made to the police and a referral being made to Michigan Department of Human Services. An expulsion can be for a period of time up to 180 consecutive school days. The following cases result in expulsion (these are in addition to previously identified instances which may result in expulsion):

<b>VIOLATION/ INFRACTION</b>	<b>1ST OFFENSE</b>	<b>2ND OFFENSE</b>	<b>3RD OFFENSE</b>
<b>Group 3 (Expulsion)</b>	These behaviors or actions are the most serious violations of school rules or laws, including those involving violence or which present a threat or serious injury to persons or property. These violations will be handled by Administration		
<b>Harassment/Bullying</b>	West Branch-Rose City Harassment and Bullying Procedures will be followed after investigating the incident in its entirety. Consequences may be, but are not limited to detention(s), ISS, OSS, expulsion, and law enforcement involvement.		
<b>Sexual Harassment</b>	West Branch-Rose City Sexual Harassment Policies will be followed after investigating the incident in its entirety. Consequences may be, but are not limited to detentions, ISS, OSS, expulsion, and law enforcement involvement.		
<b>Vandalism</b>	Parents notified. Payment for Damages. 1-10 days ISS/OSS or combination. Skyward Documentation. Law enforcement notification if needed.	See below for multiple offenses  2nd and 3rd offenses CAN be any or all of the following depending on the situation: Parents notified, law enforcement will be called, expulsion hearing may be required Payment for damages will be redeemed (if applicable), 10+ days of OSS, and/or expulsion. Counseling may be required as well depending on the situation.	
<b>Weapons</b> (Defined as firearm, dagger, dirk, stiletto, knife with blade over 3 inches, pocket knife opened by mechanical blade, iron bar, or brass knuckles, or any item used with the intent to harm.)	Parent notification. Law enforcement notification. Skyward documentation. 10 days OSS and an expulsion hearing may be required according to school board policy.		
<b>Sale, Distribution of Controlled Substances (Vaping, Marijuana, Alcohol, Tobacco, Etc.)</b>	Parent notification, 1-10 days of OSS/ISS or combination. Skyward Documentation. Law enforcement notification.		
<b>Possession, Use or Being Under the Influence (Marijuana, Alcohol, Etc.)</b>	Parent notification, 1-10 days of OSS/ISS or combination. Skyward Documentation. Law enforcement notification.		

<b>Threat to Student/School/Staff/Volunteer/ Contractor</b>	Parent notification, Law enforcement notification, Skyward documentation. 10 days OSS and an expulsion hearing may be required.	
<b>Physical Assault against Staff, Volunteer, Contractor</b>	Parent notification, Law enforcement notification, Skyward documentation. 10 days OSS and an expulsion hearing may be required.	
<b>Explosive Device (other than fire cracker or smoke bomb)</b>	Parent notification, Law enforcement notification, Skyward documentation. 10 days OSS and an expulsion hearing may be required.	
<b>Rape</b>	Parent notification. Law enforcement notification, Skyward documentation. 10 days OSS and an expulsion hearing may be required.	
<b>Arson</b>	Parent notification. Law enforcement notification, Skyward documentation. 10 days OSS and an expulsion hearing may be required.	
<b>Possession or Transmitting Explicit Materials</b>	Parent notification, law enforcement notification, 5-10 days of OSS. Skyward documentation.	
<b>Theft</b>	Parent notification. Law enforcement notification. 1-10 days ISS/OSS or combination. Skyward documentation.	

***The building administration has the right and discretion to deviate from the designated sequence of consequences and impose any of the set-forth disciplinary measures or any other available disciplinary measure without first imposing a less or more severe type of discipline. In addition, administration may refer a particular incident of misconduct to the appropriate law enforcement agency, including any misconduct that may be harmful to school, self, or others not listed above.***

PLEASE NOTE: Restitution will also be sought when school-owned property is damaged.

DISCIPLINARY ACTIONS AND STUDENT MISBEHAVIOR ARE HANDLED ON A CUMULATIVE BASIS FOR THE FULL SCHOOL YEAR FOR ALL LEVELS.

PERMANENT EXPULSION may be avoided in cases involving the possession of a dangerous weapon if any of the following is established in a clear and convincing manner:

1. The object or instrument possessed by the pupil was not possessed for use as a weapon, or for direct or indirect delivery to another person for use as a weapon.
2. The weapon was not knowingly possessed by the pupil.
3. The pupil did not know or have reason to know that the object or instrument possessed by the pupil constituted a dangerous weapon.
4. The weapon was possessed by the pupil at the suggestion, request, or direction of, or with the express

permission of, school or police authorities.

## **PARENT NOTIFICATION**

When a student is suspended from school, the administrator (or designee) will notify the parent or guardian by telephone. A student will not be sent home during the day unless the parent has first been notified. If a parent is not able to be reached by telephone, an emergency contact person from the student's enrollment card will be called.

### **● NON-CONTROLLED SUBSTANCE POLICY**

In addition to the concern about the sale or delivery of controlled and non-controlled substances, is the possession or use of controlled substance look-alikes (caffeine pills, diet pills, etc.). Because of the possible danger to the health and safety of the students, the following policy is in effect:

1. It is against school policy to sell, deliver, possess or use a non-controlled substance which may be able to be represented as a controlled substance.
2. Proof of any one of the following is evidence of the above.
  - a. The substance substantially resembles a controlled substance, in either appearance or shape.
  - b. The substance is unpackaged or is packaged in a manner normally used for illegal delivery of a controlled substance (baggie, envelope, foil, etc.).
  - c. The substance is not labeled as required by the FDA.
  - d. The substance has been represented as a controlled substance.

## **DRUG – FREE ZONE**

Public Act 174 of 1994, effective September 1, 1994, amends the Michigan Public Health Code by extending the 500 foot "drug free zone" surrounding school property to 1,000 feet. Under the amended provision, an individual 18 years and over who delivers cocaine, narcotics, or certain other illicit substances to a minor student within the proscribed 1,000-foot drug-free zone around the school property shall be punished by at least two years in prison and up to three times the term of imprisonment and fine (or both) that would otherwise apply.

"School property" is defined as a "building, playing field, or property used for school purposes to impart instruction to children in grades kindergarten through 12, when provided by a public, private, denominational, or parochial school, except those buildings used primarily for adult education or college extension courses.

## **BUS TRANSPORTATION**

Public school districts are not required to furnish transportation for the pupils that reside within the district; as a result, the privilege of riding the bus is one that can be withdrawn. The following rules apply to all students who are riding the school bus.

1. **FOLLOW THE DRIVER'S DIRECTIONS.**
2. **STAY IN YOUR SEAT.**
3. **RESPECT AND TAKE CARE OF THE BUS.**
4. **KEEP HANDS, FEET & OBJECTS TO YOURSELF.**
5. **BE KIND TO OTHERS.**

Any student, while a passenger in a district transportation vehicle, who is guilty of an infraction listed under the serious and / or severe degrees of misbehavior in the Discipline Code **MAY** be assessed a consequence as listed in the Discipline Code as well as being denied transportation. In the event that this occurs, the length of time transportation privileges are withdrawn will be determined by the building principal or assistant principal and the transportation supervisor.

It is everyone's responsibility, supervisor, driver, student and parent, to see that every bus ride to and from school is a safe one. The driver's first responsibility is to drive the bus in a safe manner. The bus driver also has the responsibility of controlling the actions of the students while they are on the bus. Violation of the bus rules will result in a verbal warning



from the bus driver. In addition, the driver may require a student to use a particular seat on the bus. If the misbehavior continues, the driver will complete a **BUS CONDUCT REPORT** and the following procedures will generally be used:

Ticket #1	<b>Warning</b>
Ticket #2	<b>Called Parent</b>
Ticket #3	<b>One day Bus Suspension, Action Taken by Administrator</b>
Ticket #4	<b>Three Day Bus Suspension</b>
Ticket #5	<b>Five Day Buss Suspension</b>
Ticket #6	<b>Per Administration</b>

SEVERE CLAUSE: The order of consequences may be skipped and immediate suspension given if the severity of the offense is sufficient enough to warrant such action in the opinion of the transportation supervisor.

#### STUDENT ORGANIZATIONS

Ogemaw Heights High School sponsors several student activities. Students are encouraged to become involved in one or more of the following extracurricular organizations to enhance their educational experience:

Athletics	National Honor Society (NHS)
Drama/Theatre Club	Robotics
Knowledge Bowl	Skills USA
National FFA Organization (FFA)	Student Council
Health Occupations Students of America (HOSA)	YAC

#### **ATHLETIC REGULATIONS**

Students participating in the athletic program are required to adhere to the following regulations.

1. A student-athlete will be governed by the Ogemaw Heights High School Athletic Policy from the first day of involvement in athletics until graduation.
2. Each year a student-athlete must have a physical examination card on file in the athletic office before he/she may practice dated after April 15.
3. A student-athlete will follow the coach's guidelines of acceptable player and team conduct. It is also understood that the rules that apply during the school day are in effect for extracurricular activities.
4. Student-athletes must attend school all day on practice and contest days. Any exceptions require the Athletic Director's approval.
5. Student-athletes may not drive to athletic contests in which they are participating. Athletes may not return from a contest with anyone other than their parent(s) or guardian except by approval of the athletic director and coach.
6. Students may participate in two sports; however, they must follow dual sport guidelines as set by the athletic department.
7. SEE THE ATHLETIC GUIDELINES FOR ADDITIONAL INFORMATION.

#### **CHOICE PROGRAM**

West Branch-Rose City schools offer a complete range of educational services. If you feel your child may need some additional help, contact the Special Education Department at 343-2010.

#### **I.E.P.C. RIGHTS**

If a student has been referred for Special Education Services by a teacher, administrator, counselor or by him/herself, the

following will take place before a student is placed in a Special Education Program.

1. The parents and student will be invited to a screening meeting and if testing is appropriate, a permission form will be signed by the parents.
2. The parent or student (if over 18 years of age) will be requested, in writing, to attend an Individual Educational Planning Committee meeting to develop an educational plan for the student.
3. The committee will meet and make its educational recommendation. The committee will consist of: parents, student, teachers, administrator, school psychologist or any appropriate support staff.
4. If the parents or student (if over 18 years of age) disagree with the recommended placement, they have a right to a hearing to contest a recommended placement.

## **FERPA**

### **FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT STUDENT RECORDS POLICY AND PROCEDURES**

#### **Purpose**

The Board of Education of the WBRC Area Schools recognizes the importance of maintaining records for all students in attendance. While a student's educational interests require the collection, retention, and use of information about the student, the student's right to privacy requires careful custodianship and limitations on access to education records. The maintenance and disclosure of student records by this institution are governed by state and federal law, particularly the Family Educational Rights and Privacy Act ("FERPA"), 20 USC 1232g, and its implementing regulations, 34 CFR 99.1 et seq.

#### **Annual Notification of Rights**

FERPA affords parents and eligible students certain rights with respect to education records. Those rights include the following:

1. Right to Inspect: A parent or eligible student has the right to inspect and review the student's education records maintained by the district within 45 days of the district's receipt of a written request for access.
2. Right to Request Amendment: A parent or eligible student has the right to request the amendment of the student's education record(s) that are believed to be inaccurate or misleading.
3. Right to Consent to Disclosure: A parent or eligible student has the right to consent to disclosures of personally identifiable information contained in the student's education record, except to the extent that FERPA authorizes disclosure without consent.
4. Right to Complain: A parent or eligible student has the right to file a complaint with the U.S. Department of Education concerning alleged failures by the district to comply with FERPA requirements.
5. Right to Obtain Copies of this Policy: A parent or eligible student has the right to obtain copies of this policy upon request.

\*All educational records are provided directly to any new school in which a student intends to enroll.

#### **Disclosure of Education Records**

The district will disclose information from a student's education record only with the written consent of the parent or eligible student, except that disclosure without consent may be made:

1. To school officials who have a legitimate educational interest in the records.
2. To officials of other schools where a student seeks or intends to enroll.
3. To federal and state officials in connection with their duties to audit or enforce legal conditions relative to federal or state supported programs.
4. To the United States Attorney General.

5. **To comply with the federal legislation “ESSA”, the district is required to release student disciplinary records concerning suspensions and expulsions to any private or public school to which a student is transferring for enrollment purposes.**
6. In connection with a student’s request for or receipt of financial aid, as necessary to determine eligibility for aid, the amount or conditions of the aid, or to enforce the terms and conditions of the aid.
7. To state juvenile justice system officials as permitted by state law.
8. To organizations conducting certain studies for or on behalf of the district for the purposes of predictive testing, student aid, and instructional improvements.
9. To accrediting organizations to carry out their functions.
10. To parents who claim the student as a dependent for income tax purposes.
11. To comply with a court order or lawfully-issued subpoena. The district shall make reasonable attempts to notify the parent or eligible student of such disclosure prior to disclosure.
12. To appropriate parties in connection with a health or safety emergency that threatens the health or safety of the student or other individuals.
13. For designated directory information.
14. To the parents of a non-eligible student or to a student.
15. As necessary for the district to either prosecute a legal action against the student or parent or to defend itself against a lawsuit initiated by a parent or eligible student.

### **Student Directory Information Notification**

West Branch-Rose City Area Schools has adopted a policy designated to assure parents and students the full implementations, protections and enjoyment of their rights under the Family Education Rights and Privacy Act of 1974. A copy of the school district’s policy is available for review in the office of Superintendent, 960 S. M-33, West Branch, MI 48661.

This law requires WBRC to designate as “directory information” any personally identifiable information taken from a student’s educational records prior to making such information available to the public. WBRC has designated the following as directory information:

Student name and address, telephone number, e-mail address, photographs, date and place of birth, major fields of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degree and awards received, the most recent previous school attended and other similar information.

This letter informs you of your right to withhold release of students’ directory information. A form for this purpose is available through each building office. The objection needs to be reviewed annually. If you have no objection to the use of student information, you do not need to take any action.

## **West Branch-Rose City Area Schools Board of Education Policy on Bullying**

### **BULLYING AND OTHER AGGRESSIVE BEHAVIOR TOWARD STUDENTS – Board Policy 5517.01**

It is the policy of the District to provide a safe and nurturing educational environment for all of its students.

This policy protects all students from bullying/aggressive behavior regardless of the subject matter or motivation for such impermissible behavior.

Bullying or other aggressive behavior toward a student, whether by other students, staff, or third parties, including Board members, parents, guests, contractors, vendors, and volunteers, is strictly prohibited. This prohibition includes written, physical, verbal, and psychological abuse, including hazing, gestures, comments, threats, or actions to a student, which cause or threaten to cause bodily harm, reasonable fear for personal safety or personal degradation.

Demonstration of appropriate behavior, treating others with civility and respect, and refusing to tolerate harassment or bullying is expected of administrators, faculty, staff, and volunteers to provide positive examples for student behavior.

This policy applies to all "at school" activities in the District, including activities on school property, in a school vehicle, and those occurring off school property, if the student or employee is at any school-sponsored, school-approved or school-related activity or function, such as field trips or athletic events where students are under the school's control, or where an employee is engaged in school business. Misconduct occurring outside of school may also be disciplined if it interferes with the school environment.

### **Notification**

Notice of this policy will be annually circulated to and posted in conspicuous locations in all school buildings and departments within the District and discussed with students, as well as incorporated into the teacher, student, and parent/guardian handbooks. State and Federal rights posters on discrimination and harassment shall also be posted at each building. All new hires will be required to review and sign off on this policy and the related complaint procedure.

Parents or legal guardians of the alleged victim(s), as well as of the alleged aggressor(s), shall be promptly notified of any complaint or investigation as well as the results of the investigation to the extent consistent with student confidentiality requirements. A record of the time and form of notice or attempts at notice shall be kept in the investigation file.

To the extent appropriate and/or legally permitted, confidentiality will be maintained during the investigation process. However, a proper investigation will, in some circumstances, require the disclosure of names and allegations. Further, the appropriate authorities may be notified, depending on the nature of the complaint and/or the results of the investigation.

### **Reporting**

No later than May 30, 2015, the District shall submit to the Department of Education a copy of this Policy.

The District shall report incidents of bullying to the Department of Education on an annual basis according to the form and procedures established by the Department of Education.

Should this Policy be amended or otherwise modified, the District shall submit a copy of the amended or modified Policy to the Department of Education no later than thirty (30) days after adopting the modification.

### **Implementation**

The Superintendent is responsible to implement this policy, and may develop further guidelines, not inconsistent with this policy. This policy is not intended to and should not be interpreted to interfere with legitimate free speech rights of any individual. However, the District reserves the right and responsibility to maintain a safe environment for students, conducive to learning and other legitimate objectives of the school program.

### **Procedure**

Any student who believes s/he has been or is the victim of bullying, hazing, or other aggressive behavior should immediately report the situation to the Principal or assistant principal. The student may also report concerns to a teacher or counselor who will be responsible for notifying the appropriate administrator or Board official. Complaints against the building principal should be filed with the Superintendent. Complaints against the Superintendent should be filed with the Board President.

A student may also submit a report or complaint to any of the above designated individuals through email, voicemail, regular mail or by leaving a sealed note addressed to the individual at that person's office or desk. The student may submit a report or complaint anonymously, but this may affect the ability to fully investigate the matter, when the complaining student is not available to provide additional information during the course of the investigation.

The identity of a student who reports bullying, hazing or aggressive behavior, as well as those students who provide information during an investigation will remain confidential to the extent possible and to the extent allowable by law. Only school personnel directly involved in the investigation of the complaint or responsible for remedying any violations will be

provided access to the identity of the complaining student(s) and student witnesses, and then only to the extent necessary to effectively deal with the situation.

The identity of the student who files the report or complaint will not be voluntarily shared with the alleged perpetrator(s) or the witnesses unless the student (and his/her parent/guardian) give written permission to do so. Any investigation report will likewise not be voluntarily produced with the names of the reporting student(s) or witnesses. However, under certain circumstances, the District may be required by law to disclose the report and/or the student(s) names. Also, under certain circumstances, the identity of the reporting student may become obvious even without disclosure by school personnel.

Every student is encouraged, and every staff member is required, to report any situation that they believe to be aggressive behavior directed toward a student. Reports shall be made to those identified above. While reports may be made anonymously, formal disciplinary action may not be taken solely on the basis of an anonymous report without other corroborating evidence.

The Principal (or other designated administrator) shall promptly investigate and document all complaints about bullying, aggressive or other behavior that may violate this policy. The investigation must be completed as promptly as the circumstances permit after a report or complaint is made.

If the investigation finds an instance of bullying or aggressive behavior has occurred, it will result in prompt and appropriate remedial action. This may include up to expulsion for students, up to discharge for employees, exclusion for parents, guests, volunteers and contractors, and removal from any official position and/or a request to resign for Board members. Individuals may also be referred to law enforcement or other appropriate officials.

If, during an investigation of a reported act of harassment, intimidation and/or bullying/cyberbullying, the Principal or appropriate administrator believes that the reported misconduct may have created a hostile learning environment and may have constituted unlawful discriminatory harassment based on a Protected Class, the Principal will report the act of bullying and/or harassment to one of the Anti-Harassment Compliance Officers so that it may be investigated in accordance with the procedures set forth in Policy 5517 - Anti-Harassment.

The individual responsible for conducting the investigation shall document all reported incidents and report all verified incidents of bullying, aggressive or other prohibited behavior, as well as any remedial action taken, including disciplinary actions and referrals, to the Superintendent. The Superintendent shall submit a compiled report to the Board on an annual basis.

### **Non-Retaliation/False Reports**

Retaliation or false allegations against any person who reports, is thought to have reported, files a complaint, participates in an investigation or inquiry concerning allegations of bullying or aggressive behavior (as a witness or otherwise), or is the target of the bullying or aggressive behavior being investigated, is prohibited and will not be tolerated. Such retaliation shall be considered a serious violation of Board policy, independent of whether a complaint of bullying is substantiated. Suspected retaliation should be reported in the same manner as bullying/aggressive behavior.

Making intentionally false reports about bullying/aggressive behavior for the purpose of getting someone in trouble is similarly prohibited and will not be tolerated. Retaliation and intentionally false reports may result in disciplinary action as indicated above.

### **Prevention/Training/Restorative Practices**

The Superintendent may establish a Bullying Prevention Task Force and/or a program or other initiatives involving school staff, students, clubs or other student groups, administrators, volunteers, parents, law enforcement, community members, and other stakeholders, aimed at the prevention of bullying or other aggressive behavior.

The District may provide, and all administrators, school employees, contracted employees and volunteers who have significant contact with students may undertake training on preventing, identifying, responding to, and reporting incidents of bullying and other aggressive behavior.

The District may provide, and all students may undertake, annual training on preventing, identifying, responding to, and reporting incidents of bullying, cyber bullying and other aggressive behavior.

The District may utilize restorative practices that emphasize repairing the harm to the victim and school community in the correction of bullying behavior, which may include victim-offender conferences that:

- A. are initiated by the victim;
- B. are approved by the victim's parent or legal guardian or, if the victim is at least fifteen (15), by the victim;
- C. are attended voluntarily by the victim, a victim advocate, the offender, members of the school community, and supporters of the victim and the offender (the "restorative practices team");
- D. would provide an opportunity for the offender to accept responsibility for the harm caused to those affected, and to participate in setting consequences to repair the harm, such as requiring the student to apologize; participate in community service, restoration of emotional or material losses, or counseling; pay restitution; or any combination of these. The selected consequences and time limits for their completion will be incorporated into an agreement to be signed by all participants.

### **Definitions**

The following definitions are provided for guidance only. If a student or other individual believes there has been bullying, hazing, harassment or other aggressive behavior, regardless of whether it fits a particular definition, s/he should report it immediately and allow the administration to determine the appropriate course of action.

**"Aggressive behavior"** is defined as inappropriate conduct that is repeated enough, or serious enough, to negatively impact a student's educational, physical, or emotional well-being. Such behavior includes, for example, bullying, hazing, stalking, intimidation, menacing, coercion, name-calling, taunting, making threats, and hitting/pushing/shoving.

**"At School"** is defined as in a classroom, elsewhere on school premises, on a school bus or other school-related vehicle, or at a school-sponsored activity or event whether or not it is held on school premises. It also includes conduct using a telecommunications access device or telecommunications service provider that occurs off school premises if either owned by or under the control of the District.

**"Bullying"** is defined as any written, verbal, or physical acts, including cyber bullying (i.e. any electronic communication, including, but not limited to electronically transmitted acts, such as internet, telephone or cell phone, personal digital assistant (PDA), or wireless hand held device) that, without regard to its subject matter or motivating animus, is intended or that a reasonable person would know is likely to harm one (1) or more students either directly or indirectly by doing any of the following:

- A. substantially interfering with educational opportunities, benefits, or programs of one (1) or more students;
- B. adversely affecting the ability of a student to participate in or benefit from the school district's educational programs or activities by placing the student in reasonable fear of physical harm or by causing substantial emotional distress;
- C. having an actual and substantial detrimental effect on a student's physical or mental health; and/or
- D. causing substantial disruption in, or substantial interference with, the orderly operation of the school.

Bullying can be physical, verbal, psychological, or a combination of all three. Some examples of bullying are:

- A. Physical – hitting, kicking, spitting, pushing, pulling; taking and/or damaging personal belongings or extorting money, blocking or impeding student movement, unwelcome physical contact.
- B. Verbal – taunting, malicious teasing, insulting, name calling, making threats.

- C. Psychological – spreading rumors, manipulating social relationships, coercion, or engaging in social exclusion/shunning, extortion, or intimidation. This may occur in a number of different ways, including but not limited to notes, emails, social media postings, and graffiti.

**"Harassment"** includes, but is not limited to, any act which subjects an individual or group to unwanted, abusive behavior of a nonverbal, verbal, written or physical nature, often on the basis of age, race, religion, color, national origin, marital status or disability, but may also include sexual orientation, physical characteristics (e.g., height, weight, complexion), cultural background, socioeconomic status, or geographic location (e.g., from rival school, different state, rural area, city, etc.).

**"Intimidation/Menacing"** includes, but is not limited to, any threat or act intended to: place a person in fear of physical injury or offensive physical contact; to substantially damage or interfere with person's property; or to intentionally interfere with or block a person's movement without good reason.

**"Staff"** includes all school employees and Board members.

**"Third parties"** include, but are not limited to, coaches, school volunteers, parents, school visitors, service contractors, vendors, or others engaged in District business, and others not directly subject to school control at inter-district or intra-district athletic competitions or other school events.

For further definition and instances that could possibly be construed as:

Harassment, see Policy 5517;

Hazing, see Policy 5516.

## **Notice of Non-Discrimination and Access to Equal Educational Opportunity**

### **NONDISCRIMINATION AND ACCESS TO EQUAL EDUCATIONAL OPPORTUNITY - Board Policy 2260**

Any form of discrimination or harassment can be devastating to an individual's academic progress, social relationship and/or personal sense of self-worth.

As such, the Board of Education does not discriminate on the basis of race, color, national origin, sex (including sexual orientation or transgender identity), disability, age (except as authorized by law), religion, military status, ancestry, or genetic information (collectively, "Protected Classes") in its educational programs or activities.

The Board also does not discriminate on the basis of Protected Classes in its employment policies and practices as they relate to students, and does not tolerate harassment of any kind.

Equal educational opportunities shall be available to all students, without regard to the Protected Classes, age (unless age is a factor necessary to the normal operation or the achievement of any legitimate objective of the program/activity), place of residence within the boundaries of the District, or social or economic background, to learn through the curriculum offered in this District. Educational programs shall be designed to meet the varying needs of all students.

In order to achieve the aforesaid goal, the Superintendent shall:

A. Curriculum Content

review current and proposed courses of study and textbooks to detect any bias based upon Protected Classes, ascertaining whether or not supplemental materials, singly or taken as a whole, fairly depict the contribution of both genders, various races, ethnic groups, etc. toward the development of human society;

B. Staff Training

develop an ongoing program of in-service training for school personnel designed to identify and solve problems of bias based upon Protected Classes in all aspects of the program;

C. Student Access

1. review current and proposed programs, activities, facilities, and practices to ensure that all students have equal access thereto and are not segregated on the basis of the Protected Classes in any duty, work, play, classroom, or school practice, except as may be permitted under State regulations;
2. verify that facilities are made available, in accordance with Board Policy 7510 - Use of School Facilities, for non-curricular student activities that are initiated by parents or other members of the community, including but not limited to any group affiliated with the Boy Scouts of America or any other youth group listed in Title 36 of the United States Code as a patriotic society;  
This language does not prohibit the District from establishing and maintaining a single-gender school, class, or program within a school if a comparable school, class, or program is made available to students of each gender.

D. District Support

verify that like aspects of the District program receive like support as to staff size and compensation, purchase and maintenance of facilities and equipment, access to such facilities and equipment, and related matters;

E. Student Evaluation

verify that tests, procedures, or guidance and counseling materials, which are designed to evaluate student progress, rate aptitudes, analyze personality, or in any manner establish or tend to establish a category by which a student may be judged, are not differentiated or stereotyped on the basis of Protected Classes.

**District Compliance Officers**

The Board designates the following individuals to serve as the District's "Compliance Officers" (also known as "Civil Rights Coordinators") (hereinafter referred to as the "COs").

Ted Matuszak

Director of Finance

960 S. M-33

P.O. Box 308

West Branch, Michigan 48661

Heather Phelps

Director of Curriculum and Instruction

960 S. M-33

P.O. Box 308

West Branch, Michigan 48661

The names, titles, and contact information of these individuals will be published annually on each individual school's web site.

The District will accommodate the use of certified service animals when there is an established need for such supportive aid in the school environment. Certain restrictions may be applied when necessary due to allergies, health, safety, disability or other issues of those in the classroom or school environment. The goal shall be to provide all students with the same access and participation opportunities provided to other students in school. Confirmation of disability, need for a service animal to access the school programming, and current certification/training of the service animal may be required.

The COs are responsible for coordinating the District's efforts to comply with applicable Federal and State laws and regulations, including the District's duty to address in a prompt and equitable manner any inquiries or complaints regarding discrimination, retaliation or denial of equal access. The COs shall also verify that proper notice of nondiscrimination for Title II of the Americans with Disabilities Act (as amended), Title VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendment Act of 1972, Section 504 of the Rehabilitation Act of 1973 (as amended), and the Age



Discrimination Act of 1975 is provided to students, their parents, staff members, and the general public. A copy of each of the Acts and regulations on which this notice is based may be found in the CO's office.

The Superintendent shall annually attempt to identify children with disabilities, ages 0-25, who reside in the District but do not receive public education.

In addition, s/he shall establish procedures to identify students who are Limited English Proficient (LEP), including immigrant children and youth, to assess their ability to participate in District programs, and develop and administer a program that meets the English language and academic needs of these students. This program shall include procedures for student placement, services, evaluation and exit guidelines and shall be designed to provide students with effective instruction that leads to academic achievement and timely acquisition of proficiency in English. As a part of this program, the District will evaluate the progress of students in achieving English language proficiency in the areas of listening, speaking, reading and writing, on an annual basis (also see Policy 2225).

### **Reports and Complaints of Unlawful Discrimination and Retaliation**

Students and all other members of the School District community and third parties are encouraged to promptly report incidents of unlawful discrimination and/or retaliation to a teacher, administrator, supervisor, or other District official so that the Board may address the conduct. Any teacher, administrator, supervisor, or other District employee or official who receives such a complaint shall file it with the CO within two (2) school days.

Members of the School District community, which includes students or third parties, who believe they have been unlawfully discriminated/retaliated against are entitled to utilize the complaint process set forth below. Initiating a complaint, whether formally or informally, will not adversely affect the complaining individual's employment or participation in educational or extra-curricular programs. While there are no time limits for initiating complaints under this policy, individuals should make every effort to file a complaint as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

If, during an investigation of alleged bullying, aggressive behavior and/or harassment in accordance with Policy 5517.01 – Bullying and Other Forms of Aggressive Behavior, the Principal believes that the reported misconduct may constitute unlawful discrimination based on a Protected Class, the Principal shall report the act to one of the COs who shall investigate the allegation in accordance with this policy. While the CO investigates the allegation, the Principal shall suspend his/her Policy 5517.01 investigation to await the CO's written report. The CO shall keep the Principal informed of the status of the Policy 2260 investigation and provide him/her with a copy of the resulting written report.

The COs will be available during regular school/work hours to discuss concerns related to unlawful discrimination/retaliation. COs shall accept complaints of unlawful discrimination/retaliation directly from any member of the School District community or a visitor to the District, or receive complaints that are initially filed with a school building administrator. Upon receipt of a complaint either directly or through a school building administrator, a CO will begin either an informal or formal process (depending on the request of the person alleging the discrimination/retaliation or the nature of the alleged discrimination/retaliation), or the CO will designate a specific individual to conduct such a process. The CO will provide a copy of this policy to any person who files a complaint. In the case of a formal complaint, the CO will prepare recommendations for the Superintendent or oversee the preparation of such recommendations by a designee. All members of the School District community must report incidents of discrimination/retaliation that are reported to them to the CO within two (2) business days of learning of the incident/conduct.

Any Board employee who directly observes unlawful discrimination/retaliation of a student is obligated, in accordance with this policy, to report such observations to one of the COs within two (2) business days. Additionally, any Board employee who observes an act of unlawful discrimination/retaliation is expected to intervene to stop the misconduct, unless circumstances make such an intervention dangerous, in which case the staff member should immediately notify other Board employees and/or local law enforcement officials, as necessary, to stop the misconduct. Thereafter, the CO or

designee must contact the student, if age eighteen (18) or older, or the student's parents if the student is under the age eighteen (18), within two (2) school days to advise s/he/them of the Board's intent to investigate the alleged wrongdoing.

### **Investigation and Complaint Procedure**

Any student who believes that s/he has been subjected to unlawful discrimination or retaliation may seek resolution of his/her complaint through the procedures described below. The formal complaint procedures involve an investigation of the individual's claims and a process for rendering a decision regarding whether the charges are substantiated.

Due to the sensitivity surrounding complaints of unlawful discrimination or retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs. Once the formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within fifteen (15) business days of the complaint being received).

The procedures set forth below are not intended to interfere with the rights of a student to pursue a complaint of unlawful discrimination or retaliation with the United States Department of Education Office for Civil Rights ("OCR"). The Cleveland Office of the OCR can be reached at 1350 Euclid Avenue, Suite 325, Cleveland, Ohio 44115; Telephone: (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>.

### **Informal Complaint Procedure**

The goal of the informal complaint procedure is to quickly stop inappropriate behavior and facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for a student who believes s/he has been unlawfully discriminated or retaliated against. This informal procedure is not required as a precursor to the filing of a formal complaint.

The informal process is only available in those circumstances where the parties (the alleged target of the discrimination and individual(s) alleged to have engaged in the discrimination) agree to participate in it.

Students who believe that they have been unlawfully discriminated/retaliated against may proceed immediately to the formal complaint process and individuals who seek resolution through the informal procedure may request that the informal process be terminated at any time to move to the formal complaint process.

All complaints involving a District employee or any other adult member of the School District community against a student will be formally investigated.

As an initial course of action, if a student feels that s/he is being unlawfully discriminated/retaliated against and s/he is able and feels safe doing so, the individual should tell or otherwise inform the person who engaged in the allegedly discriminatory/retaliatory conduct that it is inappropriate and must stop. The complaining individual should address the alleged misconduct as soon after it occurs as possible. The COs are available to support and counsel individuals when taking this initial step or to intervene on behalf of the individual if requested to do so. An individual who is uncomfortable or unwilling to inform the person who allegedly engaged in the unlawful conduct of his/her concerns is not prohibited from otherwise filing an informal or a formal complaint. In addition, with regard to certain types of unlawful discrimination, such as sexual discrimination, the CO may advise against the use of the informal complaint process.

A student who believes s/he has been unlawfully discriminated/retaliated against may make an informal complaint, either orally or in writing: (1) to a teacher, other employee, or building administrator in the school the student attends; (2) to the Superintendent or other District-level employee; and/or (3) directly to one of the COs.

All informal complaints must be reported to one of the COs who will either facilitate an informal resolution as described below, or appoint another individual to facilitate an informal resolution.

The School District's informal complaint procedure is designed to provide students who believe they are being unlawfully discriminated/retaliated against with a range of options aimed at bringing about a prompt resolution of their concerns.

Depending upon the nature of the complaint and the wishes of the student claiming unlawful discrimination/retaliation, informal resolution may involve, but not be limited to, one or more of the following:

- A. Advising the student about how to communicate his/her concerns to the person who allegedly engaged in the discriminatory/retaliatory behavior.
- B. Distributing a copy of Policy 2260 – Non-Discrimination and Access to Equal Educational Opportunity as a reminder to the individuals in the school building or office where the individual whose behavior is being questioned works or attends.
- C. If both parties agree, the CO may arrange and facilitate a meeting between the student claiming discrimination/retaliation and the individual accused of engaging in the misconduct to work out a mutual resolution.

While there are no set time limits within which an informal complaint must be resolved, the CO or designee will exercise his/her authority to attempt to resolve all informal complaints within fifteen (15) business days of receiving the informal complaint. Parties who are dissatisfied with the results of the informal complaint process may proceed to file a formal complaint. And, as stated above, parties may request that the informal process be terminated at any time to move to the formal complaint process.

### **Formal Complaint Procedure**

If a complaint is not resolved through the informal complaint process, if one (1) of the parties requested that the informal complaint process be terminated to move to the formal complaint process, or if the student elects to file a formal complaint initially, the formal complaint process shall be implemented.

A student who believes s/he has been subjected to unlawful discrimination/retaliation (hereinafter referred to as the "Complainant") may file a formal complaint, either orally or in writing, with a teacher, Principal, or other District employee at the student's school, the CO, Superintendent, or another District employee who works at another school or at the District level. Due to the sensitivity surrounding complaints of unlawful discrimination, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs. If a Complainant informs a teacher, Principal, or other District employee at the student's school, Superintendent, or other District employee, either orally or in writing, about any complaint of discrimination/retaliation, that employee must report such information to the CO within two (2) business days.

Throughout the course of the process, the CO should keep the parties informed of the status of the investigation and the decision-making process.

All formal complaints must include the following information to the extent it is available: the identity of the individual believed to have engaged in, or be engaging in; the discriminatory/retaliatory conduct; a detailed description of the facts upon which the complaint is based; a list of potential witnesses; and the resolution sought by the Complainant.

If the Complainant is unwilling or unable to provide a written statement including the information set forth above, the CO shall ask for such details in an oral interview. Thereafter, the CO will prepare a written summary of the oral interview, and the Complainant will be asked to verify the accuracy of the reported charge by signing the document.

Upon receiving a formal complaint, the CO will consider whether any action should be taken in the investigatory phase to protect the Complainant from further discrimination or retaliation, including, but not limited to, a change of work assignment or schedule for the Complainant and/or the person alleged to have engaged in the misconduct. In making such a determination, the CO should consult the Complainant to assess his/her agreement to the proposed action. If the Complainant is unwilling to consent to the proposed change, the CO may still take whatever actions s/he deems appropriate in consultation with the Superintendent.

Within two (2) business days of receiving the complaint, the CO or designee will initiate a formal investigation to determine whether the Complainant has been subjected to unlawful discrimination/retaliation.

Simultaneously, the CO will inform the individual alleged to have engaged in the discriminatory or retaliatory conduct (hereinafter referred to as the "Respondent") that a complaint has been received.

The Respondent will be informed about the nature of the allegations and provided with a copy of any relevant policies and/or administrative guidelines, including Policy 2260 - Nondiscrimination. The Respondent must also be informed of the opportunity to submit a written response to the complaint within five (5) business days.

Although certain cases may require additional time, the CO or designee will attempt to complete an investigation into the allegations of discrimination/retaliation within fifteen (15) business days of receiving the formal complaint. The investigation will include:

- A. interviews with the Complainant;
- B. interviews with the Respondent;
- C. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations;
- D. consideration of any documentation or other information presented by the Complainant, Respondent, or any other witness that is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, the CO or designee shall prepare and deliver a written report to the Superintendent that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful discrimination/retaliation as provided in Board policy and State and Federal law as to whether the Complainant has been subjected to unlawful discrimination/retaliation. The CO's recommendations must be based upon the totality of the circumstances, including the ages and maturity levels of those involved. In determining if unlawful discrimination or retaliation occurred, a preponderance of evidence standard will be used. The CO may consult with the Board's legal counsel before finalizing the report to the Superintendent.

Absent extenuating circumstances, within five (5) business days of receiving the report of the CO or designee, the Superintendent must either issue a final decision regarding whether the charges have been substantiated or request further investigation. A copy of the Superintendent's final decision will be delivered to both the Complainant and the Respondent.

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 five (5) days. At the conclusion of the additional investigation, the Superintendent shall issue a final written decision as described above.

If the Superintendent determines the Complainant was subjected to unlawful discrimination/retaliation, s/he must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retaliation. The corrective action should be reasonable, timely, age-appropriate and effective, and tailored to the specific situation.

**The decision of the Superintendent shall be final.**

The Board reserves the right to investigate and resolve a complaint or report of unlawful discrimination/retaliation regardless of whether the student alleging the unlawful discrimination/retaliation pursues the complaint. The Board also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board or its designee.

The Complainant may be represented, at his/her own cost, at any of the above described meetings/hearings.

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a Complaint with the Office for Civil Rights or the filing of a court case. Use of this internal complaint procedure is not a prerequisite to the pursuit of other remedies.

### **Privacy/Confidentiality**

The School District will employ all reasonable efforts to protect the rights of the Complainant, the Respondent(s), and the witnesses as much as possible, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under the terms of this policy shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. All Complainants proceeding through the formal investigation process will be advised that their identities may be disclosed to the Respondent(s).

During the course of a formal investigation, the CO or designee will instruct each person who is interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of an investigation is expected not to disclose to third parties any information that s/he learns and/or provides during the course of the investigation.

### **Sanctions and Monitoring**

The Board shall vigorously enforce its prohibitions against unlawful discrimination/retaliation by taking appropriate action reasonably calculated to stop and prevent further misconduct. While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable State law and the terms of the relevant collective bargaining agreement(s). When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter, including the ages and maturity levels of those involved. In those cases where unlawful discrimination/retaliation is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, consistent with the terms of the relevant collective bargaining agreement(s).

Where the Board becomes aware that a prior remedial action has been taken against a member of the School District community, all subsequent sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its reoccurrence, and remedy its effects.

### **Retaliation**

Retaliation against a person who makes a report or files a complaint alleging unlawful discrimination, or participates as a witness in an investigation is prohibited. Specifically, the Board will not retaliate against, coerce, intimidate, threaten or interfere with any individual because the person opposed any act or practice made unlawful by any Federal or State civil rights law, or because that individual made a charge, testified, assisted or participated in any manner in an investigation, proceeding, or hearing under those laws, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws.

### **Education and Training**

In support of this policy, the Board promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. The Superintendent or designee shall provide appropriate information to all members of the School District community related to the implementation of this policy and shall provide training for District students and staff where appropriate. All training, as well as all information, provided regarding the Board's policy and discrimination in general, will be age and content appropriate.

The District will endeavor to assist the student and/or his/her parents in their access to District programs by providing notices to the parents and students in a language and format that they are likely to understand.

Materials approved by the State Department of Education describing the benefits of instruction in Braille reading and writing shall be provided to each blind student's individualized planning committee. The District shall not deny a student the opportunity for instruction in Braille, reading, and writing solely because the student has some remaining vision.

### **Retention of Investigatory Records and Materials**

All individuals charged with conducting investigations under this policy must retain all information, documents, electronically stored information, and electronic media (as defined in Policy 8315) created and received as part of an investigation, which may include, but not be limited to:

- A. all written reports/allegations/complaints/grievances/ statements/responses pertaining to an alleged violation of this policy;
- B. any narratives that memorialize oral reports/allegations/ complaints/grievances/statements/responses pertaining to an alleged violation of this policy;
- C. any documentation that memorializes the actions taken by District personnel related to the investigation and/or the District's response to the alleged violation of this policy;
- D. written witness statements;
- E. narratives, notes from, or audio, video, or digital recordings of witness interviews/statements;
- F. e-mails, texts, or social media posts that directly relate to or constitute evidence pertaining to an alleged violation of this policy (i.e., not after-the- fact commentary about or media coverage of the incident);
- G. notes or summaries prepared contemporaneously by the investigator in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.), but not including transitory notes whose content is otherwise memorialized in other documents;
- H. written disciplinary sanctions issued to students or employees and other documentation that memorializes oral disciplinary sanctions issued to students or employees for violations of this policy;
- I. dated written determinations/reports (including summaries of relevant exculpatory and inculpatory evidence) and other documentation that memorializes oral notifications to the parties concerning the outcome of the investigation, including any consequences imposed as a result of a violation of this policy;
- J. documentation of any interim measures offered and/or provided to complainants and/or the alleged perpetrators, including no contact orders issued to both parties, the dates the no contact orders were issued, and the dates the parties acknowledged receipt of the no contact orders;
- K. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects;
- L. copies of the Board policy and/or procedures/guidelines used by the District to conduct the investigation, and any documents used by the District at the time of the alleged violation to communicate the Board's expectations to students and staff with respect to the subject of this policy (e.g., Student and/or Employee Handbooks or Codes of Conduct);
- M. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment;

The information, documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal and/or State law (e.g., student records).

These investigative records and materials created or received as part of an investigation shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, and Policy 8330 for not less than three (3) years, but longer if required by the District's records retention schedule.

## **ANTI-HARRASSMENT**

### **ANTI-HARRASSMENT – Board Policy 5517**

#### **General Policy Statement**

It is the policy of the Board of Education to maintain an education and work environment that is free from all forms of unlawful harassment, including sexual harassment. This commitment applies to all School District operations, programs,

and activities. All students, administrators, teachers, staff, and all other school personnel share responsibility for avoiding, discouraging, and reporting any form of unlawful harassment. This policy applies to unlawful conduct occurring on school property, or at another location if such conduct occurs during an activity sponsored by the Board.

The Board will vigorously enforce its prohibition against discriminatory harassment based on race, color, national origin, sex (including sexual orientation and transgender identity), disability, age (except as authorized by law), religion, height, weight, marital or family status, military status, ancestry, or genetic information (collectively, "Protected Classes") that are protected by Federal civil rights laws (hereinafter referred to as unlawful harassment), and encourages those within the School District community as well as third parties, who feel aggrieved to seek assistance to rectify such problems. The Board will investigate all allegations of unlawful harassment and in those cases where unlawful harassment is substantiated, the Board will take immediate steps to end the harassment, prevent its recurrence, and remedy its effects. Individuals who are found to have engaged in unlawful harassment will be subject to appropriate disciplinary action.

The District may offer counseling services to any person found to have been subjected to unlawful harassment, and, where appropriate, the person(s) who committed the unlawful harassment.

For purposes of this policy, "School District community" means students, administrators, and professional and support staff, as well as Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

For purposes of this policy, "third parties" include, but are not limited to, guests and/or visitors on School District property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with, or seeking to do business with, the Board, and other individuals who come in contact with members of the School District community at school-related events/activities (whether on or off School District property).

### **Other Violations of the Anti-Harassment Policy**

The Board will also take immediate steps to impose disciplinary action on individuals engaging in any of the following prohibited acts:

- A. Retaliating against a person who has made a report or filed a complaint alleging unlawful harassment, or who has participated as a witness in a harassment investigation.
- B. Filing a malicious or knowingly false report or complaint of unlawful harassment.
- C. Disregarding, failing to investigate adequately, or delaying investigation of allegations of unlawful harassment, when responsibility for reporting and/or investigating harassment charges comprises part of one's supervisory duties.

### **Definitions**

#### **Bullying**

Bullying rises to the level of unlawful harassment when one or more persons systematically and chronically inflict physical hurt or psychological distress on one (1) or more students or employees and the bullying is based upon one (1) or more Protected Classes, that is, characteristics that are protected by Federal civil rights laws. It is defined as any unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by an adult or student, that is severe or pervasive enough to create an intimidating, hostile, or offensive educational or work environment; cause discomfort or humiliation, or unreasonably interfere with the individual's school or work performance or participation; and may involve:

- A. teasing;
- B. threats;
- C. intimidation;
- D. stalking;
- E. cyberstalking;
- F. cyberbullying;
- G. physical violence;

- H. theft;
- I. sexual, religious, or racial harassment;
- J. public humiliation; or
- K. destruction of property.

### **Harassment**

Harassment means any threatening, insulting, or dehumanizing gesture, use of technology, or written, verbal or physical conduct directed against a student or school employee that:

- A. places a student or school employee in reasonable fear of harm to his/her person or damage to his/her property;
- B. has the effect of substantially interfering with a student's educational performance, opportunities, or benefits, or an employee's work performance; or
- C. has the effect of substantially disrupting the orderly operation of a school.

### **Sexual Harassment**

Pursuant to Title VII of the Civil Rights Act of 1964 and Title IX of the Educational Amendments of 1972, "sexual harassment" is defined as:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:

- A. Submission to such conduct is made either implicitly or explicitly a term or condition of an individual's employment, or status in a class, educational program, or activity.
- B. Submission or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual.
- C. Such conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity.

Sexual harassment may involve the behavior of a person of either gender against a person of the same or opposite gender.

Prohibited acts that constitute sexual harassment may take a variety of forms. Examples of the kinds of conduct that may constitute sexual harassment include, but are not limited to:

- A. Unwelcome sexual propositions, invitations, solicitations, and flirtations.
- B. Unwanted physical and/or sexual contact.
- C. Threats or insinuations that a person's employment, wages, academic grade, promotion, classroom work or assignments, academic status, participation in athletics or extra-curricular programs or events, or other conditions of employment or education may be adversely affected by not submitting to sexual advances.
- D. Unwelcome verbal expressions of a sexual nature, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls.
- E. Sexually suggestive objects, pictures, videotapes, audio recordings or literature, placed in the work or educational environment, which may embarrass or offend individuals.
- F. Unwelcome and inappropriate touching, patting, or pinching; obscene gestures.
- G. A pattern of conduct, which can be subtle in nature, that has sexual overtones and is intended to create or has the effect of creating discomfort and/or humiliation to another.
- H. Remarks speculating about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history.
- I. Inappropriate boundary invasions by a District employee or other adult member of the School District community into a student's personal space and personal life.
- J. Verbal, nonverbal or physical aggression, intimidation, or hostility based on sex or sex-stereotyping that does not involve conduct of a sexual nature.



Not all behavior with sexual connotations constitutes unlawful sexual harassment. Sex-based or gender-based conduct must be sufficiently severe, pervasive, and persistent such that it adversely affects, limits, or denies an individual's employment or education, or such that it creates a hostile or abusive employment or educational environment, or such that it is intended to, or has the effect of, denying or limiting a student's ability to participate in or benefit from the educational program or activities.

NOTE: Sexual conduct/relationships with students by District employees or any other adult member of the School District community is prohibited, and any teacher, administrator, coach, or other school authority who engages in sexual conduct with a student may also be guilty of the criminal charge of "sexual battery." The issue of consent is irrelevant in regard to such criminal charge and/or with respect to the application of this policy to District employees or other adult members of the School District community.

### **Race/Color Harassment**

Prohibited racial harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's race or color and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's race or color, such as racial slurs, nicknames implying stereotypes, epithets, and/or negative references relative to racial customs.

### **Religious (Creed) Harassment**

Prohibited religious harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's religion or creed and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's religious tradition, clothing, or surnames, and/or involves religious slurs.

### **National Origin/Ancestry Harassment**

Prohibited national origin/ancestry harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's national origin or ancestry and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's national origin or ancestry, such as negative comments regarding customs, manner of speaking, language, surnames, or ethnic slurs.

### **Disability Harassment**

Prohibited disability harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's disability and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's disabling condition, such as negative comments about speech patterns, movement, physical impairments or defects/appearances, or the like. Such harassment may further occur where conduct is directed at or pertains to a person's genetic information.

### **Reports and Complaints of Harassing Conduct**

Students and other members of the School District community and third parties are encouraged to promptly report incidents of harassing conduct to a teacher, administrator, supervisor, or other District official so that the Board may address the conduct before it becomes severe, pervasive, or persistent. Any teacher, administrator, supervisor, or other District employee or official who receives such a complaint shall file it with the District's Anti-Harassment Compliance Officer within two (2) school days.

Members of the School District community, which includes students, or third parties who believe they have been unlawfully harassed are entitled to utilize the Board's complaint process that is set forth below. Initiating a complaint, whether formally or informally, will not adversely affect the complaining individual's employment or participation in educational or extra-curricular programs. While there are no time limits for initiating complaints of harassment under this policy, individuals should make every effort to file a complaint as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

If, during an investigation of alleged bullying, aggressive behavior and/or harassment in accordance with Policy 5517.01 – Bullying and Other Forms of Aggressive Behavior, the Principal believes that the reported misconduct may have created a hostile learning environment and may have constituted unlawful discriminatory harassment based on a protected class, the Principal shall report the act of bullying, aggressive behavior and/or harassment to one of the Anti-Harassment Compliance Officers who shall investigate the allegation in accordance with this policy. While the Compliance Officer investigates the allegation, the Principal shall suspend his/her Policy 5517.01 investigation to await the Compliance Officer's written report. The Compliance Officer shall keep the Principal informed of the status of Policy 5517 investigation and provide him/her with a copy of the resulting written report.

### **Anti-Harassment Compliance Officers**

The Board designates the following individuals to serve as "Anti-Harassment Compliance Officers" for the District. They are hereinafter referred to as the "Compliance Officers."

Ted Matuszak

Director of Finance

960 S. M-33

P.O. Box 308

West Branch, Michigan 48661

Heather Phelps

Director of Curriculum and Instruction

960 S. M-33

P.O. Box 308

West Branch, Michigan 48661

The names, titles, and contact information of these individuals will be published annually on the School District's web site.

The Compliance Officers will be available during regular school/work hours to discuss concerns related to unlawful harassment, to assist students, other members of the District community, and third parties who seek support or advice when informing another individual about "unwelcome" conduct, or to intercede informally on behalf of the student, other member of the School District community or third party in those instances where concerns have not resulted in the filing of a formal complaint and where all parties are in agreement to participate in an informal process.

Compliance Officers shall accept complaints of unlawful harassment directly from any member of the School District community or a visitor to the District, or receive complaints that are initially filed with a school building administrator. Upon receipt of a complaint either directly or through a school building administrator, a Compliance Officer will begin either an informal or formal process (depending on the request of the person alleging the harassment or the nature of the alleged harassment), or the Compliance Officer will designate a specific individual to conduct such a process. In the case of a formal complaint, the Compliance Officer will prepare recommendations for the Superintendent or will oversee the preparation of such recommendations by a designee. All members of the School District community must report incidents of harassment that are reported to them to the Compliance Officer within two (2) business days of learning of the incident.

Any Board employee who directly observes unlawful harassment of a student is obligated, in accordance with this policy, to report such observations to one of the Compliance Officers within two (2) business days. Additionally, any Board employee who observes an act of unlawful harassment is expected to intervene to stop the harassment, unless circumstances make such an intervention dangerous, in which case the staff member should immediately notify other Board employees and/or local law enforcement officials, as necessary, to stop the harassment. Thereafter, the Compliance Officer or designee must contact the student, if age eighteen (18) or older, or the student's parents if under the age eighteen (18), within two (2) school days to advise s/he/them of the Board's intent to investigate the alleged misconduct, including the obligation of the Compliance Officer or designee to conduct an investigation following all the procedures outlined for a formal complaint.

### **Investigation and Complaint Procedure**

Any student who believes that s/he has been subjected to unlawful harassment may seek resolution of his/her complaint through either the informal or formal procedures as described below. Further, a process for investigating claims of harassment or retaliation and a process for rendering a decision regarding whether the claim of legally prohibited harassment or retaliation was substantiated are set forth below.

Due to the sensitivity surrounding complaints of unlawful harassment or retaliation, time lines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs while the facts are known and potential witnesses are available. Once the formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within fifteen (15) business days of the complaint being received).

The informal and formal procedures set forth below are not intended to interfere with the rights of a student to pursue a complaint of unlawful harassment or retaliation with the United States Department of Education Office for Civil Rights.

## **Informal Complaint Procedure**

The goal of the informal complaint procedure is to stop inappropriate behavior and to investigate and facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for a student who believes s/he has been unlawfully harassed or retaliated against. This informal procedure is not required as a precursor to the filing of a formal complaint.

Students who believe that they have been unlawfully harassed may initiate their complaint through this informal complaint process, but are not required to do so. The informal process is only available in those circumstances where the parties (alleged target of harassment and alleged harasser(s)) agree to participate in the informal process.

Students who believe that they have been unlawfully harassed or retaliated may proceed immediately to the formal complaint process and individuals who seek resolution through the informal procedure may request that the informal process be terminated at any time to move to the formal complaint process.

However, all complaints of harassment involving a District employee or any other adult member of the School District community against a student will be formally investigated. Similarly, any allegations of sexual violence will be formally investigated.

As an initial course of action, if a student feels that s/he is being unlawfully harassed and s/he is able and feels safe doing so, the individual should tell or otherwise inform the harasser that the conduct is unwelcome and must stop. Such direct communication should not be utilized in circumstances involving sexual violence. The complaining individual should address the allegedly harassing conduct as soon after it occurs as possible. The Compliance Officers are available to support and counsel individuals when taking this initial step or to intervene on behalf of the individual if requested to do so. An individual who is uncomfortable or unwilling to inform the harasser of his/her complaint is not prohibited from otherwise filing an informal or a formal complaint. In addition, with regard to certain types of unlawful harassment, such as sexual harassment, the Compliance Officer may advise against the use of the informal complaint process.

A student who believes she/he has been unlawfully harassed may make an informal complaint, either orally or in writing: (1) to a teacher, other employee, or building administrator in the school the student attends; (2) to the Superintendent or other District-level employee; and/or (3) directly to one of the Compliance Officers.

All informal complaints must be reported to one of the Compliance Officers who will either facilitate an informal resolution as described below on his/her own, or appoint another individual to facilitate an informal resolution.

The School District's informal complaint procedure is designed to provide students who believe they are being unlawfully harassed with a range of options designed to bring about a resolution of their concerns. Depending upon the nature of the complaint and the wishes of the student claiming unlawful harassment, informal resolution may involve, but not be limited to, one or more of the following:

- A. Advising the student about how to communicate the unwelcome nature of the behavior to the alleged harasser.
- B. Distributing a copy of the anti-harassment policy as a reminder to the individuals in the school building or office where the individual whose behavior is being questioned works or attends.
- C. If both parties agree, the Compliance Officer may arrange and facilitate a meeting between the student claiming harassment and the individual accused of harassment to work out a mutual resolution. Such a meeting is not appropriate in circumstances involving sexual violence.

While there are no set time limits within which an informal complaint must be resolved, the Compliance Officer or designee will exercise his/her authority to attempt to resolve all informal complaints within fifteen (15) business days of receiving the informal complaint. Parties who are dissatisfied with the results of the informal complaint process may proceed to file a formal complaint. And, as stated above, parties may request that the informal process be terminated at any time to move to the formal complaint process.

## **Formal Complaint Procedure**

If a complaint is not resolved through the informal complaint process, if one of the parties has requested that the informal complaint process be terminated to move to the formal complaint process, or if the student elects to file a formal complaint initially, the formal complaint process shall be implemented.

A student who believes s/he has been subjected to offensive conduct/harassment/retaliation hereinafter referred to as the "Complainant," may file a formal complaint, either orally or in writing, with a teacher, principal, or other District employee at the student's school, the Compliance Officer, Superintendent, or another District employee who works at another school or at the district level. Due to the sensitivity surrounding complaints of unlawful harassment and retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs while the facts are known and potential witnesses are available. If a Complainant informs a teacher, principal, or other District employee at the student's school, Superintendent, or other District employee, either orally or in writing, about any complaint of harassment or retaliation, that employee must report such information to the Compliance Officer or designee within two (2) business days.

Throughout the course of the process, the Compliance Officer should keep the parties informed of the status of the investigation and the decision-making process.

All formal complaints must include the following information to the extent it is available: the identity of the individual believed to have engaged in, or be engaging in, offensive conduct/harassment/retaliation; a detailed description of the facts upon which the complaint is based; a list of potential witnesses; and the resolution sought by the Complainant.

If the Complainant is unwilling or unable to provide a written statement including the information set forth above, the Compliance Officer shall ask for such details in an oral interview. Thereafter, the Compliance Officer will prepare a written summary of the oral interview, and the Complainant will be asked to verify the accuracy of the reported charge by signing the document.

Upon receiving a formal complaint, the Compliance Officer will consider whether any action should be taken in the investigatory phase to protect the Complainant from further harassment or retaliation, including, but not limited to, a change of work assignment or schedule for the Complainant and/or the alleged harasser. In making such a determination, the Compliance Officer should consult the Complainant to assess his/her agreement to the proposed action. If the Complainant is unwilling to consent to the proposed change, the Compliance Officer may still take whatever actions s/he deem appropriate in consultation with the Superintendent.

Within two (2) business days of receiving the complaint, the Compliance Officer or a designee will initiate a formal investigation to determine whether the Complainant has been subjected to offensive conduct/harassment/retaliation.

Simultaneously, the Compliance Officer will inform the individual alleged to have engaged in the harassing or retaliatory conduct, hereinafter referred to as the "Respondent," that a complaint has been received. The Respondent will be informed about the nature of the allegations and provided with a copy of any relevant administrative guidelines, including the Board's Anti-Harassment policy. The Respondent must also be informed of the opportunity to submit a written response to the complaint within five (5) business days.

Although certain cases may require additional time, the Compliance Officer or a designee will attempt to complete an investigation into the allegations of harassment/retaliation within fifteen (15) business days of receiving the formal complaint. The investigation will include:

- A. interviews with the Complainant;
- B. interviews with the Respondent;
- C. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations;

- D. consideration of any documentation or other information presented by the Complainant, Respondent, or any other witness that is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, the Compliance Officer or the designee shall prepare and deliver a written report to the Superintendent that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful harassment as provided in Board policy and State and Federal law as to whether the Complainant has been subjected to unlawful harassment. The Compliance Officer's recommendations must be based upon the totality of the circumstances, including the ages and maturity levels of those involved. In determining if discriminatory harassment or retaliation occurred, a preponderance of evidence standard will be used. The Compliance Officer may consult with the Board's legal counsel before finalizing the report to the Superintendent with Superintendent approval.

Absent extenuating circumstances, within ten (10) school days of receiving the report of the Compliance Officer or the designee, the Superintendent must either issue a final decision regarding whether the complaint of harassment has been substantiated or request further investigation. A copy of the Superintendent's final decision will be delivered to both the Complainant and the Respondent.

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) school days. At the conclusion of the additional investigation, the Superintendent shall issue a final written decision as described above.

**The decision of the Superintendent shall be final.**

The Board reserves the right to investigate and resolve a complaint or report of unlawful harassment/retaliation regardless of whether the student alleging the unlawful harassment/retaliation pursues the complaint. The Board also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board or its designee.

**Privacy/Confidentiality**

The School District will employ all reasonable efforts to protect the rights of the complainant, the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under the terms of this policy and its related administrative guidelines shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. All Complainants proceeding through the formal investigation process will be advised that their identities may be disclosed to the Respondent.

During the course of a formal investigation, the Compliance Officer or his/her designee will instruct all members of the School District community and third parties who are interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of a harassment investigation is expected not to disclose any information that s/he learns or that s/he provides during the course of the investigation.

**Sanctions and Monitoring**

The Board shall vigorously enforce its prohibitions against unlawful harassment by taking appropriate action reasonably calculated to stop the harassment and prevent further such harassment. While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable State law and the terms of the relevant collective bargaining agreement(s). When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter, including the ages and maturity levels of those involved. In those cases where unlawful harassment is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, consistent with the terms of the relevant collective bargaining agreement(s).

Where the Board becomes aware that a prior remedial action has been taken against a member of the School District community, all subsequent sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its reoccurrence, and remedy its effects.

### **Retaliation**

Any act of retaliation against a person who has made a report or filed a complaint alleging unlawful harassment, or who has participated as a witness in a harassment investigation is prohibited.

### **Allegations Constituting Criminal Conduct: Child Abuse/Sexual Misconduct**

State law requires any school teacher or school employee who knows or suspects that a student under the age of eighteen (18) or that a person with a disability receiving services as a student from the school regardless of age has suffered or faces a threat of suffering a physical or mental wound, disability or condition of a nature that reasonably indicates abuse or neglect of a child to immediately report that knowledge or suspicion to the county children's services agency. If, during the course of a harassment investigation, the Compliance Officer or a designee has reason to believe or suspect that the alleged conduct reasonably indicates abuse or neglect of the Complainant, a report of such knowledge must be made in accordance with State law and Board Policy.

Any reports made to a county children's services agency or to local law enforcement shall not terminate the Compliance Officer or a designee's obligation and responsibility to continue to investigate a complaint of harassment. While the Compliance Officer or a designee may work cooperatively with outside agencies to conduct concurrent investigations, in no event shall the harassment investigation be inhibited by the involvement of outside agencies without good cause after consultation with the Superintendent.

### **Education and Training**

In support of this Anti-Harassment Policy, the Board promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. The Superintendent or designee shall provide appropriate information to all members of the School District community related to the implementation of this policy and shall provide training for District students and staff where appropriate. All training, as well as information provided regarding the Board's policy and harassment in general, will be age and content appropriate.

### **Retention of Investigatory Records and Materials**

All individuals charged with conducting investigations under this policy shall retain all documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315) created and/or received as part of an investigation, which may include but not be limited to:

- A. all written reports/allegations/complaints/grievances/ statements/responses pertaining to an alleged violation of this policy;
- B. any narratives that memorialize oral reports/allegations/ complaints/grievances/statements/responses pertaining to an alleged violation of this policy;
- C. any documentation that memorializes the actions taken by District personnel related to the investigation and/or the District's response to the alleged violation of this policy;
- D. written witness statements;
- E. narratives, notes from, or audio, video, or digital recordings of witness interviews/statements;
- F. e-mails, texts, or social media posts that directly relate to or constitute evidence pertaining to an alleged violation of this policy (i.e., not after-the- fact commentary about or media coverage of the incident);
- G. notes or summaries prepared contemporaneously by the investigator in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.), but not including transitory notes whose content is otherwise memorialized in other documents;
- H. written disciplinary sanctions issued to students or employees and other documentation that memorializes oral disciplinary sanctions issued to students or employees for violations of this policy;

- I. dated written determinations/reports (including summaries of relevant exculpatory and inculpatory evidence) and other documentation that memorializes oral notifications to the parties concerning the outcome of the investigation, including any consequences imposed as a result of a violation of this policy;
- J. documentation of any interim measures offered and/or provided to complainants and/or the alleged perpetrators, including no contact orders issued to both parties, the dates the no contact orders were issued, and the dates the parties acknowledged receipt of the no contact orders;
- K. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects;
- L. copies of the Board policy and/or procedures/guidelines used by the District to conduct the investigation, and any documents used by the District at the time of the alleged violation to communicate the Board's expectations to students and staff with respect to the subject of this policy (e.g., Student and/or Employee Handbooks or Codes of Conduct);
- M. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment;

The documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal (e.g., FERPA, ADA) and/or State law (e.g., R.C. 3319.321) – e.g., student records and confidential medical records.

The documents, ESI, and electronic media (as defined in Policy 8315) created or received as part of an investigation shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, and Policy 8330 for not less than three (3) years, but longer if required by the District's records retention schedule.

### **AHERA**

The West Branch-Rose City Area School District has implemented an "Asbestos Management Plan," as required by the Asbestos Hazard Emergency Response Act (AHERA). This plan has been approved by the Michigan Department of Public Health (MDPH). The management plan contains information regarding the locations of asbestos containing materials (ACM) in all school buildings, the condition of the ACM and a plan for dealing with ACM. At least once each year the District will inform you in a similar manner about asbestos activities including: re-inspections, periodic surveillance, response actions, and post-response action activities. The following activities are currently planned for the District:

**Re-inspections:** A re-inspection of all District buildings is required by law every three years after implementation of the management plan. Our next re-inspection is scheduled for July, 2022.

**Periodic Surveillance:** Once every six months, ACM must be visually inspected for changes in condition. This has been and will be performed by certified, trained personnel.

**Post-Response Actions:** Routine custodial maintenance.

**Response Actions:** These are activities designed to reduce or eliminate the potential for asbestos hazards. In general, the asbestos-containing materials (ACM) present in District buildings include:

Bus Garage – Floor tile.

Ogemaw Heights High School Annex – Floor tile

Ogemaw Heights High School – Floor tile and fire doors.

Surline School – Floor tile

Rose City Schools – Floor tile

Planned response actions includes: Maintaining floor tile in all buildings which will pose no threat to public health. This is in accordance with the State approved "Management Plan." All ACM will be repaired, if damaged, and maintained by District maintenance personnel in accordance with the District Operations and Maintenance program (O & M) as designated by AHERA. If you have any further questions or concerns regarding this process, please contact the District designated person, Scott Kearns, at (989) 343-2240.

### **Pesticide Control Act**

Public Act 131 of 1993 amends the Pesticide control Act to require school administrators to notify parents/guardians of children attending that school of their right to be informed prior to application of pesticides at that school. A monthly inspection will be done on the first weekend of each month and sprayed if needed. For information on pesticide application, contact the maintenance supervisor.

### **Annual Water Quality/Consumer Confidence Report**

Ogemaw Heights High School is in compliance with the Safe Drinking Water Act, 1976 PA 399, as Amended, has prepared and has available for review the annual water quality report. The report is available for review by contacting: Scott Kearns, Maintenance Coordinator WBRC Area Schools, 224 Thomas Street, West Branch, MI 48661. (989) 343-2240