

**MESICK  
JR/SR HIGH  
STUDENT  
HANDBOOK  
2023-2024**

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## Mesick Jr./Sr. High Handbook

The Mesick JR/SR High Handbook is intended to serve as a general overview of school and district policies and procedures. It is not intended to be all-encompassing. The administration may revise the handbook (including the code of conduct) at any time in order to support the learning of students, student wellbeing, and the safety of staff and students. This handbook does not serve as a contract between parents/students and the school.

School officials are responsible for interpreting the handbook and making decisions related to situations that may arise that are not addressed by the handbook. Decisions will be made based upon board policies, state and federal law and regulations and staff discretion. Decisions will be made based on the best interest of the school and its staff and students.

### MOTTO

"Expect More"

### VISION STATEMENT

Creating a community where education is a priority.

### MISSION STATEMENT

Developing successful learners, critical thinkers and productive citizens.

### WELCOME

Welcome to Mesick JR/SR High. We maintain the expectation that our school will be a safe and comfortable place to learn. We hold students to high standards of behavior, many of which are outlined in this handbook. Our staff will enforce the procedures and policies in this handbook and help you to make appropriate, responsible, and positive decisions. **Handbook rules are subject to change** based on policy review and policy changes. Parents and students will be updated as changes occur. This student handbook is not all-inclusive, and discipline will not be limited to the offenses listed. **The administration may carry out other rules and penalties at its discretion.** Students and parents must become familiar with the following information and keep the handbook available for frequent reference. If you have any questions that are not addressed in this handbook, you are encouraged to talk to your building principal.

#### **BOARD OF EDUCATION**

Sally Flatman - President	Eric Spencer - Vice President
Jason Abraham - Secretary	Heather Bradley - Trustee
Craig Gabier - Treasurer	Kirsten Ross - Trustee
William Sexton - Trustee	

#### **ADMINISTRATORS**

Jack Ledford – Superintendent	Elizabeth Kastl – Elementary Principal
LeeAnn Stephan - JR/SR High Principal	Stacy Quiggin Interim – Athletic Director

#### **CANCELLATIONS / EARLY DISMISSAL**

Early dismissal caused by inclement weather or certain emergencies will be conducted in the following manner: In cases arising during school hours bus drivers will be notified and each bus will leave as soon as they are released. If the emergency occurs outside of school hours, notification will be made through the following television and radio stations: WWTN (9 & 10), WPTN-TV (7 & 4), WGTU-TV (29), KHQ, WGKI (Fox 33), WLDR, WTCM, WBNZ.

#### **VIDEO SURVEILLANCE**

For the safety of our students, staff, and community members, a digitally monitored and recorded video system is used, both inside and outside of the JR/SR High School buildings 24 hours a day, seven days a week.

## Mesick JR/SR High School Graduation Requirements

In order to be granted a high school diploma, a student must complete a total of **25 credits** including units in the following subject areas: (Reference: AG 5460)

Credits	Subject Area	Required Courses
4	English	English 9, English 10, English 11, English 12 (Includes Online Learning)
4	Mathematics	Algebra I, Geometry, Algebra II, senior year math course
3	Science	Biology, Chemistry or Physics, one additional science class
3	Social Studies	World History 9, U.S. History 10, Civics, Economics
1	Fine Arts	Select from: Industrial Arts, Band, Art
2	World Language	Spanish I, Spanish II *World Language credit requirements may be satisfied via coursework or an equivalent learning experience in Grades K-12 (2 credits); or Formal coursework or an equivalent learning experience in Grades K-12 (1 credit) and completion of a Department approved formal CTE program; or an additional visual, performing, and applied arts credit (1 credit).
0.5	Health	Health 9
0.5	Online Learning	Satisfied through English 9
1	Physical Education	Physical Education
0.5	Personal Finance	
6	Elective Courses	Any class that you take that goes above and beyond the credits listed above
0.5	Personal Finance (Required beginning with the class of 2028)	Personal Finance  The 0.5 credit course in personal finance must fulfill one of the following requirements: <ul style="list-style-type: none"> <li>• 0.5 credit of mathematics</li> <li>• 0.5 credit of visual arts, performing arts or applied arts</li> <li>• 0.5 credit of World Language</li> </ul>
25	Total Credits	Required to earn a diploma

## GRADUATION REQUIREMENTS

Graduation ceremonies will occur annually. Ceremonies will be held at the end of the year with the administration recommending a date for the Board of Education's approval. Students may be withheld from the graduation ceremony as disciplinary action. Graduating seniors must be passing all of their classes at the end of first semester that are necessary to meet graduation requirements, and complete the academic requirements for graduation by the end of the last day that seniors report for class. Seniors who do not complete the requirements by the deadline will not be allowed to participate in commencement ceremonies. Graduating senior students will be required to attend both graduation practices in order to participate in commencement ceremonies. If a student cannot attend graduation practices they must have prior approval from the principal. **EARLY GRADUATION**

To be eligible for early graduation a student **must apply in writing by November 1st** of their seventh semester. Students must satisfy all graduation requirements by the end of the seventh semester. Requests will be considered on an individual basis and require the authorization of the principal and approval of the counselor, parent, and all of the student's current teachers. Students who graduate early will be eligible to participate in the commencement ceremonies with their class. Reference: Policy 5464

## CLASS AND CREDIT REQUIREMENT

A student must be enrolled in seven classes to be considered a full time student at Mesick JR/SR High School. 25 credits are required for graduation from Mesick High School. Reference: Policy 5460

### Personal Curriculum

A parent or legal guardian of a student who has completed grade 9 may request a personal curriculum for the student that modifies certain of Michigan Merit Standard requirements. If all of the requirements for a personal curriculum are met, then the Board may award a high school diploma to a student who successfully completes his/her personal curriculum even if it does not meet the requirements of the Michigan Merit Standard. For more information on Personal Curriculums, please refer to Policy 5460 or inquire with the high school counselor or principal.

**DUAL ENROLLMENT** Dual enrollment is an option for senior high students that have met the enrollment requirements. Students who do not meet the requirements can petition the principal for an exemption in writing. Upon receipt of proper enrollment verification, Mesick Consolidated Schools will pay tuition costs to the respective 2 or 4-year post secondary institution as determined by the Michigan State Aid Act. If a student elects to drop a dual enrollment course after the published drop and add period he/she must reimburse the school district for the funds retained by the college. If the student fails the class he or she will also be expected to reimburse the school district and *the student will receive NC on his/her transcript for the course*. Students who fail a dual enrollment class will not be allowed to take another dual enrollment course for a minimum of 1 semester (as determined by the principal and counselor). Dual enrollment students take college level classes. Mesick Schools does not receive grade or progress updates and students will be solely responsible for their progress and grades. Reference: Policy and AG 2271.

## HIGH SCHOOL STUDENT GRADE LEVEL PLACEMENT

High School students will be assigned to a grade level at the beginning of the school year, based on the number of credits they have successfully completed. Grade level adjustments will be made at the semester and students and their guardians will be notified of any grade level change.

A student will not be listed as a member of a grade level, nor participate in that grade level's activities, until they have earned the necessary credits for that class as listed below. These letter and percent grades will correspond according to the following for all students.

Grade Level	Minimum number of credits needed at the beginning of the 1st semester	Minimum number of credits needed at the beginning of the 2nd semester
10	4 credits	7.5 credits
11	11 credits	14.5 credits
12	18 credits	21.5 credits

## MARKING PERIODS

Marking periods are approximately nine (9) weeks in length, and there are two marking periods in each semester.

## GRADES

Report cards will not be mailed home, as student grades are available online 24 hours a day 7 days a week using PowerSchool. The website is: <http://psmes.wmisd.org/public/> There is also a PowerSchool app available for smartphones. Parents are encouraged to check their student's grades frequently and contact teachers with any questions or concerns about grades. Parents may request a paper copy of their student's report card by submitting a request in writing to the JR/SR High office. Grades are based on student performance / achievement for each marking period.

The semester and final grades are figured as a percentage, 40% for each marking period and 20% for the exam. Students with incomplete grades will have two weeks to complete the necessary requirements. If the student has not completed the necessary work after 2 weeks, the incomplete will change to an "E."

Semester and final exams must be taken. A zero will be given for the final if it is not taken. Seniors who have a "B" average (83%) in a class may be allowed to opt out of the **final exam** in the 2nd semester at the teacher's discretion.

The table below shows the grading scale for all students.

Percent	93-100	90-92	87-89	83-86	80-82	77-79	73-76	70-72	67-69	63-66	60-62	0-59
Grade	A	A-	B+	B	B-	C+	C	C-	D+	D	D-	E
GPA	4.0	3.67	3.33	3.0	2.67	2.33	2.0	1.67	1.33	1.0	0.67	0

## COURSE RETAKE

Students are allowed to retake classes for a better grade. Permission of the counselor and teacher is required. Credit for a class will only be awarded once. A student must be on track for graduation in order to be approved to retake a course in which credit has been earned.

## DROPPING AND ADDING COURSES

Drops and adds or schedule changes must be completed by the end of the first week of school. Students will have another opportunity for schedule changes during the week prior to the beginning of the second semester.

**Students dropping classes after these time periods will automatically receive a grade of "E".** No schedule changes will be made outside the schedule change window unless authorized in writing by the principal and approved by the counselor and all teachers affected by the potential change.

#### TESTING OUT

Students may "test" out of a class by passing the semester and final exam with a minimum grade of C+ (77%) or higher. Students and parents must submit a written request to test out of a class prior to the completion of the first week of school. For full year classes, students must test out of a class in its entirety (they may not test out of only one semester). In cases where there is no final exam the student must exhibit mastery by the forms of assessment used in the course. Credit will be granted as a "pass" and not used to compute the student's GPA. Students may not test out of classes out of sequence. Students may not test out of courses that are lower in sequence than a course they have already earned credit for or tested out of .

#### CTC

We are pleased to inform you that as a Junior or Senior you are eligible for the many educational opportunities provided at the Wexford-Missaukee Career Technical Center (CTC). CTC courses are hands-on with academic training in ACT WorkKeys for Applied Math, Reading for Information, and Locating Information. Michigan Merit Curriculum credits can be earned while attending CTC. Students who attend the CTC have an opportunity to explore and train for career options in state-approved Career and Technical Education programs to help prepare you for career success after high school whether it is college, employment, or the military. The teaching and learning that takes place at CTC is relevant to your career pathway and will help prepare you for success in your field of study. Students may register for CTC during scheduling in their sophomore year or beyond.

#### CTC Courses of Study:

- [Agriscience & Natural Resources](#)
- [Allied Health/Health Science Careers](#)
- [Applied Construction Technology](#)
- [Automotive Technology](#)
- [Building Business and Marketing](#)
- [Business Management Administration](#)
- [Career Skills](#)
- [Computers, Networking, and Electronics Technology](#)
- [Culinary, Baking, and Hospitality](#)
- [Digital Media Production](#)
- [Educational Careers](#)
- [Heavy Equipment Technology](#)
- [Launch](#)
- [Manufacturing Technology](#)
- [Metal Fabrication and Welding](#)
- [Power Sports and Equipment](#)
- [Public Safety](#)

## HONOR ROLL

To be eligible for the honor roll a student must be enrolled full time. The student must have A's and B's for the marking period. Incomplete grades disqualify students for the honor roll. Students with all A's (not A-) will be recognized with an \*asterisk by their names.

## VALEDICTORIAN AND SALUTATORIAN

The two (2) seniors with the highest grade point average who have been in attendance at Mesick JR/SR High School for at least their junior and senior years, are chosen as the Valedictorian and Salutatorian respectively. Selection of the Valedictorian and Salutatorian will be based on the first seven (7) semesters of study. Should the graduating class have co-valedictorians, the tie breaker for academic recognition (i.e., TV 9+10 "Best of the Class" and others) will be based upon their SAT scores. Students who graduate early are not eligible to be valedictorian or salutatorian. Weighted courses **will** be included in the GPA calculation when determining valedictorian and salutatorian.

## ACADEMIC WALL OF FAME

Senior students with the top 10 grade point averages at the end of their 7th semester will have their names listed on a plaque and displayed on the Academic Wall of Fame. Students who graduate early are not eligible for the academic wall of fame.

## NATIONAL HONOR SOCIETY

Mesick Consolidated Schools is proud of its National Honor Society Chapter. All students meeting the academic requirements of a 3.0 or higher GPA, in grades 10-12 are invited to submit information packets in the fall of each year. The Faculty Council extends invitations of membership to those who submit materials **and** meet the additional standards for character, service, and leadership.

## ACADEMIC LETTER / AWARDS

Academic awards are presented to students who earn the highest grades. Awards are based on the current semester's grades at the end of the second marking period and the mid-mark point of the 4th marking period. Seniors are awarded an Honor Cord (at graduation) based on their cumulative GPA at the end of the first semester of their senior year (3.0 or above). Academic Letter eligibility guidelines are outlined within this handbook. Students who have not earned an academic letter yet will receive certificates rather than pins / bars.

6th-12th Grade	All A's - Gold Award Certificate		All A's and B's - Silver Award Certificate	
9th-12th Grade	3.75 Academic Letter		4.0 Gold Pin - Highest Honors	3.5-3.99 Silver Bar - Continuing Excellence
6-12th Grade	Perfect Attendance 1st semester - Certificate		Perfect attendance all year - \$50 gift card	
Senior Year	Valedictorian	Salutatorian	3.5-4.0 Medallion	3.0 Graduation Honor Cord



## **Academic Letter Award Eligibility Guidelines**

Mesick High School sponsors academic letter awards in order to recognize and encourage academic excellence and publicly acknowledge the academic achievements of students who earn a GPA of 3.75 or above for 2 consecutive semesters.

To be eligible to earn an academic letter you must:

Be enrolled in MHS as a full time student (For academic letter purposes, this includes dual enrollment and CTC).

Earn a GPA of 3.75 or above for 2 consecutive semesters

Have no more than 4 unverified absences per semester during the semesters that the letter is earned

Have no so suspensions (ISS and/or OSS) or ISD / Time out referrals during the semesters that the letter is earned

Once you have earned an academic letter, you will receive a silver "continued excellence" bar for each subsequent semester that you earn a 3.5 GPA or above. Students who earn a 4.0 will receive a gold "Highest Honors" for each semester they earn a 4.0 GPA or above. Freshman can not earn bars or pins, as they must first earn their letter. It is possible to earn an academic letter, six continuing excellence bars, and six highest hon-ors pins during your 4 years at MHS

Letters and pins will be awarded at assemblies in the gymnasium after 1st semester is complete and half way through quarter 4.

## **USE OF MEDICATIONS**

In those circumstances where a student must take medication (including over-the-counter) during the school day, the following guidelines are to be observed:

- A. Parents should, with their physician's counsel, determine whether the medication schedule can be adjusted to avoid administering medication during school hours.
- B. The Medication Request and Authorization Form must be filed with the respective building office before the student will be allowed to begin taking any medication during school hours.
- C. All medications must be registered with the office.
- D. Medication that is brought to the office will be properly secured.
- E. Medication will be administered in the presence of another adult or an emergency that threatens the student's health. A log for each prescribed medication shall be maintained along with the physician's written instructions and the parent's written permission release.
- F. Any unused medication unclaimed by the parent will be destroyed by school personnel when a prescription is no longer to be administered or at the end of a school year.
- G. The parents shall have sole responsibility to instruct their child to take the medication at the scheduled time, and the child has the responsibility for both presenting himself/herself on time and for taking the prescribed medication.

## **WORK PERMITS**

Eligible students may apply for work permits in the school office. School attendance and learning must be a top priority for students. If a student's employment has a negative impact on their grades/attendance, the school may decide to revoke the student's work permit.

To obtain a work permit, the minor must submit a CA-6 or CA-7 to the school office.

## **STUDENT DRIVING/PARKING POLICIES**

**Any vehicle parked on school property is subject to search. All student and staff vehicles must be registered with the office and a parking permit must be displayed on the rear view mirror or in the windshield on the lower drivers side corner of the dash.**

Prior to driving to school, the following guidelines should be followed:

- Students under 18 must have a note from their parents/guardians granting them permission to drive to school.
- Students must complete the Student Vehicle Form 5514 F1 and provide a copy of the following:
- Driver's license
- Insurance certificate
- Registration

Students driving vehicles to school must observe the following regulations:

1. Students must observe the 10 MPH speed limit at all times on school property
2. Cars and other vehicles are to be parked only in designated student areas.
3. Refrain from unnecessary noises, such as deliberate tire squealing and excess engine noise. Violators may lose their parking privileges and/or be referred to the police.
4. Students may not drive to CTC without prior permission from the principal (at least 24 hours in advance).
5. Students may not transport other students in their vehicle during school hours.
6. The privilege of driving to school will be withdrawn if a student fails to follow the above driving regulations.
7. The school is not responsible for damage to any vehicle or bicycle driven to and parked on school grounds.
8. When transportation is available through the District, participating students shall not drive to school-sponsored activities unless written permission is granted by their parents and approved by the principal.
9. All vehicles on school grounds are subject to search.

Reference: AG 5514

### **Driving Offense Consequences**

- **1st offense** - Warning / Call home
- **2nd Offense** - Loss of driving privileges for 1 week
- **3rd offense** - Loss of driving privileges for 1 month
- **4th offense** - Permanent loss of driving privileges for the year

\* Additional consequences may also apply

Loss of driving privileges means that the student will not be allowed to drive to school or park on school property

## **TEXTBOOK AND SUPPLIES**

Students will be issued necessary textbooks. Textbooks will be collected at the end of the class or school year. Students are responsible for all damaged or lost textbooks, and will pay for repair or replacement. It is the student's responsibility to report to class with paper, pencil and textbooks.

## **BREAKFAST/LUNCH HOUR**

Free breakfast and lunch are offered to all students. In order to continue to access additional funding to support our students, we ask that everyone complete the free and reduced lunch application on an annual basis.. Every student eating school meals from the school breakfast/lunch program must present their ID card each time he/she is served. Students will eat breakfast and lunch in the commons. Students may not leave the commons during lunch without a pass or permission and a hall pass from the principal or teacher. Food and drink (except water) are not to be consumed in the hallways.

## **CLOSED CAMPUS**

The Mesick School facilities have been designed to serve students as a closed campus. Students will be required to remain on school grounds at all times. Students will be required to remain at the JR/SR High school site except in certain authorized cases (teacher academy, co-op, etc) as determined by the principal. Students who need to leave for reasons that are authorized (Doctor / Court appointments, etc.) must do so by using the pre-approved sign out procedures outlined in the attendance portion of the student handbook. At lunchtime students will not be allowed access to the main high school or hallways. They will be required to use the "commons" area only. Students are not allowed in the "breezeway" between the exterior and interior doors during lunch. Students may not check out for lunch then check back in.

## **Head Lice Protocol**

- Any student with live lice (or nits within one quarter inch of the scalp) may remain in school until the end of the school day (see recommended procedures, page 23).
- Immediate treatment at home is advised. The student will be readmitted to school after treatment and examination. If, upon examination, the school-designated personnel find no live lice on the child, the child may reenter the school.
- Any student with nits (farther than one quarter inch from the scalp) should be allowed in school.
- Parents should remove nits daily and treat if live lice are observed.

## **ATHLETICS**

Students are permitted to compete for positions on teams involved in interscholastic athletics, providing the requirements are adhered to in the current Michigan High School Athletics Association Eligibility Rules, the Mesick Consolidated Schools' Athletic Code of Conduct and are a full-time student at Mesick JR/SR High School.

## **TRANSPORTATION TO EXTRA-CURRICULAR ACTIVITIES**

Students participating in any school sponsored activity must ride the transportation provided by the school to the event. Parents may transport their children home as long as the parent informs the supervisor in writing. Parents may transport other children home providing a note giving permission is received and signed by the principal or designee. Failure to follow this policy may result in a loss of the privilege to participate in future extra-curricular events.

## **LOCKERS**

Lockers are to be kept neat and orderly or loss of locker privileges may occur. Students are expected to maintain their locker properly. Students are responsible for their locker and any damage done inside or outside of the locker. Sharing of lockers is not allowed and students should keep their combination confidential. Students may not write on or in their lockers and may not put stickers on their lockers. Magnets, scotch tape, or poster putty may be used for putting on posters, pictures, etc. Fines will be assessed for damage to lockers. Students should be aware that lockers are the property of the school and subject to search by school officials. Valuables including money, electronics, etc., should not be kept in lockers. Students are responsible for their possessions. The school is not responsible for missing or stolen valuables.

## **STUDENT VALUABLES**

Students are encouraged not to bring items of value to school. Items such as jewelry, expensive clothing, electronic equipment, etc., are tempting targets for theft. If students chose to bring these items, they (not the school) are solely responsible for their safe-keeping. The school will not be liable for loss or damage to personal valuables. Administrative time will not be spent investigating the loss of personal items.

## **FOOD/DRINK**

Mesick JR/SR High School has been designed to accommodate snacks, food and beverages in the commons area only. Food and open pop or beverages other than water are not allowed in the hallways and may not be kept in lockers (with the exception of a student's unopened lunch). Food and Drinks (other than water) in the halls will be confiscated and disposed of by staff members. Repeated violation will result in disciplinary action.

### **UNAUTHORIZED USE OF SCHOOL OR PRIVATE PROPERTY**

Students are expected to obtain permission to use any school property or any private property located on school premises. Any unauthorized use shall be subject to disciplinary action. This includes use of the internet and communication networks in a manner not sanctioned by policy and administrative guidelines. Violations of this rule could result in suspension or expulsion.

### **TRESPASSING**

Although schools are public facilities, the law does allow the school to restrict access on school property. If a student has been removed, suspended, or expelled, the student is not allowed on school property without authorization of the Principal. In addition, students may not trespass onto school property at unauthorized times or into areas of the school determined to be inappropriate. Violations of this rule could result in suspension or expulsion.

### **HALL PASSES**

Students must have a hall pass when going from place to place, except during passing times. High school students are not allowed in JR High areas without a hall pass. No passes will be issued in the first or last 5 minutes of class. Students who have excessive tardies will be placed on the "no passes" list until they are on time to all classes for 5 days in a row.

### **DISPLAYS OF AFFECTION**

Students demonstrating affection with each other is personal and not meant for public display. This includes touching, petting, extended hugging, kissing, or any other contact that may be considered inappropriate by staff. Such behavior may result in consequences, including suspension from school.. Hand holding is acceptable in the hallways only.

### **ADVERTISING OUTSIDE ACTIVITIES**

Students may not post announcements or advertisements for outside activities without receiving prior approval from the principal. The principal will try to respond to requests for approval within twenty-four hours of their receipt.

### **STUDENT SALES**

No student is permitted to sell any item or service in school without the approval of the principal.

### **DANCE REGULATIONS**

If a class or school organization wishes to sponsor a dance, they are to obtain an application form from the main office and submit it to the office. at least two weeks in advance; upon approval, the dance will be entered into the school calendar. All SR High School dances are open to Mesick students in grades 9-12 only. All JR High Dances are open to 6th, 7th, and 8th grade students only. JR High Students may not bring guests to a dance. SR High School students may invite one guest to the dance provided they submit a GUEST PASS to the main office 48 hours (2 days) before the event. No one 21 or over is allowed to attend Mesick JR/SR High School dances. Once a student or guest enters the dance they are not to leave the building unless they intend to leave the dance for the remainder of the evening. Regardless of the starting time, all dances are to end by 11:30 PM.

### **ATTENDANCE POLICY**

The foundation for learning and earning credit for graduation rests upon regular school attendance and punctuality. Promptness and good attendance are necessary life skills. Research shows a big connection between attendance and student's success in school. Attendance is a partnership between family and school to help students succeed. The goal of Mesick High School is to help each and every student be as successful as possible and the teachers and administrators believe that student success in school is directly tied to attendance. Students who consistently attend class develop the skills and work habits necessary for individual academic success. This procedure was created in an effort to support our students, hold them accountable, and ultimately allow them to be successful.

## CLASSIFICATION OF ABSENCES

All absences will be classified as school related, excused verifiable, excused and unexcused. Mesick JR/SR High School reserves the right to determine how an absence will be classified (i.e., school related, excused verifiable, excused and unexcused.).

School related absences include disciplinary suspensions, field trips, and absences related to school that involve athletics and co- curricular activities: this type of absence WILL NOT count towards the ten absences/per class/per semester limit.

Excused Verifiable absences include absences that are verified with written documentation from a doctor's office, dentist, funeral home, hospital, or a court employee: this type of absence WILL NOT count towards the ten absences/per class/per semester when documentation is brought in upon the student's return.

Excused absences include normal every day absences that occur throughout the school year; for example short term illness, non medical appointments, or absence with parent permission. These types of absences WILL COUNT toward the ten absences/per class/ per semester.

Unexcused absences are defined as follows; skipping classes, leaving school without checking out at the office, missing school without calling in the absence that morning or failure to send a note to school the day your student returns **ONLY if you have no phone available**.

## ARRIVING LATE OR RETURNING AFTER SIGNING OUT

Students arriving late to school must report to the main office and sign in. Failure to sign in may result in disciplinary action. Students arriving more than 15 minutes late will be considered absent for the hour.

## LEAVING SCHOOL DURING THE DAY

Students must report to the main office before they leave the building. CTC students must notify the high school office in advance if they will be arriving late or leaving early from CTC. Students will be disciplined if they leave the school and do not sign out properly. A call from a parent or guardian after the student has left the building will not be accepted. Students will be allowed to sign out if:

- Their parents or guardians have called the office in advance.
- The parent/guardian comes into the office to pick up the student.
- The student has a note from a parent/guardian with a phone number so the school can contact the parent or verify the note. The student has received permission from the office.

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## MAKE-UP WORK GUIDELINES

It is the student's responsibility to obtain make-up work from the teacher the day they return. Students will have 1 extra day for every excused day missed to make up work. Long term due dates and tests announced in advance will not be postponed. It is possible that certain kinds of schoolwork such as labs, skill-practice sessions, or participation cannot be made up and as a result may negatively impact a student's grade.

## NOTIFICATION OF ABSENCE

If the student is going to be absent for any reason (including long or short term illness, appointments, family vacation, etc.) the parents must contact the school at 885-1201 prior to 9:00 AM on their first day of absence, otherwise the absence **will be recorded as unexcused**. Make-up work can be requested at this time to be picked up in the office later that day. Upon return to school, the student should check into the office. Missing 15 minutes of a class without obtaining authorization at any point during the class period is equal to an absence.

## TARDIES

A student is considered tardy when not in the room when the bell rings. If a student is more than 15 minutes late, the tardy will be classified as an absence. If a student receives 8 tardies in a marking period, they will not be allowed to use hall passes until they attend 5 days of classes in a row without being tardy. The student is responsible for notifying the intervention coordinator when they have reached 5 days in a row without a tardy in order to be removed from the no passes list. Students with excessive tardies may also be required to complete make up time after school.

## **ABSENCE CONSEQUENCES**

The following consequences will be implemented for student absences:

- Students who are absent (unexcused) from school may not participate in any extracurricular activities including sporting events and practices, dances, club meetings, field trips, etc. on the day of their absence.
- After 3 unexcused absences for the semester, parents will receive a contact from school.
- Students who are absent 5 times (unexcused) will be required to meet with the principal or safety officer and may be required to complete mandatory make-up time. Additional make-up time may be assigned for additional absences.
- After 7 unexcused absences in a year, the student and parents/guardians will be required to meet with the principal and safety officer. After 10 absences, a second truancy letter will be sent home and truancy proceedings will be initiated (see below).

## **TRUANCY PROCEEDINGS**

After 10 unexcused absences, the student will be considered "habitually truant" and the following may result:

- Loss of credit until make up time is completed
- Assignment to an alternative placement with loss of participation in school activities and events;
- Referral to the Wexford County truancy officer.
- A hearing before a judge in a court of law
- A report to local authorities concerning lack of parental responsibility in providing proper care and supervision of a child.

## **LEAVING OR ENTERING THE SCHOOL BUILDING DURING SCHOOL HOURS**

Students leaving or entering the building during normal school hours, including entering the parking lot to retrieve items from a vehicle, must notify the office and receive a pass. A note or telephone call must be received by the office prior to leaving in order for the absence to be excused. Failure to follow the above procedures automatically classifies the absence as unexcused.

## **DRESS CODE**

While fashion changes, the reason for being in school does not. Students are in school to learn. Any fashion (dress, accessory) that disrupts, or has a reasonable potential to disrupt, the educational process, promotes illegal or inappropriate material, or presents a safety risk will not be permitted. Personal expression is permitted within the dress code guidelines, provided that personal expression does not lead to a disruption.

Students should consider the following questions when dressing for school:

- Does my clothing expose too much? (no)
- Does my clothing advertise something that is prohibited to minors? (no)
- Are there obscene, profane, drug-related, weapons related, gang-related, or inflammatory messages on my clothing? (no)
- Am I dressed appropriately for the weather (yes)
- Do I feel comfortable with my appearance? (yes)

If a student has selected a manner of appearance that is beyond mere freedom of expression, disrupts the educational process, presents risk to themselves or others, or is found to be in violation of the dress code, they will not be allowed to attend class until they have changed clothes. The administration reserves the right to send any student home who refuses to change.

### **Mesick JR/SR High School dress code guidelines are as follows:**

Shoes must be worn at all times. See-through or bare midriff shirts are not allowed. Shirts, sweaters, tank tops, dresses, etc. must have straps no less than one inch (two finger widths) wide. Shirts must be of an appropriate neckline. No undergarments, including boxer shorts or bra straps, are to be exposed. No muscle shirts / extremely cut-off sleeves, pajamas, hats, bandannas, or hoods. Shorts, skirts, and dresses must be at least fingertip length without adjusting them. Clothing with inappropriate (as determined by staff members) words or symbols are not acceptable. Clothing with large holes or rips above the fingertips must be worn with something underneath (so skin or undergarments are not exposed).

## **BUS POLICIES**

The following are bus rules for students who ride to or from school, including field trips and extracurricular activities. Most of these exist because of state laws. All other school rules and regulations are in effect while on the bus. Students are required to bring in a note or have a parent/guardian call in order to obtain a bus pass to ride with another student to or from school.

1. Be on time to keep the bus on schedule.
2. No eating, drinking, tobacco use on the bus. Remain seated while the bus is in motion.
3. Keep hands, arms, and head inside the window.
4. Do not use profane language on the bus.
5. Obey driver's requests.
6. The driver may assign seats.
7. Students are to be quiet at railroad crossings.
8. Students getting off the bus in the morning, must go directly into school.

## **PHILOSOPHY OF DISCIPLINE**

We believe all students can behave appropriately while at school and in class. No student will be allowed to stop a teacher from teaching and/or any student from learning. Each teacher has developed a set of classroom rules and consequences. Students will be informed of the rules and consequences by each teacher and are expected to follow them. When a student is sent to the office for disciplinary consequences it is regarded as a serious matter. There will be a record of the student's visit to the office. The consequences listed below are guidelines and will be administered equitably on a case by case basis and based on the severity and frequency of infractions. Restorative practices will be considered for each infraction.

**INTERVENTION** - Students assigned to intervention will report when and where assigned. Students will be with a teacher and working on missing assignments, etc.

**LUNCH DETENTIONS** - Students with lunch detention must get their lunch and report directly to the lunch detention room. Skipping a lunch detention will result in the detention doubling. Lunch detentions will be served with a teacher and the student will work on missing assignments, read or perform community service in the classroom. Electronic Devices are not allowed in detention.

**SUSPENSION** This is the temporary removal and separation of the student from school. This results from serious or repeated violations of school rules. This includes athletic events, or practices, or any other extra-curricular activity. In some situations the principal may invoke an in- school suspension. Electronic Devices are not allowed in the in school suspension room.

**ALTERNATIVE SUSPENSION - EXPULSION** - This is the removal of a student permanently from school. This action is only taken by the Board of Education. This might result from a gross violation of a school rule or law, or from the continual disregard for school rules and regulations. Expelled students are not allowed on school grounds (including after school events) during the term of their expulsion without prior permission from the building principal / superintendent.

**Time Out Room** Timeout Policy and Procedures: If a teacher feels it is necessary, he / she will send a disruptive student to timeout using the timeout referral form. The student will report to the designated ISD area and will remain in ISD for the remainder of the hour, unless the teacher specifies the possibility of the student returning. After the end of the class period, the student will continue with their regular class schedule. If necessary, the teacher may follow up with an incident report based on the severity of the infraction committed. In order to minimize possible abuse of this policy, we will record the names of each student as well as the teacher who issued the timeout referral. The principal will review this log regularly. If a student reaches 6 time-outs for the school year, he/she will be suspended out of school depending on the infractions. Teachers who send a student to the time out room will call home before leaving work for the day and speak to the parent(s)/ guardian(s) of the student(s) who they referred to timeout that day and enter the call information in their parent contact log.

## **ELECTRONIC DEVICES**

**Cell phones, MP3 players, iPods, headphones, earbuds and other personal electronic devices are prohibited in the classroom.** Teachers may collect cell phones or electronic devices prior to entering their classroom. Students who have electronic devices out for any reason (whether in use or not) will need to turn in their phone to the office. For the first offense, they may pick their phone up at the end of the school day. For the second offense (or any subsequent offenses) the student will turn their phone into the office and a parent/guardian will need to pick the phone up from the school office. When the phone is picked up, it is expected that the phone will leave the school building. Students who need to make a call should use the phone in the office with a pass from their teacher. **Emergencies should be handled through the office, not by personal cell phones.** Phone calls home will be allowed for approved reasons only (ex. student is sick) and will require staff permission. Inappropriate use of electronic devices will result in disciplinary action up to and including referral to the local authorities. Students are prohibited from using devices to capture, record or transmit the words (i.e. audio) and /or images (i.e., pictures/video) of any student, staff member or other person in the school or while attending a school related activity, without express prior notice and explicit consent for the capture, recording or transmission of such words or images. Using an electronic device to take or transmit audio and/or pictures/video of an individual without his/her consent is considered an invasion of privacy and is not permitted, unless authorized by the building principal. Students who violate this provision and/or use an electronic device to violate the privacy rights of another person may have their device confiscated pending a parent conference. Students are prohibited from using an electronic device in any way that might reasonably create in the mind of another person an impression of being threatened, humiliated, harassed, embarrassed or intimidated and may subject the offender to discipline for bullying/cyberbullying.

**BULLYING PROHIBITED** Bullying is a form of harassment. For the purpose of this policy, "bullying" is defined as: "The repeated intimidation of others by the real or threatened infliction of physical, verbal, written, electronically transmitted, or emotional abuse, or through attacks on the property of another. It may include, but not be limited to, actions such as verbal taunts, name-calling and put-downs, including ethnically-based or gender based verbal put-downs, extortion of money or possessions, and exclusion from peer groups within school." Such conduct is disruptive of the educational process and, therefore, bullying is not acceptable behavior in this district, and is prohibited.

Students who engage in any act of bullying while in school, at any school function, in connection to or with any district sponsored activity or event, or while en-route to or from school are subject to disciplinary action, up to and including suspension or expulsion. As may be required by law, law enforcement officials shall be notified of bullying incidents.

## **HAZING PROHIBITED**

Soliciting, encouraging, aiding, or engaging in "hazing" on or in any school property at any time, or in connection with any activity supported or sponsored by the district, whether on or off school property, is strictly prohibited.

"Hazing" means any intentional, knowing, or reckless act meant to induce physical pain, embarrassment, humiliation, deprivation of rights or that creates physical or mental discomfort, and is directed against a student for the purposes of being initiated into, affiliating with, holding office in, or maintaining membership in any organization, club, or athletic team sponsored or supported by the district and whose membership is totally or predominately other students from the district. Students engaging in any hazing or hazing-type behavior that is, in any way, connected to any activity sponsored or supported by the district, will be subject to one or more of the following disciplinary actions: Removal from participation in extracurricular activities, Conference with parent(s)/guardian(s), Suspension for up to 10 days.

## **PBIS**

Positive Behavioral Interventions and Supports (PBIS) is an evidence-based three-tiered framework for improving and integrating all of the data, systems, and practices affecting student outcomes every day. It is a way to support everyone - especially students with disabilities - to create the kinds of schools where all students are successful. PBIS It is a commitment to addressing student behavior by acknowledging students for their positive behavior and teaching students to recognize their inappropriate behavior and make positive changes. Our goal is to increase student academic achievement, decrease absences, suspensions, and behavior referrals, and Improve the culture of the school. Staff will use PBIS strategies in order to reduce the need for discipline and to promote a safe and effective learning environment.



## **Code of Conduct**

When making discipline decisions that may result in suspension or expulsion, staff ensure that due process has been offered to any student who may receive a suspension. Additionally, as required by state law, the seven factors will be considered prior to issuing a suspension or making a recommendation for expulsion (except in the case of a mandatory expulsion as required by state law).

Minor Infractions	
<p>Potential Consequences for Minor Infractions:</p> <ul style="list-style-type: none"> <li>• Eye contact</li> <li>• Proximity</li> <li>• Increased supervision</li> <li>• Reteaching and/or reviewing expectations and/or rules</li> <li>• Individual behavior management plan (formal or informal)</li> <li>• Restorative Practices</li> <li>• Warning</li> <li>• Conference with an adult</li> <li>• Break/time out</li> <li>• Reflection sheet</li> <li>• Before school, after school or lunch detention</li> <li>• Apology</li> <li>• Restoration</li> <li>• Restitution</li> <li>• Social Suspension</li> <li>• Time Out Room</li> <li>• Other consequences as determined by the teacher/administration</li> </ul>	
Infraction	Definition
Not being prepared/ ready to learn	<p>Coming to class not properly prepared to learn.</p> <p>The following behaviors are examples of not being prepared/ready to learn:</p> <ul style="list-style-type: none"> <li>• Not bringing necessary supplies</li> <li>• Not doing classwork</li> <li>• Sleeping</li> <li>• Not listening</li> <li>• Not completing homework</li> <li>• Tardy</li> <li>• Minor acts of cheating</li> </ul>
Minor disruption/distractions in class that can potentially impact the learning of others.	<p>Intentional actions that create minor impacts on the teacher's right to teach or one or more student's right to learn.</p> <p>The following are examples of minor disruptions/distractions:</p> <ul style="list-style-type: none"> <li>• Out of seat without permission</li> <li>• Breaking pencils</li> <li>• Whining</li> <li>• Playing with things in the student's desk</li> <li>• Leaning in a chair</li> <li>• Blurting out</li> <li>• Talking/chatting</li> <li>• Intentionally making noises</li> <li>• Touching/poking others</li> <li>• Standing on furniture</li> </ul>

Minor insubordination	<p>Refusal to comply with reasonable directives given by a staff member that have minor impacts on others.</p> <p>The following are examples of minor insubordination:</p> <ul style="list-style-type: none"> <li>• Not following staff directions</li> <li>• Refusing to work</li> <li>• Not taking responsibility for actions</li> <li>• Forgery (depending on the nature of the forgery, this may be a major violation)</li> <li>• Minor vandalism</li> </ul>
Minor safety violations	<p>Intentional acts that create small safety risks to self or others.</p> <p>The following are examples of minor safety violations:</p> <ul style="list-style-type: none"> <li>• Touching/poking others</li> <li>• Standing on furniture</li> <li>• Throwing items</li> <li>• Climbing in the bathroom</li> <li>• Minor pushing</li> <li>• Leaving the room without permission</li> <li>• Spitting (including spitting on others)</li> </ul>
Minor disrespect/ defiance	<p>Intentionally refusing to follow reasonable adult directions or behaving in a disrespectful manner.</p> <p>The following are examples of minor disrespect/defiance:</p> <ul style="list-style-type: none"> <li>• Talking back to an adult</li> <li>• Refusal to comply with reasonable directives</li> <li>• Teasing</li> <li>• Lying</li> <li>• Inappropriate language</li> <li>• Disrespectful to others</li> <li>• Tantrums</li> </ul>

Academic Dishonesty Related Infractions		
Infraction	Definition	Potential Consequences
Plagiarism	Turning in work, claiming that it is your own work, that was completed (partially or completely) by someone else, copied from the internet, or generated by AI.	<ul style="list-style-type: none"> <li>• Restorative Practices</li> <li>• Warning</li> <li>• Zero on the related assignment/quiz/test/project</li> <li>• Detention</li> <li>• Saturday School</li> <li>• Restitution</li> <li>• Conference with adult</li> <li>• Parental involvement</li> <li>• Loss of academic privileges (ex. technology usage)</li> <li>• Loss of non academic privileges</li> </ul>
Cheating	Copying another's work and/or using prohibited resources (such as notes, the internet, etc.) in order to complete a quiz, test or assignment.	

Major Infractions		
<b>Potential Consequences for Major Infractions</b> <ul style="list-style-type: none"> <li>• Restorative Practices</li> <li>• Detention (before school, after school or lunch)</li> <li>• In School Detention</li> <li>• In School Suspension</li> <li>• Out of School Suspension</li> <li>• Expulsion</li> <li>• Loss of driving privileges</li> <li>• Behavior plan (formal or informal)</li> <li>• Social Suspension</li> <li>• Time Out Room</li> <li>• Consequences as outlined in Board Policy for policy violations</li> <li>• Involvement of law enforcement</li> <li>• Loss of athletic or extracurricular eligibility</li> <li>• Other consequences determined to be appropriate by administration</li> </ul>		
Major Infractions covered by Board Policy		
Infraction	Definition	Policy
Dangerous Weapons	<p>Possession of a dangerous weapon on school property or at an event governed by school rules.</p> <p>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.</p>	<a href="#">5610</a>
Sexual Harassment (Title IX)	<p><b>Sexual Harassment:</b> “Sexual Harassment” means unwelcome conduct on the basis of sex that is determined by a reasonable person to be so severe, pervasive, <b>and</b> objectively offensive that it effectively denies a person equal access to the District’s education program or activity. (See policy 2266 for an expanded definition.)</p> <p>Note: Sexual harassment that does not meet the Federal Title IX definition may be addressed as Harassment following the process outlined in policy 5517.</p> <p>As of the fall of 2023, the Federal Title IX rules are in the review process and are scheduled to be modified during the course of 2023-2024 school year. The District will comply with the rules and regulations that are in effect at the time of an alleged infraction.</p>	<a href="#">2266</a>
Criminal Sexual Conduct	if the student commits criminal sexual conduct against another student enrolled in the District regardless of the location of the conduct.	<a href="#">5610</a>

Harassment (including sexual harassment not covered by Title IX)	Discriminatory harassment is harassment based on race, color, national origin, sex (including sexual orientation and gender 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	<a href="#">5517</a>
Physical Assault	Physical assault is defined as "intentionally causing or attempting to cause physical harm to another through force or violence."	<a href="#">5610</a>
Verbal Assault	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.	<a href="#">5610</a>
Persistent Disobedience/ Gross Misconduct	Repeated violations of school rules and policy.	<a href="#">5610</a>
Arson	Deliberately setting a fire on school property or during a school governed setting/activity.	<a href="#">5610</a>
Use of Personal Communication Devices - Including Cell Phones on school property without staff permission	The use of technology on school property without staff permission. This includes busting a device to take photos or record video/sound without prior permission from staff.	<a href="#">5136</a>
Possession or use of Tobacco on school grounds (including vapes)	Possessing or using any form of tobacco product, e-cigarette, or other electronic smoking device on school property or at an activity governed by school rules.	<a href="#">5512</a>
Damage or destruction of school property	Intentionally causing damage to school property or causing damage to school property as the result of willfully violating a district or building rule or policy.	<a href="#">5513</a>
Student Hazing	Performing any act or coercing another, including the victim, to perform any act of initiation into any class, group, or organization that causes or creates a risk of causing mental, emotional, or physical harm.	<a href="#">5516</a>
Bullying and other Aggressive Behavior	<p><b>"Aggressive behavior"</b> 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.</p> <p><b>"Bullying"</b> is defined as any written, verbal, or physical acts, including cyber bullying that, without regard to its subject matter or motivating animus, is intended or that a reasonable person would know is likely to harm one or more students either directly or indirectly.</p>	<a href="#">5517.01</a>

Disorderly Conduct	Any unlawful student assemblage; or group act of violence, disruption, vandalism, or building seizure; or interference with the functioning of school personnel or any student or group of students.	<a href="#">5520</a>
Weapons	The term "weapon" means any object which, in the manner in which it is used, is intended to be used, or is represented, is capable of inflicting serious bodily harm or property damage, as well as endangering the health and safety of persons. Weapons include, but are not limited to, firearms, guns of any type whatsoever, including air and gas-powered guns (whether loaded or unloaded), knives, razors, clubs, electric weapons, metallic knuckles, martial arts weapons, ammunition, and explosives.	<a href="#">5772</a>
False alarms; Bomb threats; Intentional calls to falsely report a dangerous condition.	Knowingly making a false report regarding a bomb threat or fire, or a condition that is dangerous or intentionally pulling a false fire alarm.	<a href="#">5772</a>
<b>Major Infractions Not Directly Covered by Board Policy</b>		
Infraction	Definition	
Insubordination	Failure to comply with reasonable directives from staff that results or could potentially result in significant disruption to the learning environment or create a risk to safety or property.	
Possession of or sale of drugs on campus	The unlawful possession, sale, use, or distribution of illicit drugs (including any form of marijuana), legal medications (that are not properly checked in through the office) and alcohol by students on school premises or as a part of any school activity.	
Disrupting the learning environment	Intentional actions that interfere with the teachers ability to teach or one or more student's ability to learn.	
Skippping school/class	Not attending school/classes as scheduled without excusal from parent/guardian.  A student may not be excused for leaving class without permission or skipping a class during the school day when they were in attendance.	
Leaving school grounds without permission	Leaving school grounds, during the school day, without the permission of a staff member. Parents/guardians must sign a student out from the offices in order for the student to have permission to leave.	

### **Definitions**

**Detention:** Loss of privileges during a supervised time before school, after school or during lunch.

**Social Suspension:** The loss of all school privileges with the exception of attending class. This includes field trips, athletic events or practices, any extra curricular activity, lunch time (students serving a social suspension will have lunch detention), and may include passing time or other restrictions as determined by administration.

**In School Suspension (ISS):** The temporary removal and separation of the student from their regular learning environment. This results from serious or repeated violations of school rules. This includes athletic events or practices or any other extra curricular activity. ISS will be served in the school environment under the supervision of a staff member.

**In School Detention:** The student receives instruction from a certified teacher, in an alternate setting to the classroom. The student continues to receive services outlined in their IEP, if applicable.

**Out of School Suspension (OSS):** This is the temporary removal and separation of the student from school. This results from serious or repeated violations of school rules. This includes athletic events, or practices, or any other extra-curricular activity. In some situations the principal may invoke an in-school suspension. Electronic Devices are not allowed in the in school suspension room.

**Expulsion:** This is the removal of a student from school for a duration of 60 or more school days. Students who are expelled are not allowed on school property/at school events during the course of their expulsion without the permission of district administration.

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

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 and Superintendent will exercise discretion over whether or not to suspend or expel a student. 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 and Superintendent 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 and Principal will still consider these factors in making the determination.

### **Restorative Practices**

The Board and Superintendent 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 and Superintendent decide 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 recognizes 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 and is one that cannot be imposed without appropriate 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 disruptive to the learning environment, and that such removals are not subject to a prior hearing, provided the 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 Building 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 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 recommend to the Board a long-term suspension or that a student be expelled.

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 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 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 or above for up to one hundred eighty (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 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 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 and Superintendent 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-F, 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.

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.

## **Title IX Sexual Harassment**

### **2266 - NONDISCRIMINATION ON THE BASIS OF SEX IN DISTRICT PROGRAMS OR ACTIVITIES**

#### **Introduction**

The Board of Education of the Mesick Public School District (hereinafter referred to as “the Board” or “the District”) does not discriminate on the basis of sex (including sexual orientation or gender identity), in its education programs or activities, and is required by Title IX of the Education Amendments Act of 1972, and its implementing regulations, not to discriminate in such a manner. The requirement not to discriminate in its education program or activity extends to admission and employment. The Board is committed to maintaining an education and work environment that is free from discrimination based on sex, including sexual harassment.

The Board prohibits Sexual Harassment that occurs within its education programs and activities. When the District has actual knowledge of Sexual Harassment in its education program or activity against a person in the United States, it shall promptly respond in a manner that is not deliberately indifferent.

Pursuant to its Title IX obligations, the Board is committed to eliminating Sexual Harassment and will take appropriate action when an individual is determined responsible for violating this policy. Board employees, students, third-party vendors and contractors, guests, and other members of the School District community who commit Sexual Harassment are subject to the full range of disciplinary sanctions set forth in this policy. The Board will provide persons who have experienced Sexual Harassment ongoing remedies as reasonably necessary to restore or preserve access to the District’s education programs and activities.

#### **Coverage**

This policy applies to Sexual Harassment that occurs within the District’s education programs and activities and that is committed by a member of the School District community or a Third Party.

This policy does not apply to Sexual Harassment that occurs off school grounds, in a private setting, and outside the scope of the District’s education programs and activities; such Sexual Misconduct/Sexual Activity may be prohibited by the Student Code of Conduct if committed by a student, or by Board policies and administrative guidelines, applicable State and/or Federal laws if committed by a Board employee.

Consistent with the U.S. Department of Education’s implementing regulations for Title IX, this policy does not apply to Sexual Harassment that occurs outside the geographic boundaries of the United States, even if the Sexual Harassment occurs in the District’s education programs or activities. Sexual Harassment that occurs outside the geographic boundaries of the United States is governed by the Student Code of Conduct if committed by a student, or by Board policies and administrative guidelines, applicable State and/or Federal laws if committed by a Board employee.

#### **Definitions**

Words used in this policy shall have those meanings defined herein; words not defined herein shall be construed according to their plain and ordinary meanings.

**Sexual Harassment:** “Sexual Harassment” means conduct on the basis of sex that satisfies one or more of the following:

- A. A Board employee conditioning the provision of an aid, benefit, or service of the District on an individual’s participation in unwelcome sexual conduct (often called “*quid pro quo*” harassment);

- B. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, **and** objectively offensive that it effectively denies a person equal access to the District's education program or activity; or
- C. "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)A(v), or "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

"Sexual assault" means any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent, and the "nonforcible" sex offenses of Incest and Statutory Rape. Sexual assault includes rape, sodomy, sexual assault with an object, fondling, incest, and statutory rape.

1. *Rape* is the carnal knowledge of a person (i.e., penetration, no matter how slight, of the genital or anal opening of a person), without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
2. *Sodomy* is oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
3. *Sexual Assault with an Object* is using an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity. An "object" or "instrument" is anything used by the offender other than the offender's genitalia.
4. *Fondling* is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
5. *Incest* is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by State law.
6. *Statutory Rape* is sexual intercourse with a person who is under the statutory age of consent as defined by State law.
7. *Consent* refers to words or actions that a reasonable person would understand as agreement to engage in the sexual conduct at issue. A person may be incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity. A person who is incapacitated is not capable of giving consent.
8. *Incapacitated* refers to the state where a person does not understand and/or appreciate the nature or fact of sexual activity due to the effect of drugs or alcohol consumption, medical condition, disability, or due to a state of unconsciousness or sleep.

- D. "Domestic violence" includes felony or misdemeanor crimes of violence committed by:

1. a current or former spouse or intimate partner of the victim;
2. a person with whom the victim shares a child in common;
3. a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
4. a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime occurred; or

5. any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime occurred.
- E. "Dating violence" means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
  - F. "Stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to – (1) fear for the person's safety or the safety of others; or (2) suffer substantial emotional distress.

**Complainant:** "Complainant" means an individual who is alleged to be the victim of conduct that could constitute Sexual Harassment.

**Respondent:** "Respondent" means an individual who has been reported to be the perpetrator of conduct that could constitute Sexual Harassment.

**Formal Complaint:** "Formal Complaint" means a document filed by a Complainant or signed by the Title IX Coordinator alleging Sexual Harassment against a Respondent and requesting that the District investigate the allegation(s) of Sexual Harassment. At the time of filing a Formal Complaint with the District, a Complainant must be participating in or attempting to participate in the District's education program or activity. A "document filed by a complainant" means a document or electronic submission (such as by electronic mail or through an online portal that the Board provides for this purpose) that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint. Where the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or a party to the Formal Complaint and must not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

**Actual Knowledge:** "Actual knowledge" means notice of Sexual Harassment or allegations of Sexual Harassment to the District's Title IX Coordinator, or any District official who has authority to institute corrective measures on behalf of the Board, or any Board employee. The mere ability or obligation to report Sexual Harassment or to inform a student about how to report Sexual Harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the District. "Notice" includes, but is not limited to, a report of Sexual Harassment to the Title IX Coordinator. This standard is not met when the only District official with actual knowledge is the Respondent.

**Supportive Measures:** "Supportive measures" means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Such measures are designed to restore or preserve equal access to the District's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the District's educational environment, or deter Sexual Harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, school/campus escort services, mutual restrictions of contact between the parties, changes in work locations), leaves of absence, increased security and monitoring of certain areas of the campus (including school buildings and facilities), and other similar measures.

**Education Program or Activity:** "Education program or activity" refers to all operations of the District, including but not limited to in-person and online educational instruction, employment, extracurricular activities, athletics, performances, and community engagement and outreach programs. The term applies to

all activity that occurs on school grounds or on other property owned or occupied by the Board. It also includes locations, events and circumstances that take place off-school property/grounds over which the Board exercises substantial control over both the Respondent and the context in which the Sexual Harassment occurs.

**School District community:** “School District community” refers to students and Board employees (i.e., administrators, and professional and classified staff), as well as Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

**Third Parties:** “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 District property).

**Inculpatory Evidence:** “Inculpatory evidence” is evidence that tends to establish a Respondent’s responsibility for alleged Sexual Harassment.

**Exculpatory Evidence:** “Exculpatory evidence” is evidence that tends to clear or excuse a Respondent from allegations of Sexual Harassment.

**Day(s):** Unless expressly stated otherwise, the term “day” or “days” as used in this policy means business day(s) (i.e., a day(s) that the Board office is open for normal operating hours, Monday – Friday, excluding State-recognized holidays).

**Eligible Student:** “Eligible Student” means a student who has reached eighteen (18) years of age or is attending an institution of postsecondary education.

#### **Title IX Coordinator(s)**

The Board of Education designates and authorizes the following individual(s) to oversee and coordinate its efforts to comply with Title IX and its implementing regulations:

The Title IX Coordinator shall report directly to the Superintendent. Questions about this policy should be directed to the Title IX Coordinator.

The Superintendent shall notify applicants for admission and employment, students, parents or legal guardians of elementary and secondary school students, Board employees, and all unions or professional organizations holding collective bargaining or professional agreements with the Board of the following information:

The Board of Education of the Mesick Public School District does not discriminate on the basis of sex in its education program or activity, and is required by Title IX and its implementing regulations not to discriminate in such a manner. The requirement not to discriminate in its education program or activity extends to admission and employment. The District’s Title IX Coordinator(s) is/are:

LeeAnn Stephan High School Principal  
231-885-1200  
581 S. Clark St. Mesick, Michigan 49668

Any inquiries about the application of Title IX and its implementing regulations to the District may be referred to the Title IX Coordinator(s), the Assistant Secretary for the U.S. Department of Education’s Office for Civil Rights, or both.



The Board has adopted a grievance process that provides for the prompt and equitable resolution of student and employee complaints alleging any action that is prohibited by Title IX and/or its implementing regulations. The grievance process is included in Policy 2266 – Nondiscrimination on the Basis of Sex in Education Programs or Activities, which is available at: [www.mesick.org](http://www.mesick.org). The grievance process specifically addresses how to report or file a complaint of sex discrimination, how to report or file a formal complaint of Sexual Harassment, and how the District will respond.

The Superintendent shall also prominently display the Title IX Coordinator's contact information – including name(s) and/or title(s), phone number(s), office address(es), and e-mail address(es) – and this policy on the District's website and in each handbook or catalog that the Board makes available to applicants for admission and employment, students, parents or legal guardians of elementary and secondary school students, Board employees, and all unions or professional organizations holding collective bargaining or professional agreements.

### **Grievance Process**

The Board is committed to promptly and equitably resolving student and employee complaints alleging Sexual Harassment. The District's response to allegations of Sexual Harassment will treat Complainants and Respondents equitably, including providing supportive measures to the Complainant and Respondent, as appropriate, and following this Grievance Process before imposition of any disciplinary sanctions or other actions, other than supportive measures, against the Respondent.

The Title IX Coordinator(s), along with any investigator(s), decision-maker(s), or any person(s) designated to facilitate an informal resolution process, shall not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent.

If a determination of responsibility for Sexual Harassment is made against the Respondent, the Board will provide remedies to the Complainant. The remedies will be designed to restore or preserve equal access to the District's education program or activity. Potential remedies include, but are not limited to, individualized services that constitute supportive measures. Remedies may also be disciplinary or punitive in nature and may burden the Respondent.

### **Report of Sexual Discrimination/Harassment**

Any person may report sex discrimination, including Sexual Harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or Sexual Harassment), in person, by mail, by telephone, or by electronic mail, using the Title IX Coordinator's(s') contact information listed above, or by any other means that results in the Title IX Coordinator receiving the person's oral or written report. Reports may be made at any time (including during non-business hours), by using the telephone number(s) or electronic mail address(es), or by mail to the office address(es), listed for the Title IX Coordinator(s).

Students, Board members, and Board employees are required, and other members of the School District community, and Third Parties) are encouraged, to report allegations of sex discrimination or Sexual Harassment promptly to the/a Title IX Coordinator or to any Board employee, who will in turn notify the/a Title IX Coordinator. Reports can be made orally or in writing and should be as specific as possible. The person making the report should, to the extent known, identify the alleged victim(s), perpetrator(s), and witness(es), and describe in detail what occurred, including date(s), time(s), and location(s).

If a report involves allegations of Sexual Harassment by or involving the Title IX Coordinator, the person making the report should submit it to the Superintendent, or another Board employee who, in turn, will notify the Superintendent of the report. The Superintendent will then serve in place of the Title IX Coordinator for purposes of addressing that report of Sexual Harassment.

The Board does business with various vendors, contractors, and other third-parties who are not students or employees of the Board. Notwithstanding any rights that a given vendor, contractor, or third-party Respondent may have under this policy, the Board retains the right to limit any vendor's, contractor's, or third-party's access to school grounds for any reason. The Board further retains all rights it enjoys by contract or law to terminate its relationship with any vendor, contractor, or third-party irrespective of any process or outcome under this policy.

A person may file criminal charges simultaneously with filing a Formal Complaint. A person does not need to wait until the Title IX investigation is completed before filing a criminal complaint. Likewise, questions or complaints relating to Title IX may be filed with the U.S. Department of Education's Office for Civil Rights at any time.

Any allegations of Sexual Misconduct/Sexual Activity not involving Sexual Harassment will be addressed through the procedures outlined in Board policies and/or administrative guidelines, the applicable Student Code of Conduct, applicable collective bargaining agreement, and/or Employee/Administrator Handbook.

Because the Board is considered to have actual knowledge of Sexual Harassment or allegations of Sexual Harassment if any Board employee has such knowledge, and because the Board must take specific actions when it has notice of Sexual Harassment or allegations of Sexual Harassment, a Board employee who has independent knowledge of or receives a report involving allegations of sex discrimination and/or Sexual Harassment must notify the/a Title IX Coordinator within two (2) days of learning the information or receiving the report. The Board employee must also comply with mandatory reporting responsibilities pursuant to M.C.L. 722.623 and Policy 8462 – Student Abuse and Neglect, if applicable. If the Board employee's knowledge is based on another individual bringing the information to the Board employee's attention and the reporting individual submitted a written complaint to the Board employee, the Board employee must provide the written complaint to the Title IX Coordinator.

If a Board employee fails to report an incident of Sexual Harassment of which the Board employee is aware, the Board employee may be subject to disciplinary action, up to and including termination.

When a report of Sexual Harassment is made, the Title IX Coordinator shall promptly (i.e., within two (2) days of the Title IX Coordinator's receipt of the report of Sexual Harassment) contact the Complainant (including the parent/guardian if the Complainant is under 18 years of age or under guardianship) to discuss the availability of supportive measures, consider the Complainant's wishes with respect to supportive measures, inform the Complainant of the availability of supportive measures with or without the filing of a Formal Complaint, and explain to the Complainant the process for filing a Formal Complaint. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures. Any supportive measures provided to the Complainant or Respondent shall be maintained as confidential, to the extent that maintaining such confidentiality will not impair the ability of the District to provide the supportive measures.

**Emergency Removal:** Subject to limitations and/or procedures imposed by State and/or Federal law, the District may remove a student Respondent from its education program or activity on an emergency basis after conducting an individualized safety and risk analysis. The purposes of the individualized safety and risk analysis is to determine whether the student Respondent poses an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Sexual Harassment that justifies removal. If the District determines the student Respondent poses such a threat, it will so notify the student Respondent and the student Respondent will have an opportunity to challenge the decision immediately following the removal. See Policy 5610 – Emergency Removal, Suspension, and Expulsion of Students and Policy 5611 – Due Process Rights.

If the Respondent is a non-student employee, the District may place the Respondent on administrative leave during the pendency of the grievance process.

For all other Respondents, including other members of the School District community and Third Parties, the Board retains broad discretion to prohibit such persons from entering onto its school grounds and other properties at any time and for any reason, whether after receiving a report of Sexual Harassment or otherwise.

### **Formal Complaint of Sexual Harassment**

A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information set forth above. If a Formal Complaint involves allegations of Sexual Harassment by or involving the Title IX Coordinator, the Complainant should submit the Formal Complaint to the Superintendent, who will designate another person to serve in place of the Title IX Coordinator for the limited purpose of implementing the grievance process with respect to that Formal Complaint.

When the Title IX Coordinator receives a Formal Complaint or signs a Formal Complaint, the District will follow its Grievance Process, as set forth herein. Specifically, the District will undertake an objective evaluation of all relevant evidence – including both inculpatory and exculpatory evidence – and provide that credibility determinations will not be based on a person’s status as a Complainant, Respondent, or witness.

It is a violation of this policy for a Complainant(s), Respondent(s), and/or witness(es) to knowingly making false statements or knowingly submitting false information during the grievance process, including intentionally making a false report of Sexual Harassment or submitting a false Formal Complaint. The Board will not tolerate such conduct, which is a violation of the Student Code of Conduct.

The Respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

### **Timeline**

The District will seek to conclude the grievance process, including resolving any appeals, within sixty (60) days of receipt of the Formal Complaint.

If the Title IX Coordinator offers informal resolution processes, the informal resolution processes may not be used by the Complainant or Respondent to unduly delay the investigation and determination of responsibility. The timeline, however, may be subject to a temporary delay of the grievance process or a limited extension for good cause with written notice to the Complainant and the Respondent of the delay or extension and the reasons for the action. Good causes may include considerations such as the absence of a party, a party’s advisor, or a witness; concurrent law enforcement activity; and the need for language assistance or accommodation of disabilities. The Title IX Coordinator will provide the parties with reasonable updates on the status of the grievance process.

Upon receipt of a Formal Complaint, the Title IX Coordinator will provide written notice of the following to the parties who are known:

- A. Notice of the Board’s grievance process, including any informal resolution processes;
- B. Notice of the allegations of misconduct that potentially constitutes Sexual Harassment as defined in this policy, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting Sexual Harassment, and the date and location of the alleged incident, if known. The written notice must:
  - 1. include a statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the grievance process;

2. inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence.
3. inform the parties of any provision in the Student Code of Conduct, this policy, that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

If, during the course of the investigation, the investigator becomes aware of allegations about the Complainant or Respondent that are not included in the original notice provided to the parties, the investigator will notify the Title IX Coordinator and the Title IX Coordinator will decide whether the investigator should investigate the additional allegations; if the Title IX Coordinator decides to include the new allegations as part of the investigation, the Title IX Coordinator will provide notice of the additional allegations to the parties whose identities are known.

### **Dismissal of a Formal Complaint**

The District shall investigate the allegations in a Formal Complaint, *unless* the conduct alleged in the Formal Complaint:

- A. would not constitute Sexual Harassment (as defined in this policy) even if proved;
- B. did not occur in the District's education program or activity; or
- C. did not occur against a person in the United States.

If one of the preceding circumstances exist, the Title IX Coordinator *shall* dismiss the Formal Complaint. If the Title IX Coordinator dismisses the Formal Complaint due to one of the preceding reasons, the District may still investigate and take action with respect to such alleged misconduct pursuant to another provision of an applicable code of conduct, Board policy, and/or Employee/Administrator Handbook.

The Title IX Coordinator *may* dismiss a Formal Complaint, or any allegations therein, if at any time during the investigation:

- A. a Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein;
- B. the Respondent is no longer enrolled in the District or employed by the Board; or
- C. specific circumstances prevent the District from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

If the Title IX Coordinator dismisses a Formal Complaint or allegations therein, the Title IX Coordinator must promptly send written notice of the dismissal and the reason(s) therefore simultaneously to the parties.

### **Consolidation of Formal Complaints**

The Title IX Coordinator may consolidate Formal Complaints as to allegations of Sexual Harassment against more than one (1) Respondent, or by more than one (1) Complainant against one or more Respondents, or by one (1) party against the other party, where the allegations of Sexual Harassment arise out of the same facts or circumstances.

Where a grievance process involves more than one (1) Complainant or more than one (1) Respondent, references in this policy to the singular "party," "Complainant," or "Respondent" include the plural, as applicable.

### **Informal Resolution Process**

Under no circumstances shall a Complainant be required as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, to waive any right to

an investigation and adjudication of a Formal Complaint of Sexual Harassment. Similarly, no party shall be required to participate in an informal resolution process.

If a Formal Complaint is filed, the Title IX Coordinator may offer to the parties an informal resolution process. If the parties mutually agree to participate in the informal resolution process, the Title IX Coordinator shall designate a trained individual to facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication. The informal resolution process may be used at any time prior to the decision-maker(s) reaching a determination regarding responsibility.

If the Title IX Coordinator is going to propose an informal resolution process, the Title IX Coordinator shall provide to the parties a written notice disclosing:

- A. the allegations;
- B. the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a Formal Complaint arising from the same allegations; and
- C. any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

Any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the Formal Complaint.

Before commencing the informal resolution process, the Title IX Coordinator shall obtain from the parties their voluntary, written consent to the informal resolution process.

During the pendency of the informal resolution process, the investigation and adjudication processes that would otherwise occur have stayed and all related deadlines are suspended.

The informal resolution process is not available to resolve allegations that a Board employee or another adult member of the School District community or Third Party sexually harassed a student.

The informal resolution process is not available to resolve allegations involving a sexual assault involving a student Complainant and a student Respondent.

### **Investigation of a Formal Complaint of Sexual Harassment**

In conducting the investigation of a Formal Complaint and throughout the grievance process, the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility is on the District, not the parties.

In making the determination of responsibility, the decision-maker(s) is (are) directed to use the preponderance of the evidence standard. The decision-maker(s) is charged with considering the totality of all available evidence, from all relevant sources.

The District is not permitted to access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the party provides the District with voluntary, written consent to do so; if a student party is not an Eligible Student, the District must obtain the voluntary, written consent of a parent.

Similarly, the investigator(s) and decision-maker(s) may not require, allow, rely upon or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege in writing.

As part of the investigation, the parties have the right to:

- A. present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence; and
- B. have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney. The District may not limit the choice or presence of an advisor for either the Complainant or Respondent in any meeting or grievance proceeding.

Board Policy 2461 – Recording of District Meetings Involving Students and/or Parents controls whether a person is allowed to audio record or video record any meeting or grievance proceeding.

Neither party shall be restricted in their ability to discuss the allegations under investigation or to gather and present relevant evidence.

The District will provide to a party whose participation is invited or expected written notice of the date, time, location, participants, and purpose of all investigative interviews, or other meetings, with sufficient time for the party to prepare to participate. The investigator(s) and decision-maker(s) must provide a minimum of one (1) days' notice with respect to investigative interviews and other meetings.

Both parties shall have an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including the evidence upon which the District does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation.

Prior to completion of the investigative report, the Title IX Coordinator will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties will have at least ten (10) calendar days to submit a written response, which the investigator will consider prior to completion of the investigative report.

At the conclusion of the investigation, the investigator shall create an investigative report that fairly summarizes relevant evidence and send the report to each party and the party's advisor, if any, for their review and written response. The investigator will send the investigative report in an electronic format or a hard copy, at least ten (10) calendar days prior to the decision-maker(s) issuing a determination regarding responsibility.

### **Determination of Responsibility**

The Title IX Coordinator shall appoint a decision-maker(s) to issue a determination of responsibility. The decision-maker(s) cannot be the same person(s) as the Title IX Coordinator(s) or the investigator(s).

After the investigator sends the investigative report to the parties and the decision-maker(s), and before the decision-maker(s) reaches a determination regarding responsibility, the decision-maker(s) will afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. The decision-maker(s) must explain to the party proposing the questions any decision to exclude a question as not relevant.

Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to

the Respondent and are offered to prove consent. The decision-maker(s) must explain to the party proposing the questions any decision to exclude a question as not relevant.

**Determination regarding responsibility:** The decision-maker(s) will issue a written determination regarding responsibility. To reach this determination, the decision-maker(s) must apply the preponderance of the evidence standard.

The written determination will include the following content:

- A. identification of the allegations potentially constituting Sexual Harassment pursuant to this policy;
- B. a description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, [and] methods used to gather other evidence,
- C. findings of fact supporting the determination;
- D. Conclusions regarding the application of the applicable code of conduct to the facts;
- E. a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the decision-maker(s) is recommending that the District impose on the Respondent(s), and whether remedies designed to restore or preserve equal access to the District's education program or activity should be provided by the District to the Complainant(s); and
- F. the procedures and permissible bases for the Complainant(s) and Respondent(s) to appeal.

The following disciplinary sanctions/consequences may be imposed on a student Respondent who is determined responsible for violating this policy (i.e., engaging in Sexual Harassment):

- A. Informal Discipline
  - 1. writing assignments;
  - 2. changing of seating or location;
  - 3. pre-school, lunchtime, after-school detention;
  - 4. in-school discipline;
- B. Formal Discipline
  - 1. suspension of bus riding/transportation privileges;
  - 2. removal from co-curricular and/or extra-curricular activity(ies), including athletics;
  - 3. emergency removal;
  - 4. suspension for up to ten (10) school days;
  - 5. long-term suspension or expulsion;
  - 6. any other sanction authorized by the Student Code of Conduct.

If the decision-maker(s) determines the student Respondent is responsible for violating this policy (i.e., engaging in Sexual Harassment), the decision-maker(s) will recommend appropriate remedies, including disciplinary sanctions/consequences. The Title IX Coordinator will notify the Superintendent of the recommended remedies, so an authorized administrator can consider the recommendation(s) and implement an appropriate remedy(ies) in compliance with Policy 5600 – Student Discipline, Policy 5605 – Suspension/Expulsion of Students with Disabilities, Policy 5610 – Emergency Removal, Suspension, and Expulsion of Students, Policy 5610.02 - In-School Discipline, and Policy 5611 – Due Process Rights. Discipline of a student Respondent must comply with the applicable provisions of the Individuals with Disabilities Education Improvement Act (IDEA) and/or Section 504 of the Rehabilitation Act of 1972, and their respective implementing regulations.

The following disciplinary sanctions/consequences may be imposed on an employee Respondent who is determined responsible for violating this policy (i.e., engaging in Sexual Harassment):

- A. oral or written warning;
- B. written reprimands;
- C. performance improvement plan;
- D. required counseling;
- E. required training or education;
- F. demotion;
- G. suspension with pay;
- H. suspension without pay;
- I. termination, and any other sanction authorized by any applicable Employee/Administrator Handbook and/or collective bargaining agreement.

If the decision-maker(s) determines the employee Respondent is responsible for violating this policy (i.e., engaging in Sexual Harassment), the decision-maker(s) will recommend appropriate remedies, including disciplinary sanctions/consequences. The Title IX Coordinator will notify the Superintendent of the recommended remedies, so an authorized administrator can consider the recommendation(s) and implement an appropriate remedy(ies) in compliance with applicable due process procedures, whether statutory or contractual.

Discipline of an employee will be implemented in accordance with Federal and State law, Board policy, and applicable provisions of any relevant collective bargaining agreement.

The following disciplinary sanctions/consequences may be imposed on a non-student/non-employee member of the School District community or Third Party who is determined responsible for violating this policy (i.e., engaging in Sexual Harassment):

- A. oral or written warning;
- B. suspension or termination/cancellation of the Board's contract with the third-party vendor or contractor;
- C. mandatory monitoring of the third-party while on school property and/or while working/interacting with students;
- D. restriction/prohibition on the third-party's ability to be on school property; and
- E. any combination of the same.

If the decision-maker(s) determines the third-party Respondent is responsible for violating this policy (i.e., engaging in Sexual Harassment), the decision-maker(s) will recommend appropriate remedies, including imposition of sanctions. The Title IX Coordinator will notify the Superintendent of the recommended remedies, so appropriate action can be taken.

The decision-maker(s) will provide the written determination to the Title IX Coordinator who will provide the written determination to the parties simultaneously.

Ultimately, imposing a disciplinary sanction/consequence, the Superintendent will consider the severity of the incident, previous disciplinary violations (if any), and any mitigating circumstances.

The District's resolution of a Formal Complaint ordinarily will not be impacted by the fact that criminal charges involving the same incident have been filed or that charges have been dismissed or reduced.

At any point in the grievance process, the Superintendent may involve local law enforcement and/or file criminal charges related to allegations of Sexual Harassment that involve a sexual assault.

The Title IX Coordinator is responsible for effective implementation of any remedies.



## **Appeal**

Both parties have the right to file an appeal from a determination regarding responsibility, or from the Title IX Coordinators dismissal of a Formal Complaint or any allegations therein, on the following bases:

- A. Procedural irregularity that affected the outcome of the matter (e.g., material deviation from established procedures);
- B. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- C. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant(s) or Respondent(s) that affected the outcome of the matter.

Any party wishing to appeal the decision-maker(s)'s determination of responsibility, or the Title IX Coordinator's dismissal of a Formal Complaint or any allegations therein, must submit a written appeal to the Title IX Coordinator within three (3) days after receipt of the decision-maker(s)'s determination of responsibility or the Title IX Coordinator's dismissal of a Formal Complaint or any allegations therein.

Nothing herein shall prevent the Superintendent from implementing appropriate remedies, however, excluding disciplinary sanction, while the appeal is pending.

As to all appeals, the Title IX Coordinator will notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties.

The decision-maker(s) for the appeal shall not be the same person(s) as the decision-maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator(s). The decision-maker(s) for the appeal shall not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant(s) or Respondent(s) and shall receive the same training as required of other decision-makers.

Both parties shall have a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome.

The appealing party's written statement must be submitted within three (3) days after the Title IX Coordinator receives notice of the appeal. The other party's written statement must be submitted within three (3) days after the Title IX Coordinator provides that party a copy of the appealing party's written statement.

The decision-maker(s) for the appeal shall issue a written decision describing the result of the appeal and the rationale for the result. The original decision-makers(s)' determination of responsibility will stand if the appeal request is not filed in a timely manner or the appealing party fails to show clear error and/or a compelling rationale for overturning or modifying the original determination. The written decision will be provided to the Title IX Coordinator who will provide it simultaneously to both parties. The written decision will be issued within five (5) days of when the parties' written statements were submitted.

The determination of responsibility associated with a Formal Complaint, including any recommendations for remedies/disciplinary sanctions, becomes final when the time for filing an appeal has passed or, if an appeal is filed, at the point when the decision-maker(s) for the appeal's decision is delivered to the Complainant and the Respondent. No further review beyond the appeal is permitted.

## **Retaliation**

Neither the Board nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, its implementing regulations, or this policy, or because the individual made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this

policy. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or Sexual Harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or Formal Complaint of Sexual Harassment, for the purpose of interfering with any right or privilege secured by Title IX, its implementing regulations, or this policy, constitutes retaliation. Retaliation against a person for making a report of Sexual Harassment, filing a Formal Complaint, or participating in an investigation, is a serious violation of this policy that can result in imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Complaints alleging retaliation may be filed according to the grievance process set forth above.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under this policy.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this policy shall not constitute retaliation, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

### **Confidentiality**

The District will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a Formal Complaint of Sexual Harassment, any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder (i.e., the District's obligation to maintain confidentiality shall not impair or otherwise affect the Complainant's and Respondent's receipt of the information to which they are entitled related to the investigative record and determination of responsibility).

### **Application of the First Amendment**

The Board will construe and apply this policy consistent with the First Amendment to the U.S. Constitution. In no case will a Respondent be found to have committed Sexual Harassment based on expressive conduct that is protected by the First Amendment.

### **Training**

The District's Title IX Coordinator, along with any investigator(s), decision-maker(s), or person(s) designated to facilitate an informal resolution process, must receive training on:

- A. the definition of Sexual Harassment (as that term is used in this policy);
- B. the scope of the District's education program or activity;
- C. how to conduct an investigation and implement the grievance process, appeals and informal resolution processes, as applicable; and
- D. how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interests, and bias.

All Board employees will be trained concerning their legal obligation to report Sexual Harassment to the Title IX Coordinator. This training will include practical information about how to identify and report Sexual Harassment.

## **Recordkeeping**

As part of its response to alleged violations of this policy, the District shall create, and maintain for a period of seven (7) calendar years, records of any actions, including any supportive measures, taken in response to a report or Formal Complaint of Sexual Harassment. In each instance, the District shall document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the District's education program or activity. If the District does not provide a Complainant with supportive measures, then the District will document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the District in the future from providing additional explanations or detailing additional measures taken.

The District shall maintain for a period of seven (7) calendar years the following records:

- A. each Sexual Harassment investigation including any determination regarding responsibility, any disciplinary sanctions recommended and/or imposed on the Respondent(s), and any remedies provided to the Complainant(s) designed to restore or preserve equal access to the District's education program or activity
- B. any appeal and the result therefrom
- C. any informal resolution and the result therefrom, and
- D. all materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process.

The District will make its training materials publicly available on its website. If a person is unable to access the District's website, the Title IX Coordinator will make the training materials available upon request for inspection by members of the public.

## **Outside Appointments, Dual Appointments, and Delegations**

The Board retains discretion to appoint suitably qualified persons who are not Board employees to fulfill any function of the Board under this policy, including, but not limited to, Title IX Coordinator, investigator, decision-maker, decision-maker for appeals, facilitator of informal resolution processes, and advisor.

The Board also retains discretion to appoint two (2) or more persons to jointly fulfill the role of Title IX Coordinator, investigator, decision-maker, decision-maker for appeals, facilitator of informal resolution processes, and advisor.

The Superintendent may delegate functions assigned to a specific Board employee under this policy, including but not limited to the functions assigned to the Title IX Coordinator, investigator, decision-maker, decision-maker for appeals, facilitator of informal resolution processes, and advisor, to any suitably qualified individual and such delegation may be rescinded by the Superintendent at any time.

## **Discretion in Application**

The Board retains discretion to interpret and apply this policy in a manner that is not clearly unreasonable, even if the Board's interpretation or application differs from the interpretation of any specific Complainant and/or Respondent.

Despite the Board's reasonable efforts to anticipate all eventualities in drafting this policy, it is possible unanticipated or extraordinary circumstances may not be specifically or reasonably addressed by the express policy language, in which case the Board retains discretion to respond to the unanticipated or extraordinary circumstance in a way that is not clearly unreasonable.

The provisions of this policy are not contractual in nature, whether in their own right, or as part of any other express or implied contract. Accordingly, the Board retains discretion to revise this policy at any time, and for

any reason. The Board may apply policy revisions to an active case provided that doing so is not clearly unreasonable.

#### 5136 - **PERSONAL COMMUNICATION DEVICES**

While students may possess personal communication devices (PCDs) in school, on school property, during after school activities (e.g., extra-curricular activities) and at school-related functions, they must be powered completely off (i.e., not just placed into vibrate or silent mode) and stored out of sight during school hours.

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.)), 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, and/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.

## **5512 - USE OF TOBACCO BY STUDENTS**

The Board of Education recognizes that the use of tobacco presents a health hazard which can have serious consequences both for the user and the nonuser and is, therefore, of concern to the Board.

In order to protect students and employees who choose not to use tobacco from an environment noxious to them and potentially damaging to their health, the Board prohibits the use of tobacco on District premises, in District vehicles, and in all school buildings owned and/or operated by the District.

The Board prohibits the use or possession of tobacco products by students in District buildings, on District property (owned or leased), on District buses, and at any District-related event.

For purposes of this policy:

- A. "tobacco product" means a preparation of tobacco to be inhaled, chewed, or placed in a person's mouth;
- B. "use of a tobacco product" means any of the following:
  - 1. the carrying by a person of a lighted cigar, cigarette, pipe, or other lighted smoking device;
  - 2. the inhaling or chewing of a tobacco product;

3. the placing of a tobacco product within a person's mouth;
4. the smoking of electronic, "vapor," or other substitute forms of cigarettes, clove cigarettes or other lighted smoking devices for burning tobacco or any other substance.

The term "tobacco" includes any product that contains tobacco, is derived from tobacco, contains nicotine, or e-cigarettes and other electronic smoking devices (including but not limited to "JUUL's"), but does not include any cessation product approved by the United States Food and Drug Administration for use as a medical treatment to reduce or eliminate nicotine or tobacco dependence.

In order to protect students and staff who choose not to use tobacco from an environment noxious to them, the Board prohibits the possession, consumption, purchase or attempt to purchase and/or use of tobacco or tobacco substitute products by students at all times (twenty-four (24) hours a day, seven (7) days a week) on Board premises, in Board-owned vehicles, within any indoor facility owned or leased or contracted for by the Board, and/or used to provide education or library services to children, and at all Board-sponsored events.

This prohibition extends to any Board-owned and/or operated vehicles used to transport students and to all other Board-owned and/or operated vehicles. Such prohibition also applies to school grounds, athletic facilities, any school-related event, and on or off Board premises.

### **Advertising/Promotion**

In accordance with Policy 9700.01, tobacco advertising is prohibited on school grounds, in all school-sponsored publications, and at all school-sponsored events.

Tobacco promotional items that promote the use of tobacco products, including clothing, bags, lighters, and other personal articles are not permitted on school grounds, in school vehicles, or at school-sponsored events.

Tobacco-use prevention education shall be coordinated with the other components of the school health program. Staff responsible for teaching tobacco-use prevention education shall have adequate pre-service training and participate in ongoing professional development activities to effectively deliver education programming. Preparation and professional development activities shall provide basic knowledge about the effects of tobacco use and effects of peer pressure on tobacco use combined with effective instructional techniques and strategies and program-specific activities.

Students who violate this policy shall be subject to disciplinary action in accordance with the Student Code of Conduct/Student Discipline Code and in accordance with policies of the Board. Students subject to such action may also be referred for smoking cessation treatment, support, and education services.

## **5513 - CARE OF DISTRICT PROPERTY**

Basic to the philosophy of the Board of Education is a respect for the rights of others. Students are urged to exercise this respect in regard to the belongings of others, including District property. Each student should realize that vandalism to District property is costly to repair and is directly related to increased school taxes.

Attempts should be made to teach students respect for property which can be done in connection with the care of textbooks and the use of District materials and equipment.

In accordance with law, students who cause damage to District property shall be subject to disciplinary measures, and their parents shall be financially liable for such damage to the extent of the law except that students over eighteen (18) years of age shall also be liable for damage they cause.

The Board authorizes the imposition of fines for the loss, damage, or destruction of District equipment, apparatus, musical instruments, library materials, textbooks, and for damage to District buildings.

The Superintendent may report to the appropriate authorities any student whose damage of District property has been serious or chronic in nature.

In no case shall such referral to juvenile authorities be made without prior notification to the student's parent.

The Superintendent shall develop administrative guidelines to implement this policy.

## **5516 - STUDENT HAZING**

The Board of Education believes that hazing activities of any type are inconsistent with the educational process and prohibits all such activities at any time in school facilities, on school property, and at any District-sponsored event.

Hazing shall be defined for purposes of this policy as performing any act or coercing another, including the victim, to perform any act of initiation into any class, group, or organization that causes or creates a risk of causing mental, emotional, or physical harm. Permission, consent, or assumption of risk by an individual subjected to hazing shall not lessen the prohibitions contained in this policy.

Hazing involves conduct such as but not limited to:

- A. illegal activity, such as drinking or drugs;
- B. physical punishment or infliction of pain;
- C. intentional humiliation or embarrassment;
- D. dangerous activity;
- E. activity likely to cause mental or psychological stress;
- F. forced detention or kidnapping;
- G. undressing or otherwise exposing initiates.

Administrators, faculty members, and other employees of the District shall be alert particularly to possible situations, circumstances, or events which might include hazing. If hazing or planned hazing is discovered, the students involved shall be informed by the discoverer of the prohibitions contained in this policy and shall be ordered to end all hazing activities or planned activities immediately. All hazing incidents shall be reported immediately to the Superintendent. Students, administrators, faculty members, and other employees who fail to abide by this policy may be subject to disciplinary action and may be held personally liable for civil or criminal penalties.

The Superintendent shall distribute this policy to all students and District employees, and shall incorporate it into building, staff, and student handbooks. It shall also be the subject of discussion at employee staff meetings or in-service programs.

## **5517 - ANTI-HARASSMENT**

### **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 gender 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.

### **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**

Words used in this policy shall have those meanings defined herein; words not defined herein shall be construed according to their plain and ordinary meanings.

**Complainant** is the individual who alleges, or is alleged, to have been subjected to unlawful harassment, regardless of whether the person files a formal complaint or is pursuing an informal resolution to the alleged harassment.

**Respondent** is the individual who has been alleged to have engaged in unlawful harassment, regardless of whether the Reporting Party files a formal complaint or is seeking an informal resolution to the alleged harassment.

**School District community** means students and Board employees (i.e., administrators, and professional and classified staff), as well as Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

**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 District property).

**Day(s):** Unless expressly stated otherwise, the term "day" or "days" as used in this policy means a business day(s) (i.e., a day(s) that the Board office is open for normal operating hours, Monday – Friday, excluding State-recognized holidays).

### **Bullying**

Bullying rises to the level of unlawful harassment when one (1) 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**

For purposes of this policy and consistent with Title VII of the Civil Rights Act of 1964, "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 individuals.
- 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 any gender against a person of the same or another gender.

Sexual Harassment covered by Policy 2266 - Nondiscrimination on the Basis of Sex Education Programs or Activities is not included in this policy. Allegations of such conduct shall be addressed solely by Policy 2266.

Prohibited acts that constitute sexual harassment under this policy 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, activities, or events, or other conditions of employment or education may be adversely affected by not submitting to sexual advances.
- D. Unwelcome verbal expressions, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, profanity, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls.
- E. Sexually suggestive objects, pictures, graffiti, videos, posters, audio recordings or literature, placed in the work or educational environment, that may reasonably embarrass or offend individuals.
- F. Unwelcome and inappropriate touching, patting, or pinching; obscene gestures.
- G. Asking about, or telling about, sexual fantasies, sexual preferences, or sexual activities.
- H. Speculations about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history.
- I. Giving unwelcome personal gifts such as lingerie that suggests the desire for a romantic relationship.
- J. Leering or staring at someone in a sexual way, such as staring at a person's breasts, buttocks, or groin.
- K. 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.
- L. 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.
- M. 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.

### **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 disability, 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.

## **Anti-Harassment Compliance Officers**

The following individual(s) shall serve as the District's Anti-Harassment Compliance Officer(s) (hereinafter, "the Compliance Officer(s)"):

Jack Ledford  
231-885-1200  
581 S. Clark St. P.O. 275  
Mesick, Michigan 49668

Elizabeth Kastl  
210 Mesick Ave.  
Mesick, Michigan 49668

The names, titles, and contact information of these individuals will be published annually on the School District's website and in the parent and staff handbooks.

The Compliance Officer(s) 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 harassment.

The Compliance Officer(s) 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 individual 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 reports of unlawful harassment directly from any member of the School District community or a Third Party or receive reports that are initially filed with an administrator, supervisor, or other District-level officials. Upon receipt of a report of alleged harassment, the Compliance Officer(s) will contact the Complainant and begin either an informal or formal complaint process (depending on the request of the Complainant or the nature of the alleged harassment), or the Compliance Officer(s) will designate a specific individual to conduct such a process. The Compliance Officer(s) will provide a copy of this policy to the Complainant and Respondent. In the case of a formal complaint, the Compliance Officer(s) will prepare

recommendations for the Superintendent or will oversee the preparation of such recommendations by a designee. All Board employees must report incidents of harassment that are reported to them to the Compliance Officer within two (2) days of learning of the incident.

Any Board employee who directly observes unlawful harassment is obligated, in accordance with this policy, to report such observations to the Compliance Officer(s) within two (2) 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(s) or designee must contact the Complainant, if age eighteen (18) or older, or Complainant's parents/guardians if the Complainant is under the age eighteen (18), within two (2) days to advise of the Board's intent to investigate the alleged wrongdoing.

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

Students and other members of the School District community along with 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 report shall file it with the Compliance Officer within two (2) days of receiving the report of harassment.

Members of the School District community and Third Parties, 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 Complainant'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 the Compliance Officers who shall investigate the allegation in accordance with this policy. If the alleged harassment involves Sexual Harassment as defined by Policy 2266, the matter will be handled in accordance with the grievance process and procedures outlined in Policy 2266. While the Compliance Officer investigates the allegation, or the matter is being addressed pursuant to Policy 2266, the Principal shall suspend the Policy 5517.01 investigation to await the Compliance Officer's written report or the determination of responsibility pursuant to Policy 2266. The Compliance Officer shall keep the Principal informed of the status of Policy 5517 investigation and provide the Principal with a copy of the resulting written report. Likewise, the Title IX Coordinator will provide the Principal with the determination of responsibility that results from the Policy 2266 grievance process.

### **Investigation and Complaint Procedure**

Except for Sexual Harassment that is covered by Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities, any student who believes that they have been subjected to unlawful harassment may seek resolution of the complaint through the procedures described below. The formal complaint process involves an investigation of the Complainant's claims of harassment or retaliation and a process for rendering a decision regarding whether the charges are substantiated.

Due to the sensitivity surrounding complaints of unlawful harassment or retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) 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 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 promptly stop inappropriate behavior and to facilitate resolution through 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. The informal process is only available in those circumstances where the Complainant and the Respondent mutually agree to participate in it.

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.

The Complainant 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 complainants involving a District employee, any other adult member of the School District community, or a Third Party and a student will be formally investigated.

As an initial course of action, if a Complainant feels comfortable and safe in doing so, the individual should tell or otherwise inform the Respondent that the allegedly harassing conduct is unwelcome and must stop. The Complainant 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 Complainant if requested to do so. A Complainant who is uncomfortable or unwilling to directly approach the Respondent about the alleged inappropriate conduct may file 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 Complainant may make an informal complaint, either orally or in writing: 1) to a teacher, other employees, 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, or appoint another individual to facilitate an informal resolution.

The Board'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 Complainant, informal resolution may involve, but not be limited to, one or more of the following:

- A. Advising the Complainant about how to communicate the unwelcome nature of the behavior to the Respondent.
- B. Distributing a copy of this anti-harassment policy as a reminder to the individuals in the school building or office where the Respondent works or attends.
- C. If both parties agree, the Compliance Officer may arrange and facilitate a meeting or mediation between the Complainant and the Respondent to work out a mutual resolution.

While there are no set time limits within which an informal complaint must be resolved, the Compliance Officer/designee is directed to attempt to resolve all informal complaints within fifteen (15) business days of receiving the informal complaint. If the Complainant is dissatisfied with the informal complaint process, the Complainant may proceed to file a formal complaint and, as stated above, either party 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 the Complainant, from the outset, elects to file a formal complaint, or the CO determines the allegations are not appropriate for resolution through the informal process, the formal complaint process shall be implemented.

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 official 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 formal complaint within thirty (30) 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 official 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/designee within two (2) business days.

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

All formal complaints must include the following information to the extent known: the identity of the Respondent; a detailed description of the facts upon which the complaint is based (i.e., when, where, and what occurred); 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 Respondent. In making such a determination, the Compliance Officer should consult the Complainant to assess whether the individual agrees with the proposed action. If the Complainant is unwilling to consent to the proposed change, the Compliance Officer may still take whatever actions deemed appropriate in consultation with the Superintendent.

Within two (2) business days of receiving the complaint, the Compliance Officer/designee will initiate a formal investigation to determine whether the Complainant has been subjected to offensive conduct/harassment/retaliation. The Principal will not conduct an investigation unless directed to do so by the Compliance Officer.

Simultaneously, the Compliance Officer will inform the Respondent that a formal 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 the Board's Anti-Harassment policy. The Respondent must also be informed of the opportunity to submit a written response to the formal complaint within five (5) days.

Although certain cases may require additional time, the Compliance Officer/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/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 Respondent engaged in unlawful harassment/retaliation of the Complainant. The Compliance Officer's recommendations must be based upon the totality of the circumstances. 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.

Absent extenuating circumstances, within ten (10) days of receiving the report of the Compliance Officer/designee, the Superintendent must either issue a written 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 written decision as described above.

A Complainant or Respondent who is dissatisfied with the final decision of the Superintendent may appeal through a signed written statement to the Board within five (5) business days of the party's receipt of the Superintendent's decision.

In an attempt to resolve the complaint, the Board shall meet with the concerned parties and their representatives within twenty (20) business days of the receipt of such an appeal. A copy of the Board's disposition of the appeal shall be sent to each party within ten (10) business days of this meeting. The decision of the Board will 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.

The parties may be represented, at their 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, the filing of charges with local law enforcement, or the filing of a civil action in court. Use of this internal complaint process is not a prerequisite to the pursuit of other remedies.

### **Privacy/Confidentiality**

The District will employ all reasonable efforts to protect the rights of the complainant, the Respondent, 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. Additionally, the Respondent must be provided the Complainant's identity.

During the course of a formal investigation, the Compliance Officer/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 is learned or provided during the course of the investigation.

### **Sanctions and Monitoring**

The Board shall vigorously enforce its prohibitions against unlawful harassment/retaliation 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 recurrence, and remedy its effects.

### **Retaliation**

Retaliation against a person who makes a report or files a complaint alleging unlawful harassment/retaliation or participates as a witness in an investigation is prohibited. Neither the Board nor any other person may intimidate, threaten, coerce 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 report, formal complaint testified, assisted or participated or refused to participate in any manner in an investigation, proceeding, or hearing under those laws and/or this policy, 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 and/or this policy.

Retaliation against a person from making a report of discrimination, filing a formal complaint, or participating in an investigation or meeting is a serious violation of this policy that can result in the imposition of disciplinary sanction/consequences and/or other appropriate remedies.

Formal complaints alleging retaliation may be filed according to the internal complaint process set forth above.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under this policy.

### **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 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**

The Compliance Officer(s) is responsible for overseeing retention of all records that must be maintained pursuant to this policy. 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 or individuals contracted or appointed by the Board to fulfill its responsibilities 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 supportive measures offered and/or provided to the Complainant and/or the Respondent, 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 Code of Conduct and/or Employee Handbooks);
- 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., 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.

#### **5517.01 - BULLYING AND OTHER AGGRESSIVE BEHAVIOR TOWARD STUDENTS**

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 and should be completed within three (3) school days 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 shall establish 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 shall provide, and all administrators, school employees, contracted employees and volunteers who have significant contact with students shall undertake annual training on preventing, identifying, responding to, and reporting incidents of 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 handheld 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 a 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

## 5520 - **DISORDERLY CONDUCT**

It is the purpose of the Board of Education, acting within the intent and letter of the laws of this State, to provide instruction for students at public expense. Any act of any person(s) to interfere with or to thwart that purpose is unlawful or is in violation of Board policy. Therefore, actions by a student(s) to interfere materially or substantially with the operations of the School District by defacing or destroying school property, by rioting, breaking-in, sitting-in, lying-in, smashing-in, or picketing to force students not to cross picket lines are illegal. Students who engage in such activities may be punished to the full extent of the law and Board policies and District administrative guidelines promulgated thereunder.

For the purposes of this policy, the term "disorderly conduct" shall mean any unlawful student assemblage; or group act of violence, disruption, vandalism, or building seizure; or interference with the functioning of school personnel or any student or group of students.

## 5772 - **WEAPONS**

The Board of Education prohibits students from possessing, storing, making, or using a weapon in any setting that is under the control and supervision of the District for the purpose of school activities approved and authorized by the District including, but not limited to, property leased, owned, or contracted for by the District, a school-sponsored event, or in a District vehicle without the permission of the Superintendent.

The term "weapon" means any object which, in the manner in which it is used, is intended to be used, or is represented, is capable of inflicting serious bodily harm or property damage, as well as endangering the health and safety of persons. Weapons include, but are not limited to, firearms, guns of any type whatsoever, including air and gas-powered guns (whether loaded or unloaded), knives, razors, clubs, electric weapons, metallic knuckles, martial arts weapons, ammunition, and explosives.

This policy shall also encompass such actions as look-alike items, false fire alarms, bomb threats, or intentional calls to falsely report a dangerous condition.

The Superintendent is authorized to establish instructional programs on weapons which require students to immediately report knowledge of weapons and threats of violence by students and staff to the building principal. Failure to report such knowledge may subject the student to discipline up to and including suspension or expulsion from school.

The Superintendent will refer any student who violates this policy to the student's parents or guardians and to the criminal justice or juvenile delinquency system. The student may also be subject to disciplinary action, up to and including expulsion.

Policy exceptions include:

- A. weapons under the control of law enforcement personnel;

- B. items pre-approved by the building principal as part of a class or individual presentation under adult supervision, if used for the purpose and in the manner approved; (Working firearms and any ammunition will never be approved as part of a presentation.)
- C. theatrical props used in appropriate settings.

This policy will be published annually in all District student and staff handbooks. Publication is not a precondition to enforcement of this policy.

### **Emergency Drills**

Drills will be held periodically at random times of day throughout the school year. A drill is a serious activity that impacts the safety of the entire student body. Students are to follow the prescribed route/plan immediately and in a safe manner. Teachers will supervise all drills and remain with their class and be able to account for all students under their supervision. When the office issues the "all clear" signal students and teachers should return directly to their classroom.

### **Fundraising**

All student groups and organizations wishing to raise money must first submit a completed "Fund-Raising" Request Form and receive the permission of the building principal before conducting any planning or preliminary activities. Rules governing the raising of funds are outlined in the Mesick Consolidated School Board Policy.

### **Harassment**

Mesick Consolidated Schools maintains a firm policy prohibiting all forms of discrimination. All persons are to be treated with respect and dignity.

Harassment of a student(s) by other students or any member of the staff is contrary to the Board of Education's commitment to provide a physically and psychologically safe environment in which to learn. Harassment of any type will not be tolerated and any actions that foster an environment of hostility or racial intimidation will not be allowed.

In addition to sexual harassment, which includes unwelcome sexual advances or any form of improper physical contact or sexual remark, harassment shall also include any speech or action that creates a hostile, intimidating, or offensive learning environment. Mesick Schools will not tolerate defamatory or derogatory language intended to provoke and incite a violent reaction.

Students or staff should report any such incidence of harassing behavior to the principal who will investigate the allegations. Students found to be in violation of this code will be subject to disciplinary action up to and including suspension or expulsion. Victims and perpetrators of suspected or reported incidents of harassment will be referred to the School Social Worker/Counselor for assessment of need for services.

### **Intervention**

The district accepts the concept that chemical dependency and other behavioral related problems are treatable. While sometimes necessary, we realize that excluding those students impacted by these issues does not solve the problems. School services and programs include prevention education, support groups, assessment, intervention and referral, to enable people to have options for changing behavior.

### **Responsibility to report injuries and unsafe conditions**

All staff members are familiar with emergency procedures such as fire and tornado drills and accident reporting procedures. Should a student be aware of any dangerous situation or accident he/she must notify any staff member immediately. All injuries must be reported to the office. If minor, the student will be treated and allowed to return to class. If it is determined that medical attention is required, the office staff will follow the school's emergency procedures.

### **Equal Educational Opportunity**

Every child regardless of race, creed, color, sex, national origin, cultural or economic background, or handicap, is entitled to equal opportunity for educational development. No student will be excluded from participating in, denied the benefits of, or subjected to discrimination under any educational program or activity conducted by the district. The board shall treat its students without discrimination as this pertains to course offerings, athletics, counseling, employment assistance and extracurricular activities.

Mesick JR/SR High School would like to communicate to parents and students the existence of special education programs available in your school district. For rules, regulations and procedures for suspected learning disabilities and behavior assessments please contact the JR/SR High school principal or counselor.

### **Americans with Disabilities**

Americans with Disabilities Act (A.D.A.) requires the school to ensure that no individual will be discriminated against on the basis of a disability.

This protection applies not just to the student, but to all individuals. Students with disabilities may be served within the general education program with an accommodation plan developed by school staff. Parents, who believe their child may have a disability that substantially limits the child's ability to function properly in school, should contact the respective building principal.

Mesick Consolidated Schools does not discriminate on the basis of race, color, national origin, sex, (including sexual orientation or transgender identity), disability, age, religion, height, weight, marital or family status, military status, ancestry, genetic information, or any other legally protected category, (collectively, "Protected Classes"), in its programs and activities, including employment opportunities. If you have a complaint please see one of our District Compliance Officers:

Jack Ledford Superintendent  
(231)885-1200

LeeAnn Stephan JR/SR High Principal  
581 S. Clark St. P.O. 275 Mesick, Michigan 49668

### **Adolescent Wellness Center**

The Mesick Adolescent Wellness Center, located inside the Sr./Jr. High building, is a cooperative health program between District Health Department #10 and Mesick Consolidated Schools and embraces the notion that "healthy kids learn better". Mesick Consolidated Schools provides the clinic space and utilities as "in-kind" to the project. DHD#10 provides a Registered Nurse, a Mental Health Counselor, and administration of the clinic operations. The program is jointly funded by the Michigan Department of Health and Human Services and the Michigan Department of Education. The Wellness Center provides direct patient care and education to students in grades 6-12 and staff training/consultation district wide.

The Wellness Center is open two days per week and began operation in October 2011. Services provided through the Mesick Adolescent Wellness Center include:

- Professional Mental Health Therapy\*
- General Medical Nursing Services including First Aid
- Immunizations\*
- Risk Assessment
- Reproductive Health Risk Counseling (no abortion counseling is done, contraception is not prescribed or distributed). Nutrition Education
- Laboratory Services: Rapid strep throat testing, rapid influenza testing, blood glucose testing, pregnancy testing and basic sexually transmitted disease testing.
- Medicaid Health Insurance enrollment assistance and coordination.
- Classroom education on various topics including nutrition and physical activity, safe dating, and mental health.

\*The Wellness Center does bill insurance for Mental Health counseling and immunizations only. The amount that insurance pays is accepted as payment in full. There are no out-of-pocket costs for the families. If a child



doesn't have insurance, the Wellness Center staff will serve the client, and offer assistance in helping apply for Medicaid. No student is denied services based upon insurance status.

### **CTC Student Rules and Procedures**

Student enrollment in CTC programs is a privilege and can be revoked if rules and procedures at Mesick Schools are not followed. In addition to these rules and procedures, Mesick Students are expected to know and follow all CTC rules and procedures.

### **Transportation to and from CTC**

Students are expected to use school provided transportation to get to and from CTC. Students are not allowed to drive to CTC. Exceptions can be made on days when students have official business before or after CTC such as CTC field trips, doctor appointments, SKILLS USA, etc. These exceptions will only be given with written permission from a parent/guardian, documentation *from* CTC (in the event of field trips, SKILLS practice, etc.) and approval of the JR/SR High principal at least 24 hours in advance. Exceptions will not be granted frequently for the same student. Students are never allowed to transport other students in their vehicle during the school day.

### **CTC Bus Times**

Students are expected to be on the bus, seated, and ready to go at the following times:

#### **AM CTC**

8:00 Departure - The bus will load at the entrance near the library

#### **PM CTC**

11:35 Departure - The bus will load at the entrance near the commons

Students who miss the CTC bus must report to the office immediately and will be required to call a parent to take them home or, if *no* ride is available, stay at school and complete a service project during the hours they would have been at CTC.

### **CTC Field Trips**

Students are required to complete a CTC field trip permission form and have it signed by the office at least 24 hours before the scheduled field trip. Students are expected to use school provided transportation except when the field trip is outside the normal school day. If it is determined that a student needs to drive to CTC for a field trip, written permission from a parent/guardian must be submitted with the CTC field trip form at least 24 hours before the trip. If a student has an E in any of their regular classes, the principal may deny permission to attend the field trip.

### **Attendance**

Students are required to attend their regular classes at Mesick in order to attend classes at CTC. A student who skips their regular classes, but still attends CTC will be required to stay back from CTC the following day to make up missed work. This will create an absence at CTC.

### **Activities/Events**

Occasionally, a CTC student needs to miss CTC due to a school event or activity (Sports, Homecoming, Snowball, Band, Play, etc.). It is the student's responsibility to notify their CTC instructor that they will be absent. Students who are in sports can obtain their sports schedule from the office to give to their CTC instructor.