

**Fowlerville Community Schools
Board of Education
Regular Meeting
Agenda**

Fowlerville High School, media center 7:00 p.m.

April 18, 2023

District Mission Statement-Fowlerville Community Schools are committed to providing a quality educational experience for all students in a safe, orderly, healthy, and nurturing environment.

The district's guiding principles are educational excellence, effective leadership, personal integrity, mutual respect and continuous improvement through staff, student, and community involvement.

- I. Call to Order
- II. Pledge of Allegiance
- III. Consent Agenda
 - A. Roll Call
 - B. Approval of Minutes from April 11, 2023
 - C. Approval of March Payables
- IV. Call to the Public
- V. Election of Officers
- VI. Reports/Recognition
 - A. Recognition of Retiree --A Short Recess May Take Place--
 - B. Student Representative's Report
 - C. Board Committee Reports
 - D. Board Comments
 - E. Assistant Superintendent's Report
 - F. Interim Superintendent's Report
- VII. New Business/Presentation
 - A. Discussion and Selection of a Candidate to Fill Vacant School Board Seat – Open Session
 - B. Recommendation to Approve General Fund, Food & Nutrition, Community Services and Student Activity Budget Amendments
 - C. Recommendation to Adopt Fund Balance Resolution
 - D. Presentation – Fowlerville Safety and Security Program
 - E. Recommendation to Approve the Safety Director Job Description
 - F. Recommendation to Approve the Purchase of New Communication Equipment
 - G. Recommendation to Approve Second Reading of Proposed Policies
- VIII. Information
 - A. Next Board Meeting, May 2, 2023, 7:00 p.m. in the FHS media center
- IX. Adjournment

CALL TO THE PUBLIC GUIDELINES:

- Any audience member may address the Board about topics on the agenda or not on the agenda.
- Each person shall be allowed to speak for a maximum of 3 minutes.
- Individuals addressing the Board should take into consideration the rules of common courtesy.
- Comments cannot be used to make personal attacks against Board members, District employees, or students.
- Call to the Public is not a question and answer period.
- Board members may ask questions of the speaker, but are not obligated to answer questions or make statements or commitments in response to issues raised by the public.
- The Board President may refer questions/issues to the Superintendent for investigation, study, or recommendation. He may ask the Superintendent to address questions directly during the Superintendent's report.

V. Election of Officers – Interim Superintendent, Mr. Dave Pruneau, will oversee the election of the President.

- A. Election of President – The current Interim Superintendent declares that nominations for the office of President are in order. Nominations are accepted until a motion is made that the nominations be closed.

_____ nominated _____ for the office of President of the Fowlerville Board of Education for 2023.

Motion by _____, supported by _____ recommending that nominations for President of the Fowlerville Board of Education for 2023 be closed and a unanimous ballot be cast for _____.

A Roll Call Vote is Needed.

IF NEEDED:

- B. Election of Vice-President – The newly elected President then indicates that nominations for the office of Vice-President are in order. Nominations are accepted until a motion is made that the nominations be closed.

_____ nominated _____ for the office of Vice-President of the Fowlerville Board of Education for 2023.

Motion by _____, supported by _____ recommending that nominations for Vice-President of the Fowlerville Board of Education for 2023 be closed and a unanimous ballot be cast for _____.

A Roll Call Vote is Needed.

IF NEEDED:

- C. Election of Secretary – The President indicates that nominations for the office of Secretary are in order. Nominations are accepted until a motion is made that the nominations be closed.

_____ nominated _____ for the office of Secretary of the Fowlerville Board of Education for 2023.

Motion by _____, supported by _____ recommending that nominations for Secretary of the Fowlerville Board of Education for 2023 be closed and a unanimous ballot be cast for _____.

A Roll Call Vote is Needed.

IF NEEDED:

- D. Election of Treasurer – The President indicates that nominations for the office of Treasurer are in order. Nominations are accepted until a motion is made that the nominations be closed.

_____ nominated _____ for the office of Treasurer of the Fowlerville Board of Education for 2023.

Motion by _____, supported by _____ recommending that nominations for Treasurer of the Fowlerville Board of Education for 2023 be closed and a unanimous ballot be cast for _____.

A Roll Call Vote is Needed.

VI. Reports/Recognition

A. Recognition of Retiree

--A short recess may take place.--

B. Student Representative Report – Miss Kalia Dorgelo will report on student activities.

C. Board Committee Reports

3/22 Personnel Committee Meeting – Mrs. Charron

3/23 Personnel Committee Meeting – Mrs. Charron

4/5 Scholarship Committee Meeting – Mrs. Dombrowski

4/12 Recreation Meeting – Mrs. Dombrowski

D. Board Comments – This portion of the agenda is reserved for Board members to comment on District activities.

E. Assistant Superintendent's Report – Mr. Tim Dowker will update the School Board on his area of responsibility.

F. Interim Superintendent's Report – Mr. Dave Pruneau will update the Board on his areas of responsibility.

VII. New Business/Presentation

A. Discussion and Selection of a Candidate to Fill Vacant School Board Seat – Open Session

Recommendation: The Fowlerville Board of Education appointed _____ to fill the vacant school board seat on the Fowlerville Board of Education. Roll Call Vote Needed.

B. Recommendation to Approve Amended 2022-2023 General Fund, Food Service and Community Services Budgets

Recommendation: Administration, with unanimous support from the Finance Committee, recommends approval of the amended 2022-2023 General Fund, Food Service and Community Services budgets as presented. Roll Call Vote Needed. [Appendix A]

C. Recommendation to Adopt Fund Balance Resolution

Recommendation: Administration recommends the adoption of the Fund Balance Resolution as presented. [Appendix B] Roll Call Vote Needed.

D. Presentation – Fowlerville Safety and Security Program, Mr. Jeff Soli

E. Recommendation to Approve Job Description for Safety Director

Recommendation: Administration recommends approval of attached job description for District Safety Director. [Appendix C]

F. Recommendation to Approve the Purchase of New Communication Equipment (Phones)

Recommendation: Administration recommends the purchase of new communication equipment (phones) by Cymbal Communication Corporation in the amount of \$47,366.95 as presented. [Appendix D]

- G. Recommendation to Approve Second and Final Reading of Proposed Policies 3362-Anti-Harassment, 4122-NonDiscrimination and Equal Employment Opportunity, 4123-Section 504/ADA Prohibition Against Disability Discrimination in Employment, 4362-Anti-Harassment, 5517-Anti-Harassment and 5517.02-Sexual Violence – This is the second and final reading on these proposed administrative guideline revisions.

Recommendation: Administration, in agreement with the Board Policy Committee, recommends the following policies be approved for a Second and Final Reading: 3362-Anti-Harassment, 4122-NonDiscrimination and Equal Employment Opportunity, 4123-Section 504/ADA Prohibition Against Disability Discrimination in Employment, 4362-Anti-Harassment, 5517-Anti-Harassment and 5517.02-Sexual Violence. [Appendix E] Roll Call Vote Needed.

VIII. Information – See Agenda

IX. Adjournment

FOWLERVILLE COMMUNITY SCHOOLS
Board of Education Minutes
Special Meeting
April 11, 2023

The meeting was called to order by Acting School Board President, Mrs. Amy Sova, at 7:00 p.m., in the High School media center.

The Pledge of Allegiance was recited.

Members Present: Mr. John Belcher, Mrs. Susan Charron, Mrs. Danielle DeVries, Mrs. Diana Dombrowski, Mr. Robert Hinton and Mrs. Amy Sova
Members Absent: None

Motion by Belcher, supported by Dombrowski, to approve the consent agenda including Board minutes from April 4, 2023. The motion was adopted unanimously.

During Call to the Public a community member addressed the Board with their concerns.

Board Vacancy Interviews [Open Session] took place for Justin Braska, Melinda Buurma, Andrew Crowell, Cheryl Lynn Daniel, Kimberly Delatorre, Mary Gallagher, Sandra Helzerman, Jeffrey Lampman, Mike Miller, Jason Reed and Erin Voyles.

Motion by Charron, supported by DeVries, recommending adjournment of the meeting at 8:40 p.m. The motion passed unanimously.

Susan Charron, Board Secretary
Fowlerville Community Schools

**FOWLERVILLE COMMUNITY SCHOOLS
CHECK REGISTER FOR THE MONTH OF MARCH 2023**

NOTE: Check numbers beginning with the letter "A" are ACH payments.
Check numbers beginning with the number "9" are EFT payments.

CHECK NUMBER	CHECK DATE	AMOUNT	VENDOR NAME
044208	3/2/2023	138.46	CHAPTER 13 TRUSTEE OF FLINT
044209	3/2/2023	516.56	MICHIGAN STATE DISBURSEMENT UNIT
044210	3/2/2023	580.69	ROOSEN, VARCHETTI & OLIVER, PLLC
044211	3/2/2023	1,400.00	42 NORTH OUTDOOR SERVICES, LLC
044212	3/2/2023	1,328.60	AT&T
044213	3/2/2023	845.00	CONTROLNET, LLC
044214	3/2/2023	1,476.63	CORRIGAN PROPANE
044215	3/2/2023	5,000.00	MICHIGAN DYSLEXIA INSTITUTE
044216	3/2/2023	29.45	QUADIENT, INC.
044217	3/2/2023	950.91	PRAIRIE FARMS DAIRY
044218	3/2/2023	971.09	RANDY'S SERVICE STATION
044219	3/2/2023	682.02	BSN SPORTS LLC
044220	3/2/2023	400.00	SAGINAW VALLEY STATE UNIVERSITY
044221	3/2/2023	2,720.00	TRACE3, LLC
044222	3/2/2023	1,497.79	VANDENBERG BULB CO., INC
044223	3/8/2023	227.36	ARAMARK UNIFORM SERVICES AUS CENTRAL LOCKBOX
044224	3/8/2023	1,089.73	CERTIFIED LABORATORIES
044225	3/8/2023	359.51	CLEAR RATE COMMUNICATIONS, INC
044226	3/8/2023	1,591.69	CORRIGAN PROPANE
044227	3/8/2023	1,220.05	FIRST IMPRESSION PRINT & MARKETING
044228	3/8/2023	380.30	GRAMPY'S AUTO PARTS
044229	3/8/2023	34.74	GRAMPY'S AUTO PARTS
044230	3/8/2023	2,401.97	GRANGER WASTE SERVICES, INC.
044231	3/8/2023	210.00	JOHNSON & WOOD, LLC
044232	3/8/2023	110.83	KODET'S TRUE VALUE
044233	3/8/2023	3,057.98	LANSING SANITARY SUPPLY, INC.
044234	3/8/2023	150.00	LAUREN PETRILL
044235	3/8/2023	2,339.18	LIVINGSTON COUNTY ROAD COMMISSION
044236	3/8/2023	1,148.80	LYDEN OIL COMPANY
044237	3/8/2023	200.00	MICHIGAN SCHOOL BUSINESS OFFICIALS SUITE 200
044238	3/8/2023	81.00	OPEN UP RESOURCES
044239	3/8/2023	1,654.03	ROAD EQUIPMENT PARTS CENTER
044240	3/8/2023	1,170.46	RANDY'S SERVICE STATION
044241	3/8/2023	305.63	TRANSPORTATION ACCESSORIES CO, INC.
044242	3/8/2023	107.80	THE PENCIL STORE
044243	3/8/2023	3,222.21	TOWN CENTER INC
044244	3/14/2023	203.88	APPERSON INC
044245	3/14/2023	573.00	BULK BOOKSTORE
044246	3/14/2023	1,658.00	CEI MICHIGAN LLC
044247	3/14/2023	1,398.00	CLASS COMPOSER INC
044248	3/14/2023	73,892.00	CHOCOLA CLEANING MATERIALS CLEAN TEAM USA
044249	3/14/2023	1,538.52	CORRIGAN PROPANE
044250	3/14/2023	2,516.23	CUMMINS SALES AND SERVICE
044251	3/14/2023	400.00	HASLETT YOUTH BASEBALL CLUB
044252	3/14/2023	500.00	HUNTINGTON NATIONAL BANK ATTN: CORPORATE TRUST DEPT
044253	3/14/2023	120.00	IPS
044254	3/14/2023	1,816.00	JOHNSON & WOOD, LLC
044255	3/14/2023	1,902.55	LOWES

**FOWLERVILLE COMMUNITY SCHOOLS
CHECK REGISTER FOR THE MONTH OF MARCH 2023**

NOTE: Check numbers beginning with the letter "A" are ACH payments.
Check numbers beginning with the number "9" are EFT payments.

CHECK NUMBER	CHECK DATE	AMOUNT	VENDOR NAME
044256	3/14/2023	1,900.00	MICHIGAN STATE UNIVERSITY FFA
044257	3/14/2023	675.00	OPEN UP RESOURCES
044258	3/14/2023	1,445.00	OVERHEAD DOOR WEST COMMERCIAL INC
044259	3/14/2023	2,368.86	PARK WAREHOUSE LLC
044260	3/14/2023	1,326.66	PRAIRIE FARMS DAIRY
044261	3/14/2023	2,608.95	RANDY'S SERVICE STATION
044262	3/14/2023	713.75	SPORTS & APPAREL
044263	3/14/2023	6,635.64	BSN SPORTS LLC
044264	3/14/2023	3,952.00	THRUN LAW FIRM, P.C. 2900 WEST ROAD STE 400
044265	3/14/2023	664.15	VERIZON WIRELESS
044266	3/14/2023	302.09	VEX ROBOTICS, INC.
044267	3/14/2023	3,040.00	WHMI
044268	3/16/2023	138.46	CHAPTER 13 TRUSTEE OF FLINT
044269	3/16/2023	516.56	MICHIGAN STATE DISBURSEMENT UNIT
044270	3/16/2023	558.21	ROOSEN, VARCHETTI & OLIVER, PLLC
044271	3/16/2023	880.00	95 PERCENT GROUP, LLC
044272	3/16/2023	3,258.75	ATI HOLDINGS LLC ATI PHYSICAL THERAPY
044273	3/16/2023	74.55	BASIC BENEFITS LLC
044274	3/16/2023	3,500.00	CAPTURING KIDS' HEARTS
044275	3/16/2023	12,002.34	CONSUMERS ENERGY PAYMENT CENTER
044276	3/16/2023	14,386.84	DTE ENERGY
044277	3/16/2023	900.90	FOWLERVILLE FEED & PET SUPPLIES
044278	3/16/2023	6,350.50	LANSING SANITARY SUPPLY, INC.
044279	3/16/2023	250.00	RANDY'S SERVICE STATION
044280	3/16/2023	95.60	SECREST, WARDLE, LYNCH, HAMPTON, TRUEX & MORLEY, PC
044281	3/16/2023	301.88	TRANSPORTATION ACCESSORIES CO, INC.
044282	3/16/2023	266.68	WEST MICHIGAN INTERNATIONAL
044283	3/16/2023	175.00	ATHLETIC REFUND
044284	3/22/2023	132.00	ALG PRECISION, LLC
044285	3/22/2023	405.00	ADVANCED LIGHTING & SOUND
044286	3/22/2023	250.00	DELAU FIRE SERVICES
044287	3/22/2023	16.42	KODET'S TRUE VALUE
044288	3/22/2023	250.00	MASON PUBLIC SCHOOLS
044289	3/22/2023	785.16	QUADIENT, INC.
044290	3/22/2023	2,170.04	PRAIRIE FARMS DAIRY
044291	3/22/2023	1,367.26	PRIORITY HEALTH
044292	3/22/2023	1,151.35	RANDY'S SERVICE STATION
044293	3/22/2023	2,399.00	SIMPLIFASTER
044294	3/22/2023	149.72	SCHOOL SPECIALTY, LLC
044295	3/22/2023	9,969.00	WASHTENAW INTERMEDIATE SCHOOL DISTRICT
044296	3/23/2023	1,703.35	CAPITAL ONE WALMART COMMUNITY CARD
044297	3/29/2023	1,297.60	AT&T
044298	3/29/2023	3,564.00	CONTROLNET, LLC
044299	3/29/2023	456.57	FOLLETT CONTENT SOLUTIONS, LLC
044300	3/29/2023	630.00	ION ELECTRIC SERVICE LLC
044301	3/29/2023	1,751.74	PRAIRIE FARMS DAIRY
044302	3/29/2023	961.47	REDFORD LOCK SECURITY SOLUTIONS
044303	3/29/2023	6,968.21	RIEMER FLOORS, INC.

**FOWLERVILLE COMMUNITY SCHOOLS
CHECK REGISTER FOR THE MONTH OF MARCH 2023**

NOTE: Check numbers beginning with the letter "A" are ACH payments.
Check numbers beginning with the number "9" are EFT payments.

CHECK NUMBER	CHECK DATE	AMOUNT	VENDOR NAME
044304	3/29/2023	151.75	SMART BUSINESS SOURCE
044305	3/29/2023	863.00	TOWN CENTER INC
044306	3/29/2023	179.38	SCHOOL SPECIALTY, LLC
044307	3/29/2023	138.46	CHAPTER 13 TRUSTEE OF FLINT
044308	3/29/2023	516.56	MICHIGAN STATE DISBURSEMENT UNIT
044309	3/29/2023	571.55	ROOSEN, VARCHETTI & OLIVER, PLLC
044310	3/30/2023	1,085.00	MBSC baseball
044311	3/30/2023	150.00	SPORTS & APPAREL
044312	3/30/2023	50.00	RECREATION REFUND
044313	3/30/2023	55.00	RECREATION REFUND
044314	3/30/2023	55.00	RECREATION REFUND
044315	3/30/2023	10.00	RECREATION REFUND
044316	3/30/2023	80.00	RECREATION REFUND
044317	3/30/2023	50.00	RECREATION REFUND
044318	3/30/2023	40.00	RECREATION REFUND
044319	3/30/2023	490.20	RECREATION REFUND
044320	3/30/2023	30.00	RECREATION REFUND
044321	3/30/2023	80.00	RECREATION REFUND
044322	3/30/2023	450.00	RECREATION REFUND
900500	3/1/2023	5,305.05	GORDON FOODS
900501	3/2/2023	5,202.68	GORDON FOODS
900502	3/3/2023	519.51	BASIC PR SWEEPS
900503	3/6/2023	4,414.88	GORDON FOODS
900504	3/7/2023	6,340.21	HEALTH EQUITY INC.
900505	3/8/2023	161.07	GORDON FOODS
900506	3/8/2023	7,775.77	GORDON FOODS
900507	3/10/2023	125.93	GORDON FOODS
900508	3/10/2023	51.10	GORDON FOODS
900509	3/10/2023	517.25	BASIC PR SWEEPS
900510	3/10/2023	42,120.48	EDUSTAFF LLC
900511	3/13/2023	7,305.12	GORDON FOODS
900512	3/15/2023	44.01	GORDON FOODS
900513	3/15/2023	361.75	GORDON FOODS
900514	3/15/2023	8,176.62	GORDON FOODS
900515	3/17/2023	729.14	EDUSTAFF LLC
900516	3/17/2023	561.61	BASIC PR SWEEPS
900517	3/20/2023	6,340.21	HEALTH EQUITY INC.
900518	3/22/2023	8,474.16	GORDON FOODS
900519	3/22/2023	8,966.21	GORDON FOODS
900520	3/22/2023	225.50	GORDON FOODS
900521	3/24/2023	61,312.44	EDUSTAFF LLC
900522	3/24/2023	235.50	BASIC PR SWEEPS
900523	3/27/2023	7,889.94	GORDON FOODS
900524	3/31/2023	6,340.21	HEALTH EQUITY INC.
900525	3/31/2023	2,145.75	BASIC PR SWEEPS
900526	3/31/2023	7,423.14	GORDON FOODS
A00459	3/2/2023	86.20	LIVINGSTON COUNTY UNITED WAY
A00460	3/2/2023	15,882.48	GLP/ING

**FOWLERVILLE COMMUNITY SCHOOLS
CHECK REGISTER FOR THE MONTH OF MARCH 2023**

NOTE: Check numbers beginning with the letter "A" are ACH payments.
Check numbers beginning with the number "9" are EFT payments.

CHECK NUMBER	CHECK DATE	AMOUNT	VENDOR NAME
A00461	3/2/2023	362.82	ENGINEERED PROTECTION SYSTEMS, INC. EPS SECURITY
A00462	3/2/2023	5,889.00	SEG WORKERS' COMPENSATION FUND
A00463	3/3/2023	3,541.68	AMAZON CAPITAL SERVICES, INC.
A00464	3/8/2023	498.00	MAURER'S TEXTILE RENTAL SERVICES, INC
A00465	3/14/2023	264,802.32	BRIGHTON AREA SCHOOLS
A00466	3/14/2023	106.78	ANDYMARK, INC.
A00467	3/16/2023	86.20	LIVINGSTON COUNTY UNITED WAY
A00468	3/16/2023	16,782.48	GLP/ING
A00469	3/16/2023	83.35	VILLAGE OF FOWLERVILLE
A00470	3/17/2023	7,385.36	AMAZON CAPITAL SERVICES, INC.
A00471	3/20/2023	180,257.62	AUCH, GEORGE W. AUCH COMPANY
A00472	3/22/2023	6,328.50	DIRECT ENERGY BUSINESS
A00473	3/22/2023	2,756.00	H.V. BURTON COMPANY
A00474	3/22/2023	14,351.52	CONSTELLATION NEWENERGY GAS DIVISION, LLC
A00475	3/29/2023	86.20	LIVINGSTON COUNTY UNITED WAY
A00476	3/29/2023	16,951.79	GLP/ING
A00477	3/30/2023	1,480.24	AMAZON CAPITAL SERVICES, INC.
TOTAL		973,614.59	

**Personnel Committee Minutes
Fowlerville Community Schools
March 22, 2023**

Central Office Conference Room, 6:30 p.m.

The meeting was called to order at 6:31 p.m. by Mrs. Susan Charron in the C.O. conference room.

Members Present: Mrs. Sue Charron, Mr. Bob Hinton and Mr. John Belcher [Alternate]
Staff Present: Ms. Trisha Reed
Others Present: Mr. Matthew Stuard

Motion by Mr. Hinton, supported by Mr. Belcher, to approve minutes from the March 9, 2023 meeting. The motion passed unanimously.

Call to the Public – None

Board Discussion to Settle the Superintendent's Contract

Other – None

Motion by Mr. Belcher, supported by Mr. Hinton, recommending adjournment of the meeting at 7:26 p.m. The motion passed unanimously.

**Personnel Committee Minutes
Fowlerville Community Schools
March 23, 2023**

Central Office Conference Room, 5:30 p.m.

The meeting was called to order at 5:30 p.m. by in the C.O. conference room.

Members Present: Mrs. Sue Charron, Mr. Bob Hinton and Mrs. Diana Dombrowski [Alternate]
Staff Present: Mr. Dave Pruneau, Mr. Tim Dowker & Ms. Trisha Reed
Others Present:

Motion by Mr. Hinton, supported by Mrs. Dombrowski, to approve minutes from the March 22, 2023 meeting. The motion passed unanimously.

Call to the Public – None

Custodial Planning Review – The administration reviewed a tentative plan for reinstating custodial service employees back to the district. Wage and the proposed benefit package were presented to the committee. The administration will move forward and will post positions the week of March 27th.

Discussion of Transportation Issues – Discussed driver retention.

Discussion of New Technology Position The administration presented a job description for a new Assistant Technology Director. This position will replace the Student Data & Technology Support position in the technology department. Due to the ever-changing needs in the Technology department this position is needed.

Discussion of Nurse Position for Sporting Events – Due to increasing medical needs in our student populations, the administration discussed the possibility of contacting a part time nurse/medical assistant. Further exploration and discussion will follow.

Directors/Administrator Contract – The Committee discussed the desire to standardize portions of administrator contracts, which would include benefits.

High School Staffing for 2023-2024 – Administration reviewed the high school staffing process with the Board. Staffing for next year will try to minimize the utilization of individual teacher prep.

Job Description for Director of Safety and Security – The Committee reviewed a final Draft of the job description for the Director of Safety and Security. The administration will move this position to the full Board.

Other –

Motion by Mr. Hinton, supported by Mrs. Dombrowski, recommending adjournment of the meeting at 6:42 p.m. The motion passed unanimously.

Scholarship Committee Minutes Fowlerville Community Schools April 5, 2023

C.O. Conference Room
6:00 p.m.

The meeting was called to order at 6:00 p.m. by Mrs. Diana Dombrowski in the C.O. conference room.

Members Present: Mrs. Diana Dombrowski, Mrs. Sue Charron & Mrs. Danielle DeVries
Staff Present: None
Others Present: None

Motion by Mrs. Charron, supported by Mrs. DeVries, to approve minutes from the March 22, 2022 committee meeting.

There was no response during the Call to the Public.

Amount and Number of Scholarship(s) – The balance in the Board of Education Scholarship account is \$670.00. The Committee decided to award the Scholarship to:

Recipient: [REDACTED] Amount \$ [REDACTED]

The name(s) has been forwarded to the FHS counseling office, but have been redacted to maintain surprise until Scholarship Night.

The scholarship is to be given with the understanding that the funds will be disbursed within one calendar year.

Mrs. Amy Sova will be presenting on Senior Honors Night, May 3, 2023.

The Scholarship Committee discussed painting parking lot spaces to raise money for additional scholarships. Students, staff, parents or businesses would pay a fee to paint a parking spot.

Motion by Mrs. DeVries, supported by Mrs. Charron, to adjourn the meeting at 7:00 p.m. The motion passed unanimously.

FOWLerville RECREATION

7677 W. Sharpe Road Ste. A
Fowlerville, Michigan 48836
(517) 223-6477

Minutes from April 12, 2023

Members present: Jason Atkinson, April Hodge, Brande Nogafsky, Laurie Eisele, Kathryn Heath, Craig Curtis, Diane Dombrowsi

Members absent: none

Staff present: Cheryl Dixon, Jill Curd

District Staff Preset: Lauri Daubenmeyer

Public present: None

Current Programs:

- a. Soccer -4 peewee, 10 minor, 6 major
- b. Travel Soccer -1-GU9, 2-GU10, 1-GU11, 1-GU13, 1-BU9, 1-BU10, 1-BU11, 1-BU12, 2- BU13, 1-B19.
- c. Baseball/softball – peewee, and minor will begin May 17th
- d. Track –registrations going on now
- e. Cheerleading-registration happening now
- f. Football registrations-over- Currently entering

Old Business:

Candy Box fundraiser for football and cheer discussed. Buy-out amount is \$50.00, or can sell box of candy for \$100. Covers cost of box and provides the \$50.00 profit for football and cheer. A portion of the fundraiser will go toward the new cheer uniforms needed with the program numbers growing.

New Business:

- a. Address Confidentiality Program
 - a. These people would not be forced to disclose their address. However, they would be required to pay the non-participating township price.
- b. Football 7th/8th grade
 - a. New league in line with middle school's requirements (grade eligibility, playing on weeknight's, preparing for high school to bridge the gap between Recreation football and High School)
 - b. Will provide more information as it comes available to present to township for approval.

Next Meeting:

May 10th, and June 7th

Thank you,
Cheryl Dixon

FOWLERVILLE COMMUNITY SCHOOLS
For Year Ending June 30, 2023
GENERAL FUND

Appendix A

	<u>2021-22</u> <u>AUDITED</u>	<u>2022-23</u> <u>ORIGINAL</u>	<u>2022-23</u> <u>DECEMBER</u>	<u>2022-23</u> <u>APRIL</u>	<u>CHANGE</u>
<u>REVENUE</u>					
Local	\$ 3,031,976	\$ 3,063,384	\$ 3,217,400	\$ 3,281,872	\$ 64,472
State	\$ 24,930,591	\$ 25,307,090	\$ 26,217,190	\$ 28,317,272	\$ 2,100,082
Federal	\$ 1,483,905	\$ 1,630,405	\$ 1,465,773	\$ 1,510,145	\$ 44,372
Incoming Transfers & Other	\$ 1,574,429	\$ 1,570,500	\$ 1,605,500	\$ 1,832,284	\$ 226,784
TOTAL REVENUE	\$ 31,020,901	\$ 31,571,379	\$ 32,505,863	\$ 34,941,573	\$ 2,435,710
<u>EXPENDITURES</u>					
<u>INSTRUCTION</u>					
Basic Programs	\$ 14,870,590	\$ 14,971,918	\$ 15,501,812	\$ 16,614,511	\$ 1,112,699
Added Needs	\$ 4,230,801	\$ 4,271,047	\$ 4,428,629	\$ 4,925,316	\$ 496,687
Total Instruction	\$ 19,101,391	\$ 19,242,965	\$ 19,930,441	\$ 21,539,827	\$ 1,609,386
<u>SUPPORT SERVICES</u>					
Pupil Services	\$ 1,457,034	\$ 1,311,087	\$ 953,486	\$ 1,162,984	\$ 209,498
Instructional Staff Services	\$ 691,909	\$ 734,117	\$ 716,630	\$ 844,753	\$ 128,123
General Administration	\$ 684,604	\$ 717,333	\$ 797,995	\$ 788,519	\$ (9,476)
School Administration	\$ 1,741,062	\$ 1,776,917	\$ 2,001,178	\$ 2,210,605	\$ 209,427
Business Office	\$ 420,311	\$ 437,249	\$ 447,500	\$ 489,216	\$ 41,716
Operations and Maintenance	\$ 3,170,149	\$ 3,240,154	\$ 3,226,879	\$ 3,361,682	\$ 134,803
Transportation	\$ 1,755,371	\$ 1,957,512	\$ 1,974,978	\$ 2,075,747	\$ 100,769
Central Services	\$ 379,446	\$ 409,434	\$ 335,153	\$ 340,782	\$ 5,629
Athletic Activities	\$ 669,590	\$ 609,603	\$ 683,331	\$ 757,924	\$ 74,593
Community Services	\$ 1,285	\$ 3,355	\$ 3,273	\$ 3,023	\$ (250)
Total Support Services	\$ 10,970,761	\$ 11,196,760	\$ 11,140,403	\$ 12,035,235	\$ 894,832
Outgoing Transfers/Transactions	\$ 1,135,842	\$ 1,417,492	\$ 1,408,412	\$ 1,551,432	\$ 143,020
TOTAL EXPENDITURES	\$ 31,207,994	\$ 31,857,217	\$ 32,479,256	\$ 35,126,494	\$ 2,647,238
Revenue Over (Under) Expenses	\$ (187,093)	\$ (285,838)	\$ 26,607	\$ (184,921)	\$ (211,528)
Beginning Fund Balance-July 1	\$ 2,573,852	\$ 3,398,411	\$ 3,522,465	\$ 3,522,465	
Ending Fund Balance - June 30	\$ 2,386,759	\$ 3,112,573	\$ 3,549,072	\$ 3,337,544	

FOWLerville COMMUNITY SCHOOLS
For Year Ending June 30, 2023
FOOD SERVICE FUND

	<u>2021-22</u> <u>AUDITED</u>	<u>2022-23</u> <u>ORIGINAL</u>	<u>2022-23</u> <u>APRIL</u>	CHANGE FROM <u>CURRENT</u> <u>BUDGET</u>
<u>REVENUE</u>				
Local	\$ 164,122	\$ 553,050	\$ 506,000	\$ (47,050)
State	\$ 60,258	\$ 81,400	\$ 35,282	\$ (46,118)
Federal	\$ 1,737,511	\$ 689,672	\$ 935,321	\$ 245,649
Incoming Transfers & Other	\$ 76,980	\$ 63,910	\$ 85,500	\$ 21,590
TOTAL REVENUE	\$ 2,038,871	\$ 1,388,032	\$ 1,562,103	\$ 174,071
<u>EXPENDITURES</u>				
Salaries and Benefits	\$ 643,466	\$ 592,184	\$ 606,825	\$ 14,641
Supplies and Materials	\$ 793,761	\$ 732,385	\$ 744,160	\$ 11,775
Other Expenses	\$ 53,978	\$ 108,609	\$ 121,787	\$ 13,178
TOTAL EXPENDITURES	\$ 1,491,205	\$ 1,433,178	\$ 1,472,772	\$ 39,594
Revenue Over (Under) Expenses	\$ 547,666	\$ (45,146)	\$ 89,331	\$ 134,477
Beginning Fund Balance-July 1	\$ 116,135	\$ 456,075	\$ 663,801	
Ending Fund Balance - June 30	\$ 663,801	\$ 410,929	\$ 753,132	

FOWLERVILLE COMMUNITY SCHOOLS
For Year Ending June 30, 2023
COMMUNITY SERVICES FUND

	<u>2021-22</u> <u>AUDITED</u>	<u>2022-23</u> <u>ORIGINAL</u>	<u>2022-23</u> <u>APRIL</u>	<u>CHANGE FROM</u> <u>CURRENT</u> <u>BUDGET</u>
<u>REVENUE</u>				
Little Glad Center	\$ 1,009,514	\$ 719,543	\$ 805,690	\$ 86,147
General Fund Transfer - UAAL	\$ 31,840	\$ 40,000	\$ 35,000	\$ (5,000)
General Fund Transfer - Little Glads	\$ -	\$ -	\$ -	\$ -
	<u>\$ 1,041,354</u>	<u>\$ 759,543</u>	<u>\$ 840,690</u>	<u>\$ 81,147</u>
Recreation	\$ 294,648	\$ 288,112	\$ 293,137	\$ 5,025
General Fund Transer -UAAL	\$ 7,997	\$ 7,000	\$ 7,000	\$ -
	<u>\$ 302,645</u>	<u>\$ 295,112</u>	<u>\$ 300,137</u>	<u>\$ 5,025</u>
Alverson Performing Arts Center	\$ 32,765	\$ 22,100	\$ 22,100	\$ -
General Fund Transfer - UAAL	\$ 6,625	\$ 4,900	\$ 6,000	\$ 1,100
General Fund Transfer - Alverson Center	\$ 22,750	\$ 50,000	\$ 84,000	\$ 34,000
	<u>\$ 62,140</u>	<u>\$ 77,000</u>	<u>\$ 112,100</u>	<u>\$ 35,100</u>
TOTAL REVENUE	<u>\$ 1,406,139</u>	<u>\$ 1,131,655</u>	<u>\$ 1,252,927</u>	<u>\$ 121,272</u>
<u>EXPENDITURES</u>				
Little Glad Center	\$ 676,714	\$ 759,543	\$ 840,690	\$ 81,147
Recreation	\$ 284,587	\$ 295,112	\$ 300,137	\$ 5,025
Performing Arts Center	\$ 72,028	\$ 77,000	\$ 112,100	\$ 35,100
TOTAL EXPENDITURES	<u>\$ 1,033,329</u>	<u>\$ 1,131,655</u>	<u>\$ 1,252,927</u>	<u>\$ 121,272</u>
Revenue Over (Under) Expenses	\$ 372,810	\$ -	\$ -	\$ -
Beginning Fund Balance-July 1	<u>\$ 23,589</u>	<u>\$ 298,523</u>	<u>\$ 396,399</u>	
Ending Fund Balance - June 30	\$ 396,399	\$ 298,523	\$ 396,399	

FOWLerville COMMUNITY SCHOOLS
For Year Ending June 30, 2023
STUDENT ACTIVITY FUND

	<u>2021-22</u> <u>AUDITED</u>	<u>2022-23</u> <u>ORIGINAL</u>	<u>2022-23</u> <u>APRIL</u>	<u>CHANGE FROM</u> <u>CURRENT</u> <u>BUDGET</u>
<u>REVENUE</u>				
Local Revenue	\$ 334,282	\$ 350,000	\$ 400,000	
TOTAL REVENUE	\$ 334,282	\$ 350,000	\$ 400,000	\$ 50,000
<u>EXPENDITURES</u>				
Student Activities	\$ 305,899	\$ 350,000	\$ 400,000	
TOTAL EXPENDITURES	\$ 305,899	\$ 350,000	\$ 400,000	\$ 50,000
Revenue Over (Under) Expenses	\$ 28,383	\$ -	\$ -	\$ -
Beginning Fund Balance-July 1	<u>\$ 547,362</u>	<u>\$ 547,362</u>	<u>\$ 575,745</u>	
Ending Fund Balance - June 30	\$ 575,745	\$ 547,362	\$ 575,745	

Appendix B

Fowlerville Community Schools, Livingston, Ingham and Shiawassee Counties, Michigan (the "District")

A regular meeting of the board of education of the District (the "Board") was held in the media center, within the boundaries of the District, on the 18th day of April, 2023, at 7 o'clock in the p.m. (the "Meeting").

The Meeting was called to order by _____, President.

Present: Members

Absent: Members

The following preamble and resolution were offered by Member _____ and supported by Member _____:

WHEREAS:

1. This Board recognizes its responsibility under Michigan law to maintain a balanced, non-deficit financial condition for the District, so that the District does not find itself in a serious financial problem.
2. A fund balance provides flexibility in dealing with unanticipated budget emergencies such as mid-year reductions in state funding.
3. In addition, a fund balance would help to avoid borrowing for cash flow purposes, such as during the period between August and October State Aid payments.
4. The Board now desires to establish a goal for a minimum General Fund balance.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Board hereby establishes its goal of maintaining an annual unassigned General Fund balance of at least ten percent (10%) of total estimated annual operating expenditures.
2. In the event that the District's unassigned General Fund balance declines below ten percent (10%), that deficiency will be recovered by the District through necessary and reasonable adjustments to General Fund revenues and/or expenditures, such that a minimum of one percent (1%) is recovered each year.
3. The Superintendent of Schools, Financial Director, and Board Treasurer, or a designee thereof, is/are hereby authorized to take such necessary and reasonable actions as are necessary to effectuate this resolution's purposes.

4. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same are hereby rescinded.

Ayes: Members

Nays: Members

Resolution declared adopted.

Secretary, Board of Education

The undersigned duly qualified and acting Secretary of the Board of Education of Fowlerville Community Schools, Livingston, Ingham and Shiawassee Counties, Michigan, hereby certifies that the foregoing constitutes a true and complete copy of a resolution adopted by the Board at the Meeting, the original of which is part of the Board's minutes. The undersigned further certifies that notice of the Meeting was given to the public pursuant to the provisions of the "Open Meetings Act" (Act 267, Public Acts of Michigan, 1976, as amended).

Secretary, Board of Education

MDG/

Appendix C

Fowlerville Community Schools

Director of Safety and Security

Job Description

The Director of Safety and Security performs tasks in developing, implementing, and managing programs designed to effectively address security and school safety needs. The Director is responsible for coordinating a comprehensive school safety program, which includes working with local law enforcement agencies. The Director works extensively with the superintendent, school administrators and the Fowlerville Community on all areas of school safety. The Director is also involved in implementing training programs pertaining to matters of safety and security for site-based administrators. The Director reports to the Superintendent of Schools

. Specific Duties and Responsibilities

- Implements safety and security protocols to ensure a safe school environment.

- Study organizational operations and schedules
- Establish internal controls
- Conducting inspections as appropriate.

- Coordinates school safety compliance with federal, state and local regulations

- Studying existing and new requirements
- Oversee and enforce school-wide adherence to requirements.

*** Manages and supervises School Safety Monitors.**

- Conducts and coordinates safety, security and emergency preparedness training in conjunction with the Fowlerville Police Department by developing, scheduling and/or facilitating training for staff, students and public safety officials relating to school safety, security and emergency preparedness.

- Coordinates SAVE Act (sexual assault & violence education) planning and reporting

- Secures facilities, equipment, students and personnel by working in conjunction with the appropriate departments in recommending safety and security equipment purchases and upgrades; maintaining records of fire and other emergency drills and conducting drills when appropriate; supervising and maintaining access control and key distribution

- Will coordinate with the School Resource Officer and local law enforcement agencies. Works directly with local law enforcement agencies during critical incident situations and follow-up.

- Works in conjunction with appropriate departments to meet security needs within budget

- Works with Finance, Facilities and Maintenance departments for capital improvements as needed
- Plans and schedules expenditures.

- Assists in the development and implementation of security plans for special events.

- Advises and assists site-based administrators in conjunction with the school resource officer in matters involving criminal activities on school campus.

- Coordinates with site-based administrators, Maintenance and Facilities Departments to address and correct safety/security issues on school campus.

- The Fowlerville Police department will periodically update the administration related to reports of school crime and maintain statistics regarding this information that is pertinent to the school environment.
- The Director of Safety and Security participates in annual trainings to stay current on laws, policies and procedures regarding school safety.
- Attends parent organizational and school board meetings as necessary.
- Represents Fowlerville Schools in matters of security through state and national organizations.
- Performs other related work as required.

Qualifications for Director of Safety and Security

This position requires a high degree of diplomacy, flexibility and adaptability. Applicant must have good communication skills, both written and verbal. Fowlerville Community Schools seeks a safety professional who is a patient, effective and clear communicator with demonstrated problem solving skills. The successful candidate must continue and improve Fowlerville's ongoing commitment to the safety of students, staff and visitors while fostering a creative, warm, caring and effective learning environment.

- Possess a valid Michigan driver's license and CPL
- Evidence of Insurability Clearances
- Criminal Justice Fingerprint Clearance
- Experience in one of the following areas
 - Law Enforcement
 - Security
 - Emergency Management

Preferred Experience or Training

- Approved Police Academy or equivalent, FBI National Academy Program, Advanced Police Management Program, National Fire Academy, Emergency Management Institute, Security Training Programs or other comparable training programs
- Tactical Response Training
- Emergency Management Certification
- CEPTD/ Mitigation Training
- Hazard Mitigation & Prevention
- Possess a valid Michigan driver's license and CPL
- Evidence of Insurability Clearances
- Criminal Justice Fingerprint Clearance

Appendix D

Fowlerville Community Schools

TECHNOLOGY DEPARTMENT

7677 W. Sharpe Road • Fowlerville, MI 48836 • (517) 223-6021

James Stauble, Technology Director



Good Evening Board Members,

We are in the process of replacing all of our old Telephony hardware and have received bids from several vendors in this regard. We are recommending the bid from Cymbal Communications Corp. over the others as they are not only the lowest bid but also fully meet the bid requirements. We will be funding this with E-Rate reimbursements.

The reason that we are replacing our existing product is simply due to the quality of not only the physical devices but also the service and the upkeep required.

The system we will be implementing has been in place at the Livingston Educational Service Agency for the past several years, has been in Pinckney Community Schools for over a year, and will be in place in Hartland Community Schools beginning this summer as well.

It is my desire/recommendation that we move forward with this project. Quotes are attached. All line items match or beat REMC pricing and we, the Fowlerville Technology team, will be installing all of the devices and performing server/backend set up with a late June cut date.

The total cost of the Teacher devices are as follows: \$25,481.25

The total cost of the Admin devices are as follows: \$14,011.40

The total cost of the Conference devices are as follows: \$6,299.30

The total cost of the Paging Adapters are as follows: \$1,575.00

The total cost of the project is as follows: \$47,366.95

Cymbal Communications**Carp**

PO BOX 8283

Bartlett, IL 60103-8283

(877)296-2666

support@cymbalcomm.com

www.cymbalcomm.com

Quote**ADDRESS**

Fowlerville Community Schools

Central Office

ATTN: James Stauble

7677 Sharpe Rd.

Fowlerville, MI 48836

SHIP TO

Fowlerville Community

Schools

Central Office

ATTN: James Stauble

7677 Sharpe Rd.

Fowlerville, MI 48836

QUOTE # 35610-CYM**DATE 03/07/2023****SHIP VIA**

MI

SALES REP

Debbie

ACTIVITY**QTY****PRICE****TOTAL****MISC**

375

67.95

25,481.25

YEALINK #SIP-T33G Dual-port Gigabit Ethernet
2.4 in. 320 x 240-pixel color display with backlight
(power supply not included)**MISC**

65

134.95

8,771.75

YEALINK #SIP-T46U Dual-port Gigabit Ethernet
4.3 in. color LCD (power supply not included)**MISC**

14

449.95

6,299.30

YEALINK #CP965 Optima HD IP Conference
Full duplex techn. Requires POE or YLPOE30**WH62-Dual-UC**

22

123.45

2,715.90

YEALINK #1308006 Wireless Dual-UC DECT
wireless headset-Binaural USB. Seamless
integration with YEALINK IP Phones (EHS
Supported)**MISC**

23

94.95

2,183.85

LCD Expansion Module for T4U series IP
phones**MISC**

22

15.45

339.90

YEALINK Busylight for WH6X and MP50

**SHIPPING CHARGES INCLUDED IN PRICING
ABOVE**Request for Proposal # FY23 - VOIP Hardware Bid
March 17, 2023**TOTAL****\$45,791.95**

Cymbal Communications
Corp
PO BOX 8283
Bartlett, IL 60103-8283
(877)296-2666
support@cymbalcomm.com
www.cymbalcomm.com



Quote

ADDRESS

Fowlerville Community Schools
Central Office
ATTN: James Stauble
7677 Sharpe Rd.
Fowlerville, MI 48836

SHIP TO

Fowlerville Community
Schools
Central Office
ATTN: James Stauble
7677 Sharpe Rd.
Fowlerville, MI 48836

QUOTE # 35710-CYM**DATE 03/23/2023****SHIP VIA**

MI

SALES REP

Debbie

ACTIVITY**QTY****PRICE****TOTAL****MISC**

5

315.00

1,575.00

Algo-8301 Paging Adapter Balanced Line Level

SHIPPING CHARGES INCLUDED IN PRICING
ABOVE

Request for Proposal # FY23 - VOIP Hardware Bid
March 17, 2023

TOTAL**\$1,575.00**

Accepted By

Accepted Date

Book	Policy Manual
Section	Title IX and Discrimination
Title	Nondiscrimination/Anti-Harassment Policies Update - February 2021 Revised ANTI-HARASSMENT
Code	po3362
Status	
Adopted	January 19, 2016
Last Revised	March 3, 2020

3362 - **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 harassment based on race, color, national origin, sex (including sexual orientation and ~~trans~~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~~ **Third parties**, who feel aggrieved to seek assistance to rectify such problems. The Board will investigate all allegations of 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.

~~nt.~~

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

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

Other Violations of the Anti-Harassment Policy

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

- A. Retaliating against a person who has made a report or filed a complaint alleging unlawful harassment, or who has participated as a witness in a harassment investigation.

- B. Filing a malicious or knowingly false report or complaint of unlawful harassment.

- D. Filing a malicious or knowingly false report or complaint of unlawful harassment.
- C. Disregarding, failing to investigate adequately, or delaying investigation of allegations of harassment, when responsibility for reporting and/or investigating unlawful 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 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 or more persons systematically and chronically inflict physical hurt or psychological distress on one (1) or more students or employees and that 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 means any threatening, insulting, or dehumanizing gesture, use of technology, or written, verbal or physical conduct directed against a student or school employee that:

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

Sexual Harassment

~~Pursuant to~~ For purposes of this policy and consistent with Title VII of the Civil Rights Act of 1964, ~~and Title IX of the Educational Amendments of 1972,~~ sexual harassment is defined as:

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

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

Sexual harassment may involve the behavior of a person of ~~either any~~ either gender against a person of the same or ~~opposite another~~ opposite 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 ~~of a sexual nature~~, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, profanity, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls.

- E. Sexually suggestive objects, pictures, graffiti, videotapes, posters, audio recordings or literature, placed in the work or educational environment, ~~that may reasonably which may~~ 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 suggest 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. ~~Remarks speculating about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history.~~ Remarks speculating about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history.
- M. In the context of employees, consensual sexual relationships where such relationship leads to favoritism of a subordinate employee with whom the superior is sexually involved and where such favoritism adversely affects other employees or otherwise creates a hostile work environment.
- N. 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.
- O. 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.

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

Race/Color Harassment

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

Religious (Creed) Harassment

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

National Origin/Ancestry Harassment

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

Disability Harassment

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

Anti-Harassment Compliance Officers

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

[DRAFTING NOTE: Neola suggests the Board appoint both a male and a female Compliance Officer in order to provide Complainants with the option to report their concerns to an individual of the gender with which they feel most comfortable. The same individual(s) assigned to serve as Compliance Officer(s) may also be assigned to serve as the District's Section 504 Compliance Officer(s)/ADA Coordinator(s) and/or Title IX Coordinator(s). Additionally, by appointing two (2) Compliance Officers, there should also be a Compliance Officer available to investigate a claim of harassment that pertains to the other Compliance Officer.]

Tim Dowker

(Name)

Assistant Superintendent

(School District Title)

517-223-6027

(Telephone Number)

7677 Sharpe Rd., Suite A, Fowlerville, MI 48836

(Office Address)

dowkert@fowlervilleschools.org

(E-mail Address)

Trisha Reed

(Name)

Director Human Resources

(School District Title)

517-332-6018

(Telephone Number)

7667 W. Sharpe Rd., Fowlerville, MI

(Office Address)

reedt@fowlervilleschools.org

(E-mail Address)

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

- A. ~~() in the parent and staff handbooks.~~
- B. ~~() in the School District Annual Report to the public.~~
- C. ~~() on each individual school's web site.~~
- D. ~~() in the School District's calendar.~~
- E. ~~() _____.~~

The Compliance Officer(s) ~~()~~ is (x) 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 official. 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

Members of the School District community, ~~which includes all staff, and third parties~~ **along with Third Parties** are encouraged to promptly report incidents of harassing conduct to an administrator, supervisor or other School District official so that the Board may address the conduct before it becomes severe, pervasive, or persistent. Any administrator, supervisor, or other District official who receives such a **report** ~~complaint~~ shall file it with the ~~District's Anti Harassment Compliance Officer~~ **within two (2) days of receiving the report of harassment.** ~~at his/her first convenience.~~

Members of the School District community ~~or third parties~~ **and Third Parties** who believe they have been unlawfully harassed by another member of the School District community or a **Third Party** ~~third party~~ 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** ~~complainant's~~ **individual's** employment or participation in educational or extra-curricular programs. While there are no time limits for initiating complaints of harassment under this policy, individuals should make every effort to file a complaint as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

If, during an investigation of alleged bullying, aggressive behavior and/or harassment in accordance with Policy 5517.01 – Bullying and Other Forms of Aggressive Behavior, the Principal believes that the reported misconduct may have created a hostile work environment and may have constituted unlawful discriminatory harassment based on a Protected Class, the Principal will report the act of bullying, aggressive behavior and/or harassment to ~~the one of the Anti Harassment~~ **Compliance Officer(s)** 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 his/her~~ **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 the Policy 3362 investigation and provide ~~the Principal him/her~~ 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.**

~~Anti Harassment Compliance Officers~~

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

~~[NOTE: School Districts are advised to appoint both a male and a female Compliance Officer in order to provide Complainants with the option to report their concerns to an individual of the gender with which they feel most comfortable. In addition, the Compliance Officers may also serve as the District's Section 504 and Title IX Coordinators.]~~

~~(Name)~~

~~(School District Title)~~

~~(Telephone Number)~~

~~(Office Address)~~

~~(E-mail Address)~~

~~(Name)~~

~~(School District Title)~~

~~(Telephone Number)~~

~~(Office Address)~~

~~(E-mail Address)~~

~~The names, titles, and contact information of these individuals will be published annually:~~

- A. ~~() in the parent and staff handbooks.~~
- B. ~~() in the School District Annual Report to the public.~~
- C. ~~() on the School District's web site.~~
- D. ~~() on each individual school's web site.~~
- E. ~~() in the School District's calendar.~~
- F. ~~() _____.~~

~~The Compliance Officers will be available during regular school/work hours to discuss concerns related to unlawful harassment, to assist students, other members of the District community, and third parties who seek support or advice when informing another individual about unwelcome conduct, or to intercede informally on behalf of the 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 complaints of unlawful harassment directly from any member of the School District community or a visitor to the District, or receive complaints that are initially filed with a school building administrator. Upon receipt of a complaint either directly or through a school building administrator, a Compliance Officer will begin either an informal or formal process (depending on the request of the member of the School District community alleging harassment or the nature of the alleged harassment), or the Compliance Officer will designate a specific individual to conduct such a process. In the case of a formal complaint, the Compliance Officer will prepare recommendations for the Superintendent or will oversee the preparation of such recommendations by a designee. All members of the School District community must report incidents of harassment that are reported to them to the Compliance Officer within two (2) business days of learning of the incident. Any Board employee who directly observes unlawful harassment of a student is obligated, in accordance with this policy, to report such observations to one of the Compliance Officers within two (2) business days. Thereafter, the Compliance Officer or designee must contact the student, if age eighteen (18) or older, or the student's parents if under the age eighteen (18), within two (2) business days to advise s/he/them of the Board's intent to investigate the alleged misconduct, including the obligation of the Compliance Officer or designee to conduct an investigation following all the procedures outlined for a formal complaint.~~

Investigation and Complaint Procedure (See Form 3362 F1)

~~Except for Sexual Harassment that is covered by Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities, any~~ Any employee or other member of the School District community or ~~Third Party~~ third party (e.g., visitor to the District) who believes that ~~they have~~ s/he has been subjected to unlawful harassment may seek resolution of ~~the~~ his/her 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. ~~either the informal or formal procedures as described below. Further, a process for investigating claims of harassment and a process for rendering a decision regarding whether the claim of legally prohibited harassment was substantiated are set forth below.~~

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

The ~~informal and formal~~ procedures set forth below are not intended to interfere with the rights of any individual to pursue a complaint of unlawful harassment or retaliation with the United States Department of Education Office for Civil Rights ~~and~~ or Equal Employment Opportunity Commission (EEOC).

Informal Complaint Procedure

The goal of the informal complaint procedure is ~~promptly~~ to stop inappropriate behavior and to ~~investigate and~~ facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for a student, other member of the School District community, or ~~Third Party who alleges unlawful harassment or retaliation.~~ third party 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.~~ ~~and will only be utilized where the parties (alleged target of harassment and alleged harasser(s)) agree to participate in such process.~~

~~The Complainant~~ ~~Employees, other members of the School District community, or third parties who believe that they have been unlawfully harassed or retaliated against~~ may proceed immediately to the formal complaint process and individuals who seek resolution through the informal procedure may request that the informal process be terminated at any time to move to the formal complaint process.

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

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

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

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

The ~~Board's School District's~~ informal complaint procedure is designed to provide employees, other members of the School District community, or third parties 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 individual claiming unlawful harassment~~, informal resolution may involve, but not be limited to, one or more of the following:

- A. Advising the ~~Complainant individual~~ about how to communicate the unwelcome nature of the behavior to the ~~Respondent/alleged harasser.~~
- B. Distributing a copy of ~~this/the anti harassment~~ policy as a reminder to the individuals in the school building or office where the ~~Respondent works or attends.~~ ~~individual whose behavior is being questioned 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.~~ ~~between the individual claiming harassment and the individual accused of harassment to work out a mutual resolution.~~ ~~Such a meeting is not appropriate in circumstances involving sexual violence.~~

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

Formal Complaint Procedure

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

The Complainant ~~An individual who believes s/he has been subjected to offensive conduct/harassment/retaliation hereinafter referred to as the Complainant,~~ may file a formal complaint, either orally or in writing, with a teacher, Principal, the Compliance Officer, Superintendent, or other District **employee/official**. 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) ~~calendar~~ days after the conduct occurs while the facts are known and potential witnesses are available. If a Complainant informs a teacher, Principal, Superintendent, or other District **official/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 it is available~~: the identity of the **Respondent** ~~individual believed to have engaged in, or be engaging in, offensive conduct/harassment/retaliation;~~ a detailed description of the facts upon which the complaint is based **(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** ~~alleged harasser~~. In making such a determination, the Compliance Officer should consult the Complainant to assess **whether the individual agrees with his/her agreement to** the proposed action. If the Complainant is unwilling to consent to the proposed change, the Compliance Officer may still take whatever actions **deemed/s/he deem** appropriate in consultation with the Superintendent.

Within two (2) business days of receiving the complaint, the Compliance Officer/~~or a~~ designee will initiate a formal investigation to determine whether the Complainant has been subjected to offensive conduct/harassment/retaliation. ~~The () A~~ 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** ~~individual alleged to have engaged in the harassing or retaliatory conduct, hereinafter referred to as the Respondent, that a~~ complaint has been received. The Respondent will be informed about the nature of the allegations and provided with a copy of any relevant **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) ~~business~~ days.

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

- A. interviews with the Complainant;
- B. interviews with the Respondent;

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

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

Absent extenuating circumstances, within five (5) business days of receiving the report of the Compliance Officer/~~or the~~ designee, the Superintendent must either issue a final decision regarding whether the complaint of harassment has been substantiated or request further investigation. A copy of the Superintendent's **final written** decision will be delivered to both the Complainant and the Respondent.

If the Superintendent requests additional investigation, the Superintendent must specify the additional information that is to be gathered, and such additional investigation must be completed within five (5) business days. At the conclusion of the additional investigation, the Superintendent must issue a ~~final~~ written decision as described above.

☒ The decision of the Superintendent shall be final.

OR

~~☐ 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 his/her receipt of the Superintendent's final decision.~~

In an attempt to resolve the complaint, the Board shall meet with the concerned parties and their representative 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 ~~concerned~~ party within ten (10) business days of this meeting. The decision of the Board will be final.

[END OF OPTIONS]

The Board reserves the right to investigate and resolve a complaint or report of unlawful harassment/retaliation regardless of whether the member of the School District community or **Third Party**~~third party~~ 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 ~~School~~ District will employ all reasonable efforts to protect the rights of the Complainant, the **Respondent individual(s) against whom the complaint is filed**, and the witnesses as much as possible, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under the terms of this

policy and 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.** ~~All Complainants proceeding through the formal investigation process will be advised that their identities may be disclosed to the Respondent.~~

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

Sanctions and Monitoring

The Board shall vigorously enforce its prohibitions against unlawful harassment/**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 right 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 the 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 for 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 imposition of disciplinary sanctions/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.

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

Allegations Constituting Criminal Conduct: Child Abuse/Sexual Misconduct

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

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

Education and Training

In support of this Anti-Harassment Policy, the Board promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. The Superintendent ~~or designee~~ shall provide appropriate information to all members of the School District community related to the implementation of this policy and shall provide training for District students and staff where appropriate. All training, as well as all 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 interim~~ measures offered and/or provided to **the Complainant and/or the Respondent**, ~~complainants and/or the alleged perpetrators~~, including no contact orders issued to both parties, the dates the no contact orders were issued, and the dates the parties acknowledged receipt of the no contact orders;
- K. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects;

- L. copies of the Board policy and/or procedures/guidelines used by the District to conduct the investigation, and any documents used by the District at the time of the alleged violation to communicate the Board's expectations to students and staff with respect to the subject of this policy (e.g., Student **Code of Conduct** and/or Employee Handbooks ~~or Codes of Conduct~~);
- M. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment;

[DRAFTING NOTE: The following options should be selected if the district concludes that the following items are not adequately encompassed in the preceding paragraphs.]

- N. ~~() documentation of any training provided to District personnel related to this policy, including but not limited to, notification of the prohibitions and expectations of staff set forth in this policy and the role and responsibility of all District personnel involved in enforcing this policy, including their duty to report alleged violations of this policy and/or conducting an investigation of an alleged violation of this policy; [REMINDER: Documentation of training should be maintained regardless of whether there is an investigation of an alleged violation of this policy. It is best practice to maintain a log of all staff members who participate in a training, along with the date, time and location of the training, and a copy of the materials reviewed and/or presented during the training.]~~
- O. ~~() documentation that any rights or opportunities that the District made available to one party during the investigation were made available to the other party on equal terms;~~
- P. ~~() copies of any notices sent to the alleged perpetrator/responding party of the allegations constituting a potential violation of this policy;~~
- Q. ~~() copies of any notices sent to the Complainant and the Respondent/complainant and alleged perpetrator in advance of any interview, meeting, or hearing;~~
- R. ~~() copies of any documentation or evidence used during informal and formal disciplinary meetings and hearings, including the investigation report, and any written responses submitted by the Complainant or the Respondent/complainant or the alleged perpetrator.~~

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.

© Neola **20182021**

Legal	Titles VI and VII of the Civil Rights Act of 1964, 42 U.S.C. 2000d et seq. 20 U.S.C. 1400 et seq., The Individuals with Disabilities Education Improvement Act of 2004 (IDEIA) 29 U.S.C. 621 et seq., Age Discrimination in Employment Act of 1967 29 U.S.C. 6101, The Age Discrimination Act of 1975 42 U.S.C. 2000e et seq. 42 U.S.C. 1983 42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act 29 C.F.R. Part 1635
-------	---

Title IX of the Educational Amendments of 1972, 20 U.S.C. 1681 et seq.

29 U.S.C. 794, Rehabilitation Act of 1973, as amended

42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended

The Handicappers Civil Rights Act, M.C.L. 37.1101 et seq.

The Elliott-Larsen Civil Rights Act, M.C.L. 37.2101, et seq.

Policies on Bullying, Michigan State Board of Education, 7-19-01

Model Anti-Bullying Policy, Michigan State Board of Education, 09-2006

National School Boards Association Inquiry and Analysis May 2008

Book	Policy Manual
Section	Title IX and Discrimination
Title	Nondiscrimination/Anti-Harassment Policies Update - February 2021 Revised NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY
Code	po4122
Status	
Adopted	February 16, 2016
Last Revised	March 3, 2020

4122 - **NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY**

The Board of Education does not discriminate on the basis of race, color, national origin, sex (including sexual orientation and ~~trans~~gender 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.

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 discrimination/retaliation, regardless of whether the person files a formal complaint or is pursuing an informal resolution to the alleged discrimination/retaliation.

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

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

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).

For purposes of this policy, military status refers to a person's status in the uniformed services, which includes the performance of duty, on a voluntary basis, or involuntary basis, in a uniformed service including active duty, active duty for training, initial active duty for training, inactive duty for training, full-time National Guard duty. It also includes the period of time for which a person is absent from employment for the purpose of an examination to determine the fitness of the person to perform any such duty as listed above.

District Compliance Officers

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

[DRAFTING NOTE: Neola suggests the Board ~~School Districts are advised to~~ appoint both a male and a female CO in order to provide ~~Complainants~~ complainants with the option to report their concerns to an individual of the gender with which they feel most comfortable. The COs may also serve as the District's Section 504 Compliance Officer/ADA Coordinator and Title IX Coordinator. Additionally, by appointing two (2) COs, there should always be a CO available to investigate a claim of discrimination/~~retaliation~~ that pertains to the other CO.]

Tim Dowker
 (Name)
Assistant Superintendent
 (School District Title)
517-223-6027
 (Telephone Number)
7677 Sharpe Rd., Suite A, Fowlerville, MI 48836
 (Office Address)
dowkert@fowlervilleschools.org
 (E-mail Address)

Trisha Reed
 (Name)
Director Human Resources
 (School District Title)
517-226-6018
 (Telephone Number)
7677 W. Sharpe Rd., Fowlerville, MI
 (Office Address)
reedt@fowlervilleschools.org
 (E-mail Address)

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

- A. ~~() in the staff handbooks.~~
- B. ~~() in the School District Annual Report to the public.~~
- C. ~~() on the School District's web site.~~
- D. ~~() on each individual school's web site.~~
- E. ~~() in the School District's calendar.~~
- F. ~~() _____.~~

The COs are responsible for coordinating the District's efforts to comply with applicable Federal and State laws and regulations, including the District's duty to address in a prompt and equitable manner any inquiries or complaints regarding discrimination/retaliation or denial of equal access. The COs shall also verify that proper notice of nondiscrimination for Title II of the Americans with Disabilities Act (as amended), Title VI and Title VII of the Civil Rights Act of 1964, ~~Title IX of the Education Amendment Act of 1972~~, Section 504 of the Rehabilitation Act of 1973 (as amended), and the Age Discrimination in Employment Act of 1975 is provided to staff members and the general public. **(x)** Any sections of the District's collective bargaining agreements

dealing with hiring, promotion, and tenure need to contain a statement of nondiscrimination similar to that in the Board's statement above. In addition, any gender-specific terms should be eliminated from such contracts. **[END OF OPTIONS]** A copy of each of the Acts and regulations on which this notice is **available upon request from the CO.** ~~based may be found in the CO's office.~~

Reports and Complaints of Unlawful Discrimination and Retaliation

Employees are **required to** ~~encouraged to promptly~~ report incidents of unlawful discrimination and/or retaliation to an administrator, supervisor, or other District-level official so that the Board may address the conduct. Any administrator, supervisor, or other District-level ~~employee or~~ official who receives such a **report/complaint** shall file it with the CO ~~(-) at his/her first convenience (-)~~ within two (2) ~~school~~ days.

Employees who believe they have been unlawfully discriminated/retaliated against are entitled to utilize the complaint process set forth below. Initiating a complaint, whether formally or informally, will not adversely affect the **Complainant's** ~~complainant~~ ~~individual's~~ employment. While there are no time limits for initiating complaints under this policy, individuals should make every effort to file a complaint as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

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

Any Board employee who directly observes unlawful discrimination/retaliation is obligated, in accordance with this policy, to report such observations to one of the COs within two (2) business days. Additionally, any Board employee who observes an act of unlawful discrimination/retaliation is expected to intervene to stop the misconduct, unless circumstances make such an intervention dangerous, in which case the staff member should immediately notify other Board employees and/or local law enforcement officials, as necessary, to stop the misconduct. Thereafter, the CO or designee must contact the **Complainant** ~~employee~~ within two (2) business days to advise ~~him/her~~ of the Board's intent to investigate the alleged wrongdoing.

Investigation and Complaint Procedure (See Form 4122 F2)

Except for sex discrimination and/or Sexual Harassment that is covered by Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities, any employee who alleges to have been ~~Any employee who believes that s/he has been~~ subjected to unlawful discrimination or retaliation may seek resolution of ~~the his/her~~ complaint through the procedures described below. The formal complaint procedures involve an investigation of the individual's claims **of discrimination/retaliation** and a process for rendering a decision regarding whether the charges are substantiated.

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

The procedures set forth below are not intended to interfere with the rights of any individual to pursue a complaint of unlawful discrimination or retaliation with the United States Department of Education Office for Civil Rights or Equal Employment Opportunity Commission (EEOC).

Informal Complaint Procedure

The goal of the informal complaint procedure is to **promptly stop** ~~stop quickly~~ inappropriate behavior and facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for an employee who **alleges unlawful discrimination or retaliation**. ~~believes s/he has been unlawfully discriminated or retaliated against.~~ This informal procedure is not required as a precursor to the filing of a formal complaint. The informal process is only available in those circumstances where the **Complainant and the Respondent mutually** ~~parties (the alleged target of the discrimination/retaliation and individual(s) alleged to have engaged in the discrimination)~~ agree to participate in it.

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

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

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

~~An individual who believes s/he has been unlawfully discriminated/retaliated against~~ **A Complainant who alleges unlawful discrimination/retaliation** may make an informal complaint, either orally or in writing: (1) to a building administrator; (2) directly to one of the COs; and/or (3) to the Superintendent or other District-level employee.

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

The School District's informal complaint procedure is designed to provide **the Complainant** ~~employees who believe they are being unlawfully discriminated/retaliated against~~ with a range of options aimed at bringing about a prompt resolution of their concerns. Depending upon the nature of the complaint and the wishes of the **Complainant, individual claiming unlawful discrimination/retaliation**, ~~discrimination/retaliation~~, informal resolution may involve, but not be limited to, one or more of the following:

- A. Advising the **Complainant/individual** ~~individual~~ about how to communicate **his/her** ~~his/her~~ concerns to the **Respondent**. ~~person who allegedly engaged in the discriminatory/retaliatory behavior.~~
- B. Distributing a copy of Policy 4122 – Non-Discrimination **and Equal Employment Opportunity** ~~as a reminder~~ to the individuals in the school building or office where the **Respondent/individual whose behavior is being questioned** ~~individual whose behavior is being questioned~~ works.
- C. If both parties agree, the CO may arrange and facilitate a meeting **or mediation between the Complainant and the Respondent to work out a mutual resolution.** ~~between the individual claiming discrimination/retaliation and the individual accused of engaging in the misconduct to work out a mutual resolution.~~

While there are no set time limits within which an informal complaint must be resolved, the CO or designee **is directed** ~~will exercise his/her authority~~ to attempt to resolve all informal complaints within fifteen (15) business days of receiving the informal complaint. **If the Complainant is** ~~Parties who are~~ dissatisfied with **the results of** ~~the results of~~ the informal complaint process, **the Complainant** ~~the Complainant~~ may proceed

to file a formal complaint and, as stated above, ~~either party~~ parties may request that the informal process be terminated at any time to move to the formal complaint process.

Formal Complaint Procedure

If a complaint is not resolved through the informal complaint process, if one of the parties requested that the informal complaint process be terminated to move to the formal complaint process, or if the **Complainant, from the outset, elects to file a formal complaint, or the Compliance Officer(s) determines the allegations are not appropriate for resolution through the informal process,** ~~individual elects to file a formal complaint initially,~~ the formal complaint process shall be implemented.

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

Throughout the course of the process, the CO 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** ~~it is available~~: the identity of the **Respondent** ~~individual believed to have engaged in, or be engaging in, the discriminatory/retaliatory conduct;~~ a detailed description of the facts upon which the complaint is based **(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 CO shall ask for such details in an oral interview. Thereafter, the CO will prepare a written summary of the oral interview, and the Complainant will be asked to verify the accuracy of the reported charge by signing the document.

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

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

Simultaneously, the CO will inform the **Respondent that a formal** ~~individual alleged to have engaged in the discriminatory or retaliatory conduct (hereinafter referred to as the Respondent), that a~~ complaint has been received. The Respondent will be informed about the nature of the allegations and provided with a copy of any relevant policies and/or administrative guidelines, including Policy 4122 - Non- Discrimination **and Equal Employment Opportunity**. The Respondent must also be informed of the opportunity to submit a written response to the **formal** complaint within five (5) ~~business~~ days.

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

- A. interviews with the Complainant;
- B. interviews with the Respondent;

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

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

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

If the Superintendent requests additional investigation, the Superintendent must specify the additional information that is to be gathered, and such additional investigation must be completed within five (5) business days. At the conclusion of the additional investigation, the Superintendent must issue a final written decision as described above.

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

☒ The decision of the Superintendent shall be final.

OR

~~☐ 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/his/her receipt of the Superintendent's final 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 concerned party within ten (10) business days of this meeting. The decision of the Board will be final.

[END OF OPTIONS]

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

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

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

Privacy/Confidentiality

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

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

Sanctions and Monitoring

The Board shall vigorously enforce its prohibitions against unlawful discrimination/**retaliation** by taking appropriate action reasonably calculated to stop and prevent further misconduct. While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee. 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. In those cases where unlawful discrimination/retaliation is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, consistent with the terms of the relevant collective bargaining agreement(s).

Where the Board becomes aware that a prior remedial action has been taken against an employee, all subsequent sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its recurrence, and remedy its effect.

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 for 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 imposition of disciplinary sanctions/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.

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

Education and Training

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

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 interim~~ measures offered and/or provided to ~~the Complainant and/or Respondent, complainants and/or the alleged perpetrators,~~ including no contact orders issued to both parties, the dates the no contact orders were issued, and the dates the parties acknowledged receipt of the no contact orders;
- K. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects;
- L. copies of the Board policy and/or procedures/guidelines used by the District to conduct the investigation, and any documents used by the District at the time of the alleged violation to communicate the Board's expectations to students and staff with respect to the subject of this policy (e.g., Student ~~Codes of Conduct~~ and/or Employee Handbooks ~~or Codes of Conduct~~);
- M. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment;

[DRAFTING NOTE: The following options should be selected if the district concludes that the following items are not adequately encompassed in the preceding paragraphs.]

- N. ~~() documentation of any training provided to District personnel related to this policy, including but not limited to, notification of the prohibitions and expectations of staff set forth in this policy and the role and responsibility of all District personnel involved in enforcing this policy, including their duty to report alleged violations of this policy and/or conducting an investigation of an alleged violation of this policy; [REMINDER: Documentation of training should be maintained regardless of whether there is an investigation of an alleged violation of this policy. It is best practice to maintain a log of all staff members who participate in a training, along with the date, time and location of the training, and a copy of the materials reviewed and/or presented during the training.]~~
- O. ~~() documentation that any rights or opportunities that the District made available to one party during the investigation were made available to the other party on equal terms;~~
- P. ~~() copies of any notices sent to the alleged Respondent/perpetrator/responding party of the allegations constituting a potential violation of this policy;~~
- Q. ~~() copies of any notices sent to the Complainant and the Respondent in advance of any interview, meeting, or hearing;~~
- R. ~~() copies of any documentation or evidence used during informal and formal disciplinary meetings and hearings, including the investigation report, and any written responses submitted by the Complainant or the Respondent. complainant or the alleged perpetrator~~

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.

© Neola ~~2018~~ **2021**

Legal	M.C.L. 37.2101 et seq., 37.1101 et seq. Fourteenth Amendment, U.S. Constitution 20 U.S.C. Section 1681, Title IX of Education Amendment Act 20 U.S.C. Section 1701 et seq., Equal Educational Opportunities Act of 1974 20 U.S.C. Section 7905, Boy Scouts of America Equal Access Act 42 U.S.C. 6101 et seq., Age Discrimination Act of 1975 42 U.S.C. 12101 et seq., The Americans with Disabilities Act of 1990, as amended 34 C.F.R. Part 110 (7/27/93) 42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act 42 U.S.C. 2000e et seq., Civil Rights Act of 1964 29 U.S.C. 701 et seq., Rehabilitation Act of 1973 as amended 29 C.F.R. Part 1635
-------	---

Book	Policy Manual
Section	Title IX and Discrimination
Title	Nondiscrimination/Anti-Harassment Policies Update - February 2021 Revised SECTION 504/ADA PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT
Code	po4123
Status	
Adopted	February 16, 2016

4123 - **SECTION 504/ADA PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT**

The Board of Education prohibits discrimination against any employee or applicant based upon his/her disability. As such, the Board will not engage in employment practices or adopt policies that discriminate on the basis of disability, or otherwise discriminate against qualified individuals with disabilities in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, or other terms, conditions, and privileges of employment. The Board further will not limit, segregate, or classify applicants or employees in any way that adversely affects their opportunities or status because of disability. Additionally, the Board will not participate in any contractual or other relationships that have the effect of subjecting qualified individuals with disabilities who are applicants or employees to discrimination on the basis of disability.

"An individual with a disability" means a person who has, had a record of, or is regarded as having a physical or mental impairment that substantially limits one (1) or more major life activities. Major life activities are functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, eating, sleeping, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, sitting, reaching, interacting with others, and working.

Major life activities also include the operation of a major bodily function including, but not limited to, functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, hemic, lymphatic, musculoskeletal and reproductive functions. The operation of a major bodily function includes the operation of an individual organ within a body system.

An impairment that is episodic in nature or in remission is considered a disability if it would substantially limit a major life activity when active.

The determination of whether an impairment substantially limits a major life activity must be made without regard to the ameliorative effects of mitigating measures such as medication, medical supplies, equipment or appliances, low-vision devices (defined as devices that magnify, enhance, or otherwise augment a visual image, but not including ordinary eyeglasses or contact lenses), prosthetics (including limbs and devices), hearing aid(s) and cochlear implant(s) or other implantable hearing devices, mobility devices, oxygen therapy equipment or supplies, use of assistive technology, reasonable accommodations or "auxiliary aids or services," learned behavioral or adaptive neurological modifications, psychotherapy, behavioral therapy, or physical therapy.

A qualified person with a disability means the individual satisfies the requisite skill, experience, education, and other job-related requirements of the employment position such individual holds or desires and, with or without reasonable accommodation, can perform the essential functions of the job in question.

The Board will provide a reasonable accommodation to a qualified individual who has an actual disability or who has a record of a disability unless the accommodation would impose an undue hardship on the operation of the District's program and/or activities. A reasonable accommodation is not required for an individual who is merely regarded as having a disability.

Compliance Officer(s)

The Board designates the following individual(s) to serve as the District's 504 Compliance Officer(s)/ADA Coordinator(s) (hereinafter referred to as the "District Compliance Officer(s)").

[DRAFTING NOTE: Neola suggests the Board appoint School Districts may want to consider appointing both a male and a female District Compliance Officer in order to provide complainants with the option to report their concerns to an individual of the gender with which they feel most comfortable. Additionally, by appointing two (2) District Compliance Officers, there should always be a Compliance Officer available to investigate a claim that pertains to the other Compliance Officer.]

Tim Dowker

(Name)

Assistant Superintendent

(School District Title)

517-332-6027

(Telephone Number)

7677 Sharpe Rd., Suite A, Fowlerville, MI 48836

(Office Address)

dowkert@fowlervilleschools.org

(E-mail Address)

Trisha Reed

(Name)

Director Human Resources

(School District Title)

517-223-6018

(Telephone Number)

7677 W. Sharpe Rd., Fowlerville, MI

(Office Address)

reedt@fowlervilleschools.org

(E-mail Address)

The names, titles, and contact information of these individuals will be published annually on the School District's website () and:

- A. () in the staff handbooks.
- B. () in the School District Annual Report to the public.
- C. () on the School District's web site.
- D. () on each individual school's website.
- E. () in the School District's calendar.
- F. () _____.

The District Compliance Officer(s) ~~()~~ **is (x)** are **[END OF OPTION]** responsible for coordinating the District's efforts to comply with and fulfill its responsibilities under Section 504 and Title II of the Americans with Disabilities Act, as amended ("ADA"). A copy of Section 504 and the ADA, including copies of their implementing regulations, may be obtained from the District Compliance Officer(s).

The District Compliance Officer(s) will oversee the investigation of any complaints of discrimination based on disability, which may be filed pursuant to the Board's adopted internal complaint procedure, and will attempt to resolve such complaints. The Board will provide for the prompt and equitable resolution of complaints alleging violations of Section 504/ADA. See below.

Training

The District Compliance Officer(s) will also oversee the training of employees in the District so that all employees understand their rights and responsibilities under Section 504 and the ADA, and are informed of the Board's policies, administrative guidelines, and practices with respect to fully implementing and complying with the requirements of Section 504/ADA.

The Board will provide in-service training and consultation to staff responsible for the education of persons with disabilities, as necessary and appropriate.

Facilities

No qualified person with a disability will, because the District's facilities are inaccessible to or unusable by persons with disabilities, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity to which Section 504/ADA applies.

For facilities constructed or altered after June 3, 1977, the District will comply with applicable accessibility standards. For those existing facilities constructed prior to June 3, 1977, the District is committed to operating its programs and activities so that they are readily accessible to persons with disabilities.

Notice

Notice of the Board's policy on nondiscrimination in employment practices and the identity of the District's Compliance Officer(s) **will be published on the District's website**, posted throughout the District, and ~~included~~ **published** in the District's recruitment statements or general information publications.

Complaint Procedures

If a person believes that s/he has been discriminated against on the basis of his/her disability, the person may utilize the following complaint procedures as a means of reaching, at the lowest possible administrative level, a prompt and equitable resolution of the matter.

In accordance with Section 504 of the Rehabilitation Act of 1973 and its implementing regulations ("Section 504"), employees will be notified of their right to file an internal complaint regarding an alleged violation, misinterpretation, or misapplication of Section 504. In addition, employees will be notified of their right to file a complaint with the U.S. Department of Education's Office for Civil Rights.

Internal complaints must be put in writing and must identify the specific circumstances or areas of dispute that have given rise to the complaint and offer possible solutions to the dispute. The complaint must be filed with a District Compliance Officer within the time limits specified below. The District's Compliance Officer is available to assist individuals in filing a complaint.

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).

Internal Complaint Procedure

The following internal complaint procedure is available to employees for the prompt and equitable resolution of complaints alleging discrimination based upon disability. This complaint procedure is not available to unsuccessful applicants. Use of the internal complaint procedure is not a prerequisite to the pursuit of other remedies, including the filing of a complaint with the U.S. Department of Education's Office for Civil Rights.

- A. An employee with a complaint based on alleged discrimination on the basis of disability may first discuss the problem with the District Compliance Officer.
- B. If the informal discussion does not resolve the matter, or if the employee skips Step A, the individual may file a formal written complaint with the District Compliance Officer. The written complaint must contain the name and address of the individual or representative filing the complaint, be signed by the complainant or someone authorized to sign for the complainant, describe the alleged discriminatory action in sufficient detail to inform the District Compliance Officer of the nature and date of the alleged violation, and propose a resolution. The complaint must be filed within thirty (30) ~~calendar~~ days of the circumstances or event giving rise to the complaint unless the time for filing is extended by the District Compliance Officer for good cause.
- C. The District Compliance Officer will conduct an independent investigation of the matter (which may or may not include a hearing). This complaint procedure contemplates informal, but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to present witnesses and other evidence relevant to the complaint. The District Compliance Officer will provide the complainant with a written disposition of the complaint within ten (10) ~~work~~ days. If no decision is rendered within ten (10) ~~work~~ days, or the decision is unsatisfactory in the opinion of the complainant, the employee may file, in writing, an appeal with the Superintendent. The District Compliance Officer shall maintain the District's files and records relating to the complaint.
- D. The Superintendent will, within ten (10) ~~work~~ days of receiving the written appeal, conduct a hearing with all parties involved in an attempt to resolve the complaint.

The Superintendent will render his/her decision within ten (10) ~~work~~ days of the hearing.
- E. The employee may be represented, at his/her own cost, at any of the above-described meetings/hearings.
- F. The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights or the filing of a court case. Use of this internal complaint procedure is not a prerequisite to the pursuit of other remedies.

If it is determined that the **C**omplainant was subjected to unlawful discrimination, the CO must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retaliation. The corrective action should be reasonable, timely, age-appropriate, effective, and tailored to the specific situation.

OCR Complaint

At any time, if an employee believes that s/he has been subjected to discrimination based upon his/her disability in violation of Section 504 or the ADA, the individual may file a complaint with the U.S. Department of Education's Office for Civil Rights ("OCR"). The OCR can be reached at:

U.S. Department of Education
Office for Civil Rights
Cleveland Office
1350 Euclid Avenue
Suite 325
Cleveland, Ohio 44115

(216) 522-4970

FAX: (216) 522-2573

TDD: (216) 522-4944

E-mail: OCR.Cleveland@ed.gov

Web: <http://www.ed.gov/ocr>

Retaliation

~~Retaliation against a person who makes a report or files a complaint alleging unlawful discrimination/retaliation, or participates as a witness in an investigation, is prohibited. Neither the Board nor any other person may initiate, threaten, coerce. Specifically, the Board will not discriminate/retaliate against, coerce, intimidate, threaten interfere with any individual because the person opposed any act or practice made unlawful by Section 504 or the ADA, or because that individual made a report, formal complaint, charge, 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 and/or this policy.~~

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 for 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 sanctions/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.

© Neola ~~2014~~2021

Legal

29 C.F.R. Part 1630

29 U.S.C. 794, Section 504 Rehabilitation Act of 1973, as amended

34 C.F.R. Part 104

42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended

Book	Policy Manual
Section	Title IX and Discrimination
Title	Nondiscrimination/Anti-Harassment Policies Update - February 2021 Revised ANTI-HARASSMENT
Code	po4362
Status	
Adopted	February 16, 2016
Last Revised	March 3, 2020

4362 - **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 harassment based on race, color, national origin, sex (including sexual orientation and transgender identity), disability, age (except as authorized by law), religion, height, weight, marital or family status, military status, ancestry, or genetic information (collectively, Protected Classes) that are protected by Federal civil rights laws (hereinafter referred to as unlawful harassment), and encourages those within the School District community as well as third parties, who feel aggrieved to seek assistance to rectify such problems. The Board will investigate all allegations of harassment and in those cases where unlawful harassment is substantiated, the Board will take immediate steps to end the harassment, prevent its recurrence, and remedy its effects. Individuals who are found to have engaged in unlawful harassment will be subject to appropriate disciplinary action.

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

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

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

Other Violations of the Anti-Harassment Policy

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

- A. Retaliating against a person who has made a report or filed a complaint alleging unlawful harassment, or who has participated as a witness in a harassment investigation.

- B. Filing a malicious or knowingly false report or complaint of unlawful harassment.
- C. Disregarding, failing to investigate adequately, or delaying investigation of allegations of harassment, when responsibility for reporting and/or investigating unlawful 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 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 or more persons systematically and chronically inflict physical hurt or psychological distress on one (1) or more students or employees and that 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 means any threatening, insulting, or dehumanizing gesture, use of technology, or written, verbal or physical conduct directed against a student or school employee that:

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

Sexual Harassment

~~Pursuant to~~ For purposes of this policy and consistent with Title VII of the Civil Rights Act of 1964, ~~and Title IX of the Educational Amendments of 1972,~~ sexual harassment is defined as:

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

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

Sexual harassment may involve the behavior of a person of ~~either any~~ **either** gender against a person of the same or ~~opposite another~~ **opposite** 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 ~~of a sexual nature~~, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, **profanity**, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls.

- E. Sexually suggestive objects, pictures, graffiti, videotapes, posters, audio recordings or literature, placed in the work or educational environment, that may reasonably which may 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 suggest 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. ~~Remarks speculating about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history.~~ Remarks speculating about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history.
- M. In the context of employees, consensual sexual relationships where such relationship leads to favoritism of a subordinate employee with whom the superior is sexually involved and where such favoritism adversely affects other employees or otherwise creates a hostile work environment.
- N. 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.
- O. 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.

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

Race/Color Harassment

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

Religious (Creed) Harassment

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

National Origin/Ancestry Harassment

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

Disability Harassment

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

Anti-Harassment Compliance Officers

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

[DRAFTING NOTE: Neola suggests the Board appoint both a male and a female Compliance Officer in order to provide Complainants with the option to report their concerns to an individual of the gender with which they feel most comfortable. The same individual(s) assigned to serve as Compliance Officer(s) may also be assigned to serve as the District's Section 504 Compliance Officer(s)/ADA Coordinator(s) and/or Title IX Coordinator(s). Additionally, by appointing two (2) Compliance Officers, there should also be a Compliance Officer available to investigate a claim of harassment that pertains to the other Compliance Officer.]

Tim Dowker

(Name)

Assistant Superintendent

(School District Title)

517-223-6027

(Telephone Number)

7677 Sharpe Rd., Fowlerville, MI 48836

(Office Address)

dowkert@fowlervilleschools.org

(E-mail Address)

Trisha Reed

(Name)

Director Human Resources

(School District Title)

517-223-6018

(Telephone Number)

7677 W. Sharpe Rd., Fowlerville, MI

(Office Address)

reedt@fowlervilleschools.org

(E-mail Address)

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

- A. ~~() in the parent and staff handbooks.~~
- B. ~~() in the School District Annual Report to the public.~~
- C. ~~() on each individual school's web site.~~
- D. ~~() in the School District's calendar.~~
- E. ~~() _____.~~

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 official. 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

Members of the School District community, ~~which includes all staff, and third parties~~ **along with Third Parties** are encouraged to promptly report incidents of harassing conduct to an administrator, supervisor or other School District official so that the Board may address the conduct before it becomes severe, pervasive, or persistent. Any administrator, supervisor, or other District official who receives such a **report** ~~complaint~~ shall file it with the ~~District's Anti Harassment Compliance Officer~~ **within two (2) days of receiving the report of harassment.** ~~at his/her first convenience.~~

Members of the School District community ~~or third parties~~ **and Third Parties** who believe they have been unlawfully harassed by another member of the School District community or a **Third Party** ~~third party~~ 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** ~~complainant's~~ **individual's** employment or participation in educational or extra-curricular programs. While there are no time limits for initiating complaints of harassment under this policy, individuals should make every effort to file a complaint as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

If, during an investigation of alleged bullying, aggressive behavior and/or harassment in accordance with Policy 5517.01 – Bullying and Other Forms of Aggressive Behavior, the Principal believes that the reported misconduct may have created a hostile work environment and may have constituted unlawful discriminatory harassment based on a Protected Class, the Principal will report the act of bullying, aggressive behavior and/or harassment to ~~the one of the Anti Harassment~~ **Compliance Officer(s)** 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 his/her~~ **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 the Policy 4362 investigation and provide ~~the Principal him/her~~ 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.**

~~Anti Harassment Compliance Officers~~

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

~~[NOTE: School Districts are advised to appoint both a male and a female Compliance Officer in order to provide Complainants with the option to report their concerns to an individual of the gender with which they feel most comfortable. In addition, the Compliance Officers may also serve as the District's Section 504 and Title IX Coordinators.]~~

~~(Name)~~

~~(School District Title)~~

~~(Telephone Number)~~

~~(Office Address)~~

~~(E-mail Address)~~

~~(Name)~~

~~(School District Title)~~

~~(Telephone Number)~~

~~(Office Address)~~

~~(E-mail Address)~~

~~The names, titles, and contact information of these individuals will be published annually:~~

- A. ~~(-) in the parent and staff handbooks.~~
- B. ~~(-) in the School District Annual Report to the public.~~
- C. ~~(-) on the School District's web site.~~
- D. ~~(-) on each individual school's web site.~~
- E. ~~(-) in the School District's calendar.~~
- F. ~~(-) _____.~~

~~The Compliance Officers will be available during regular school/work hours to discuss concerns related to unlawful harassment, to assist students, other members of the District community, and third parties who seek support or advice when informing another individual about unwelcome conduct, or to intercede informally on behalf of the 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 complaints of unlawful harassment directly from any member of the School District community or a visitor to the District, or receive complaints that are initially filed with a school building administrator. Upon receipt of a complaint either directly or through a school building administrator, a Compliance Officer will begin either an informal or formal process (depending on the request of the member of the School District community alleging harassment or the nature of the alleged harassment), or the Compliance Officer will designate a specific individual to conduct such a process. In the case of a formal complaint, the Compliance Officer will prepare recommendations for the Superintendent or will oversee the preparation of such recommendations by a designee. All members of the School District community must report incidents of harassment that are reported to them to the Compliance Officer within two (2) business days of learning of the incident. Any Board employee who directly observes unlawful harassment of a student is obligated, in accordance with this policy, to report such observations to one of the Compliance Officers within two (2) business days. Thereafter, the Compliance Officer or designee must contact the student, if age eighteen (18) or older, or the student's parents if under the age eighteen (18), within two (2) business days to advise s/he/them of the Board's intent to investigate the alleged misconduct, including the obligation of the Compliance Officer or designee to conduct an investigation following all the procedures outlined for a formal complaint.~~

Investigation and Complaint Procedure (See Form 4362 F1)

~~Except for Sexual Harassment that is covered by Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities, any~~ Any employee or other member of the School District community or ~~Third Party~~ third party (e.g., visitor to the District) who believes that ~~they have~~ s/he has been subjected to unlawful harassment may seek resolution of ~~the~~ his/her 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. ~~either the informal or formal procedures as described below. Further, a process for investigating claims of harassment and a process for rendering a decision regarding whether the claim of legally prohibited harassment was substantiated are set forth below.~~

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

The ~~informal and formal~~ procedures set forth below are not intended to interfere with the rights of any individual to pursue a complaint of unlawful harassment or retaliation with the United States Department of Education Office for Civil Rights ~~and~~ or Equal Employment Opportunity Commission (EEOC).

Informal Complaint Procedure

The goal of the informal complaint procedure is ~~promptly~~ to stop inappropriate behavior and to ~~investigate and~~ facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for a student, other member of the School District community, or ~~Third Party who alleges unlawful harassment or retaliation.~~ third party 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.~~ ~~and will only be utilized where the parties (alleged target of harassment and alleged harasser(s)) agree to participate in such process.~~

~~The Complainant~~ ~~Employees, other members of the School District community, or third parties who believe that they have been unlawfully harassed or retaliated against~~ may proceed immediately to the formal complaint process and individuals who seek resolution through the informal procedure may request that the informal process be terminated at any time to move to the formal complaint process.

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

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

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

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

The ~~Board's~~ ~~School District's~~ informal complaint procedure is designed to provide employees, other members of the School District community, or third parties 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 individual claiming unlawful harassment~~, informal resolution may involve, but not be limited to, one or more of the following:

- A. Advising the ~~Complainant individual~~ about how to communicate the unwelcome nature of the behavior to the ~~Respondent~~ ~~alleged harasser~~.
- B. Distributing a copy of ~~this~~ ~~the anti harassment~~ policy as a reminder to the individuals in the school building or office where the ~~Respondent works or attends.~~ ~~individual whose behavior is being questioned 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.~~ ~~between the individual claiming harassment and the individual accused of harassment to work out a mutual resolution.~~ ~~Such a meeting is not appropriate in circumstances involving sexual violence.~~

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

Formal Complaint Procedure

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

The Complainant ~~An individual who believes s/he has been subjected to offensive conduct/harassment/retaliation hereinafter referred to as the Complainant,~~ may file a formal complaint, either orally or in writing, with a teacher, Principal, the Compliance Officer, Superintendent, or other District **employee/official**. 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) ~~calendar~~ days after the conduct occurs while the facts are known and potential witnesses are available. If a Complainant informs a teacher, Principal, Superintendent, or other District **official/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/it is available**: the identity of the **Respondent** ~~individual believed to have engaged in, or be engaging in, offensive conduct/harassment/retaliation;~~ a detailed description of the facts upon which the complaint is based **(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** ~~alleged harasser~~. In making such a determination, the Compliance Officer should consult the Complainant to assess **whether the individual agrees with his/her agreement to** the proposed action. If the Complainant is unwilling to consent to the proposed change, the Compliance Officer may still take whatever actions **deemed/s/he deem** appropriate in consultation with the Superintendent.

Within two (2) business days of receiving the complaint, the Compliance Officer/~~or a~~ designee will initiate a formal investigation to determine whether the Complainant has been subjected to offensive conduct/harassment/retaliation. **The (-) A** 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** ~~individual alleged to have engaged in the harassing or retaliatory conduct, hereinafter referred to as the Respondent, that a~~ complaint has been received. The Respondent will be informed about the nature of the allegations and provided with a copy of any relevant **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) ~~business~~ days.

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

- A. interviews with the Complainant;
- B. interviews with the Respondent;

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

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

Absent extenuating circumstances, within five (5) business days of receiving the report of the Compliance Officer ~~/or the~~ designee, the Superintendent must either issue a final decision regarding whether the complaint of harassment has been substantiated or request further investigation. A copy of the Superintendent's **final written** decision will be delivered to both the Complainant and the Respondent.

If the Superintendent requests additional investigation, the Superintendent must specify the additional information that is to be gathered, and such additional investigation must be completed within five (5) business days. At the conclusion of the additional investigation, the Superintendent must issue a ~~final~~ written decision as described above.

☒ The decision of the Superintendent shall be final.

OR

~~☐ 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 his/her receipt of the Superintendent's final decision.~~

In an attempt to resolve the complaint, the Board shall meet with the concerned parties and their representative 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 ~~concerned~~ party within ten (10) business days of this meeting. The decision of the Board will be final.

[END OF OPTIONS]

The Board reserves the right to investigate and resolve a complaint or report of unlawful harassment/retaliation regardless of whether the member of the School District community or **Third Party** ~~third party~~ 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 ~~School~~ District will employ all reasonable efforts to protect the rights of the Complainant, the **Respondent individual(s) against whom the complaint is filed**, and the witnesses as much as possible, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under the terms of this

policy and 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.** ~~All Complainants proceeding through the formal investigation process will be advised that their identities may be disclosed to the Respondent.~~

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

Sanctions and Monitoring

The Board shall vigorously enforce its prohibitions against unlawful harassment/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 right 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 the 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 for 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 imposition of disciplinary sanctions/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.

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

Allegations Constituting Criminal Conduct: Child Abuse/Sexual Misconduct

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

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

Education and Training

In support of this Anti-Harassment Policy, the Board promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. The Superintendent ~~or designee~~ shall provide appropriate information to all members of the School District community related to the implementation of this policy and shall provide training for District students and staff where appropriate. All training, as well as all 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 interim~~ measures offered and/or provided to **the Complainant and/or the Respondent**, ~~complainants and/or the alleged perpetrators~~, including no contact orders issued to both parties, the dates the no contact orders were issued, and the dates the parties acknowledged receipt of the no contact orders;
- K. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects;

- L. copies of the Board policy and/or procedures/guidelines used by the District to conduct the investigation, and any documents used by the District at the time of the alleged violation to communicate the Board's expectations to students and staff with respect to the subject of this policy (e.g., Student **Code of Conduct** and/or Employee Handbooks ~~or Codes of Conduct~~);
- M. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment;

[DRAFTING NOTE: The following options should be selected if the district concludes that the following items are not adequately encompassed in the preceding paragraphs.]

- N. ~~() documentation of any training provided to District personnel related to this policy, including but not limited to, notification of the prohibitions and expectations of staff set forth in this policy and the role and responsibility of all District personnel involved in enforcing this policy, including their duty to report alleged violations of this policy and/or conducting an investigation of an alleged violation of this policy; [REMINDER: Documentation of training should be maintained regardless of whether there is an investigation of an alleged violation of this policy. It is best practice to maintain a log of all staff members who participate in a training, along with the date, time and location of the training, and a copy of the materials reviewed and/or presented during the training.]~~
- O. ~~() documentation that any rights or opportunities that the District made available to one party during the investigation were made available to the other party on equal terms;~~
- P. ~~() copies of any notices sent to the alleged perpetrator/responding party of the allegations constituting a potential violation of this policy;~~
- Q. ~~() copies of any notices sent to the Complainant and the Respondent/complainant and alleged perpetrator in advance of any interview, meeting, or hearing;~~
- R. ~~() copies of any documentation or evidence used during informal and formal disciplinary meetings and hearings, including the investigation report, and any written responses submitted by the Complainant or the Respondent/complainant or the alleged perpetrator.~~

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.

© Neola **20182021**

Legal	Titles VI and VII of the Civil Rights Act of 1964, 42 U.S.C. 2000d et seq.
	20 U.S.C. 1400 et seq., The Individuals with Disabilities Education Improvement Act of 2004 (IDEIA)
	29 U.S.C. 621 et seq., Age Discrimination in Employment Act of 1967
	29 U.S.C. 6101, The Age Discrimination Act of 1975
	42 U.S.C. 2000e et seq.
	42 U.S.C. 1983
	42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act
	29 C.F.R. Part 1635

Title IX of the Educational Amendments of 1972, 20 U.S.C. 1681 et seq.

29 U.S.C. 794, Rehabilitation Act of 1973, as amended

42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended

The Handicappers Civil Rights Act, M.C.L. 37.1101 et seq.

The Elliott-Larsen Civil Rights Act, M.C.L. 37.2101, et seq.

Policies on Bullying, Michigan State Board of Education, 7-19-01

Model Anti-Bullying Policy, Michigan State Board of Education, 09-2006

National School Boards Association Inquiry and Analysis May 2008

Book	Policy Manual
Section	Title IX and Discrimination
Title	Nondiscrimination/Anti-Harassment Policies Update - February 2021 Revised ANTI-HARASSMENT
Code	po5517
Status	
Adopted	July 11, 2017
Last Revised	March 3, 2020

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 ~~trans~~ 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~~ ~~third parties~~, who feel aggrieved to seek assistance to rectify such problems. The Board will investigate all allegations of unlawful harassment and in those cases where unlawful harassment is substantiated, the Board will take immediate steps to end the harassment, prevent its recurrence, and remedy its effects. Individuals who are found to have engaged in unlawful harassment will be subject to appropriate disciplinary action.

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

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

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

Other Violations of the Anti-Harassment Policy

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

- A. Retaliating against a person who has made a report or filed a complaint alleging unlawful harassment, or who has participated as a witness in a harassment investigation.

- B. Filing a malicious or knowingly false report or complaint of unlawful harassment.

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

- A. teasing;
- B. threats;
- C. intimidation;
- D. stalking;
- E. cyberstalking;
- F. cyberbullying;
- G. physical violence;
- H. theft;
- I. sexual, religious, or racial harassment;

- J. public humiliation; or
- K. destruction of property.

Harassment

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

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

Sexual Harassment

~~Pursuant to~~ For purposes of this policy and consistent with Title VII of the Civil Rights Act of 1964 ~~and Title IX of the Educational Amendments of 1972~~, sexual harassment is defined as:

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

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

Sexual harassment may involve the behavior of a person of ~~any~~ either gender against a person of the same or ~~another~~ opposite 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 ~~of a sexual nature~~, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, profanity, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls.

- E. Sexually suggestive objects, pictures, graffiti, videotapes, posters, audio recordings or literature, placed in the work or educational environment, that may reasonably which may 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. ~~Remarks speculating about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history.~~ Remarks speculating about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history. ~~Remarks speculating about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history.~~
- M. 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.
- N. 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.

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

Race/Color Harassment

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

Religious (Creed) Harassment

Prohibited religious harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's religion or creed and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate

in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's religious tradition, clothing, or surnames, and/or involves religious slurs.

National Origin/Ancstry 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~~ ~~disabling condition~~, such as negative comments about speech patterns, movement, physical impairments or defects/appearances, or the like. Such harassment may further occur where conduct is directed at or pertains to a person's genetic information.

Anti-Harassment Compliance Officers

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

[DRAFTING NOTE: Neola suggests the Board appoint both a male and a female Compliance Officer in order to provide Complainants with the option to report their concerns to an individual of the gender with which they feel most comfortable. The same individual(s) assigned to serve as Compliance Officer(s) may also be assigned to serve as the District's Section 504 Compliance Officer(s) /ADA Coordinator(s) and/or Title IX Coordinator(s). Additionally, by appointing two (2) Compliance Officers, there should also be a Compliance Officer available to investigate a claim of harassment that pertains to the other Compliance Officer.]

Tim Dowker
(Name)

Assistant Superintendent
(School District Title)

517-223-6027
(Telephone Number)

7677 Sharpe Rd., Fowlerville, MI 48823
(Office Address)

dowkert@fowlervilleschools.org
(E-mail Address)

Trisha Reed
(Name)

Director Human Resources

(School District Title)

517-223-6018

(Telephone Number)

7677 W. Sharpe Rd., Fowlerville, MI

(Office Address)

reedt@fowlervilleschools.org

(E-mail Address)

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

- A. ~~() in the parent and staff handbooks.~~
- B. ~~() in the School District Annual Report to the public.~~
- C. ~~() on each individual school's web site.~~
- D. ~~() in the School District's calendar.~~
- E. ~~() _____.~~

The Compliance Officer(s) () is () 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 official. 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 ~~and third parties~~ are encouraged to promptly report incidents of harassing conduct to a teacher, administrator, supervisor or other District official so that the Board may address the conduct before it becomes severe, pervasive, or persistent. Any teacher, administrator, supervisor, or other District employee or

official who receives such a ~~report~~ **complaint** shall file it with the ~~District's Anti-Harassment~~ Compliance Officer **within two (2) days of receiving the report of harassment.** ~~() at his/her first convenience () within two (2) school days.~~

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** ~~complainant's~~ **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 one of the Anti-Harassment~~ 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 his/her~~ 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** ~~him/her~~ 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.**

~~Anti-Harassment Compliance Officers~~

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

~~[NOTE: School Districts are advised to appoint both a male and a female Compliance Officer in order to provide Complainants with the option to report their concerns to an individual of the gender with which they feel most comfortable. The Compliance Officers may also serve as the District's Section 504 and Title IX Coordinators.]~~

~~(Name)~~

~~(School District Title)~~

~~(Telephone Number)~~

~~(Office Address)~~

~~(E-mail Address)~~

~~(Name)~~

~~(School District Title)~~

~~(Telephone Number)~~

~~(Office Address)~~

~~(E-mail Address)~~

The names, titles, and contact information of these individuals will be published annually:

A. ~~() in the parent and staff handbooks.~~

B. ~~() in the School District Annual Report to the public.~~

C. ~~() on the School District's web site.~~

D. ~~() on each individual school's web site.~~

E. ~~() in the School District's calendar.~~

F. ~~() _____.~~

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

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

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

Investigation and Complaint Procedure

~~Except for Sexual Harassment that is covered by Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities, any~~ Any student who believes that they have ~~s/he has~~ been subjected to unlawful harassment may seek resolution of ~~the his/her~~ 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.~~ either the informal or formal procedures as described below. Further, a process for investigating claims of harassment or retaliation and a process for rendering a decision regarding whether the claim of legally prohibited harassment or retaliation was substantiated are set forth below.

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

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

Informal Complaint Procedure

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

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

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

As an initial course of action, if a **Complainant feels comfortable and safe** ~~student feels that s/he is being unlawfully harassed and s/he is able and feels safe~~ doing so, the individual should tell or otherwise inform the **Respondent that the allegedly harassing** ~~harasser that the conduct is unwelcome and must stop. Such direct communication should not be utilized in circumstances involving sexual violence. The complaining individual~~ **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 individual** if requested to do so. **A Complainant** ~~An individual~~ who is uncomfortable or unwilling to **directly approach the Respondent about the alleged inappropriate conduct may file** ~~inform the harasser of his/her complaint is not prohibited from otherwise filing~~ an informal or a formal complaint. In addition, with regard to certain types of unlawful harassment, such as sexual harassment, the Compliance Officer may advise against the use of the informal complaint process.

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

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

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

- A. Advising the **Complainant** ~~student~~ about how to communicate the unwelcome nature of the behavior to the **Respondent** ~~alleged harasser~~.
- B. Distributing a copy of ~~this~~ the anti-harassment policy as a reminder to the individuals in the school building or office where the **Respondent works or attends** ~~individual whose behavior is being questioned 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.** ~~between the student claiming harassment and the individual accused of harassment to work out a mutual resolution. Such a meeting is not appropriate in circumstances involving sexual violence.~~

While there are no set time limits within which an informal complaint must be resolved, the Compliance Officer ~~/or designee~~ **is directed** ~~will exercise his/her authority~~ to attempt to resolve all informal complaints within fifteen (15) business days of receiving the informal complaint. **If the Complainant is** ~~Parties who are~~ dissatisfied with the ~~results of the~~ informal complaint process, **the**

Complainant may proceed to file a formal complaint and, as stated above, ~~either party~~ **parties** may request that the informal process be terminated at any time to move to the formal complaint process.

Formal Complaint Procedure

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

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

Throughout the course of the process, the Compliance Officer should keep the parties **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 it is available**: the identity of the **Respondent** ~~individual believed to have engaged in, or be engaging in, offensive conduct/harassment/retaliation;~~ a detailed description of the facts upon which the complaint is based **(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** ~~alleged harasser~~. In making such a determination, the Compliance Officer should consult the Complainant to assess **whether the individual agrees with his/her agreement to** the proposed action. If the Complainant is unwilling to consent to the proposed change, the Compliance Officer may still take whatever actions **deemed** ~~he deem~~ appropriate in consultation with the Superintendent.

Within two (2) business days of receiving the complaint, the Compliance Officer ~~/or a~~ designee will initiate a formal investigation to determine whether the Complainant has been subjected to offensive conduct/harassment/retaliation. ~~(-) A~~ **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** ~~individual alleged to have engaged in the harassing or retaliatory conduct, hereinafter referred to as the Respondent, that a~~ complaint has been received. The Respondent will be informed about the nature of the allegations and provided with a copy of any relevant **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) ~~business~~ days.

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

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

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

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

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

☒ The decision of the Superintendent shall be final.

OR

~~☐ 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 his/her receipt of the Superintendent's final 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 ~~concerned~~ party within ten (10) business days of this meeting. The decision of the Board will be final.

[END OF OPTIONS]

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

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

Sanctions and Monitoring

The Board shall vigorously enforce its prohibitions against unlawful harassment ~~/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 reoccurrence, 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 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.~~

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

Allegations Constituting Criminal Conduct: Child Abuse/Sexual Misconduct

State law requires any school teacher or school employee who knows or suspects that a student under the age of eighteen (18) or that a person with a disability receiving services as a student from the school regardless of age has suffered or faces a threat of suffering a physical or mental wound, disability or condition of a nature that reasonably indicates abuse or neglect of a child to

immediately report that knowledge or suspicion to the county children's services agency. If, during the course of a harassment investigation, the Compliance Officer or a designee has reason to believe or suspect that the alleged conduct reasonably indicates abuse or neglect of the Complainant, a report of such knowledge must be made in accordance with State law and Board Policy.

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

Education and Training

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

Retention of Investigatory Records and Materials

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 interim~~ measures offered and/or provided to the Complainant and/or the Respondent, ~~complainants and/or the alleged perpetrators,~~ including no contact orders issued to both parties, the dates the

no contact orders were issued, and the dates the parties acknowledged receipt of the no contact orders;

- K. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects;
- L. copies of the Board policy and/or procedures/guidelines used by the District to conduct the investigation, and any documents used by the District at the time of the alleged violation to communicate the Board's expectations to students and staff with respect to the subject of this policy (e.g., Student **Code of Conduct** and/or Employee Handbooks ~~or Codes of Conduct~~);
- M. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment;

[DRAFTING NOTE: The following options should be selected if the district concludes that the following items are not adequately encompassed in the preceding paragraphs.]

- N. ~~() documentation of any training provided to District personnel related to this policy, including but not limited to, notification of the prohibitions and expectations of staff set forth in this policy and the role and responsibility of all District personnel involved in enforcing this policy, including their duty to report alleged violations of this policy and/or conducting an investigation of an alleged violation of this policy; [REMINDER: Documentation of training should be maintained regardless of whether there is an investigation of an alleged violation of this policy. It is best practice to maintain a log of all staff members who participate in a training, along with the date, time and location of the training, and a copy of the materials reviewed and/or presented during the training.]~~
- O. ~~() documentation that any rights or opportunities that the District made available to one party during the investigation were made available to the other party on equal terms;~~
- P. ~~() copies of any notices sent to the alleged perpetrator/responding party of the allegations constituting a potential violation of this policy;~~
- Q. ~~() copies of any notices sent to the Complainant and the Respondentcomplainant and alleged perpetrator in advance of any interview, meeting, or hearing;~~
- R. ~~() copies of any documentation or evidence used during informal and formal disciplinary meetings and hearings, including the investigation report, and any written responses submitted by the Complainant or the Respondent.complainant or the alleged perpetrator.~~

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.

© Neola ~~2018~~2021

Legal	Titles VI and VII of the Civil Rights Act of 1964, 42 U.S.C. 2000d et seq. 20 U.S.C. 1400 et seq., The Individuals with Disabilities Education Improvement Act of 2004 (IDEIA) 29 U.S.C. 621 et seq., Age Discrimination in Employment Act of 1967 29 U.S.C. 6101, The Age Discrimination Act of 1975 42 U.S.C. 2000e et seq.
-------	---

42 U.S.C. 1983

42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act

29 C.F.R. Part 1635

Title IX of the Educational Amendments of 1972, 20 U.S.C. 1681 et seq.

29 U.S.C. 794, Rehabilitation Act of 1973, as amended

42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended

The Handicappers Civil Rights Act, M.C.L. 37.1101 et seq.

The Elliott-Larsen Civil Rights Act, M.C.L. 37.2101, et seq.

Policies on Bullying, Michigan State Board of Education, 7-19-01

Model Anti-Bullying Policy, Michigan State Board of Education, 09-2006

National School Boards Association Inquiry and Analysis May 2008

Book	Policy Manual
Section	Title IX and Discrimination
Title	Special Update - Title IX Regulations - July 2020 Rescind/Delete SEXUAL VIOLENCE
Code	po5517.02
Status	
Adopted	July 11, 2017
Last Revised	March 3, 2020

5517.02 — SEXUAL VIOLENCE

The Board of Education does not discriminate on the basis of race, color, national origin, sex (including sexual orientation or transgender identity), disability, age (except as authorized by law), religion, military status, ancestry, or genetic information (collectively, "Protected Classes") in its education programs and activities. The Board is committed to maintaining an education and work environment that is free from all forms of unlawful harassment, including sexual harassment.

Sexual harassment, including sexual violence, interferes with students' rights to receive an education free from discrimination, and, in the case of sexual violence, is a crime. Pursuant to its Title IX obligations, the Board is committed to eliminating sexual violence in all forms and will take appropriate action against any individual found responsible for violating this policy. To further its commitment against sexual violence, the Board provides reporting options, an investigative and disciplinary process, and other related services as appropriate.

This policy applies to all student complaints, whether filed by a student, his/her parent, an employee, or third party on the student's behalf. It applies to all District operations, programs, and activities, as well as to unlawful conduct occurring on school property or during a Board-sponsored activity. All students, administrators, teachers, staff, and all other school personnel share responsibility for avoiding, discouraging, and reporting any form of unlawful harassment.

Definitions

Sexual Harassment

As detailed further in Policy 5517, sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal or physical conduct of a sexual nature. Sexual harassment may involve the behavior of a person of either gender against a person of the same or opposite gender.

Examples 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 implying that a person's conditions of education may be adversely affected by not submitting to sexual advances;
- D. unwelcome sexual verbal expressions, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; unwelcome sexually degrading language, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls;
- E. sexually suggestive objects, pictures, videotapes, audio recordings or literature;
- F. unwelcome and inappropriate touching, patting, or pinching; obscene gestures;
- G. a pattern of conduct, which can be subtle in nature, that has sexual overtones and is intended to create or has the effect of creating discomfort and/or humiliation to another;
- H. speculations about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history;
- I. inappropriate boundary invasions into a student's personal space and personal life; and
- J. verbal, nonverbal or physical aggression, intimidation, or hostility based on sex or sex stereotyping that does not involve conduct of a sexual nature.

Sexual Violence

Sexual violence, as used in this policy, refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent (e.g., due to the student's age, intellectual or other disability, or use of drugs or alcohol). Sexual violence includes rape, sexual assault, sexual battery, sexual abuse, and sexual coercion. Sexual violence can be carried out by school employees, other students, or third parties. All such acts of sexual violence are forms of sexual harassment and, in turn, sex discrimination prohibited by Title IX.

Harassing conduct creates a hostile environment when it interferes with or limits a student's ability to participate in or benefit from the school's program. A single or isolated incident of sexual harassment may create a hostile environment if the incident is sufficiently severe. For example, a single instance of rape is sufficiently severe to create a hostile environment.

Anti-Harassment Compliance Officers

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

[NOTE: For the complainant's comfort, districts are advised to appoint both a male and a female Compliance Officer. The Compliance Officers may also serve as the District's Section 504/ADA and Title IX Coordinators.]

(Name)

(School District Title)

(Telephone Number)

(Office Address)

(E-mail Address)

(Name)

(School District Title)

(Telephone Number)

(Office Address)

(E-mail Address)

The names, titles, and contact information of these individuals will be published annually:

- A. () in the student, parent, and staff handbooks.
- B. () in the School District Annual Report to the public.
- C. () on the School District's web site.
- D. () on each individual school's web site.
- E. () in the School District's calendar.
- F. () _____.

The Compliance Officers are available during regular school/work hours to discuss Title IX questions, sexual violence concerns, and to assist students, other members of the School District community, and third parties. Compliance Officers shall accept sexual violence complaints directly from any members of the School District community or a visitor to the District, as well as those initially filed within a school building administrator. Upon receiving a complaint, the Compliance Officer or designee will discuss confidentiality issues with the complainant (and his/her parent, if the complainant is a minor), and open an investigation as described below.

Complaint Procedures **Reporting**

Students and Board employees are required, and parents, community members, and third parties are encouraged, to report sexual violence promptly to a teacher, administrator, supervisor, or other school official. Reports can be made orally or in writing, and should be as specific as possible. The person making the report shall identify the alleged victim, perpetrator(s), and witness(es), and describe in detail what occurred, including date(s), time(s), and location(s). The District, however, will investigate and address all reports to the extent possible.

A student has a right to file criminal and/or Title IX complaints simultaneously. A student does not need to wait until the Title IX investigation is completed before filing a criminal complaint. Likewise, questions or complaints relating to sexual violence or any other Title IX concerns may also be filed with the U.S. Department of Education's Office for Civil Rights.

Any teacher, administrator, supervisor, or other school employee or official who receives such a complaint shall file it with the District's Compliance Officer within two (2) school days, and shall comply with his/her mandatory reporting responsibilities. The Compliance Officer will oversee the District's investigation and response to any Title IX related complaints, but s/he may delegate the investigative process to another individual ("Designee"). The Board reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy.

Confidentiality

The District respects students' privacy and will only disclose information regarding alleged sexual violence to individuals who are responsible for handling the school's response, the student's parents (if the student is a minor or is considered a dependent under Section 152 of the Internal Revenue Code), or as otherwise required by law. During the course of a formal investigation, the Compliance Officer/designee will instruct all interviewees about the importance of maintaining confidentiality. Interviewees will be directed not to disclose any information that s/he learns or that s/he provides during the course of the investigation to third parties. Students or their parents sometimes ask that the students' names not be disclosed to the alleged perpetrators or that no investigation or disciplinary action be pursued to address the alleged sexual violence. Upon such a request, the Compliance Officer/designee will inform the student and his/her parent that honoring the request may limit the District's ability to respond fully to the incident, including pursuing disciplinary action against the alleged perpetrator. The official will also explain that Title IX includes protections against retaliation, and that school officials will not only take steps to prevent retaliation but also take strong responsive action if it occurs.

Should the student or his/her parents continue to request complete confidentiality, the Compliance Officer/designee will balance the student's privacy request with the District's obligation to provide a safe and non-discriminatory environment for all students. Should the official determine that the District can honor the student's or parent's request and remain in compliance with its Federal and State obligations, the District may limit its investigation and/or formal action against the alleged perpetrator. The District will, however, take other action to address the sexual violence. This may include increasing monitoring and security, offering schedule changes, and conducting climate surveys.

If the Compliance Officer/designee determines that the District must disclose the student's identity to an alleged perpetrator, s/he will inform the student and his/her parents prior to disclosure. The District will then afford interim protection measures to the student as appropriate.

Investigation

The District is committed to investigating all sexual violence complaints in an adequate, reliable, impartial, and prompt manner. The investigation will seek to determine whether the conduct occurred, and if so, what actions the school will take to end the sexual violence, eliminate the hostile environment, prevent its recurrence, and remedy its effects.

The investigation may include:

- A. interviewing the complainant, perpetrator, and any witnesses;
- B. reviewing law enforcement investigation documents;
- C. reviewing student and personnel files;
- D. gathering and examining other relevant documents or evidence; and
- E. providing a disciplinary hearing as needed.

The District affords both parties a balanced and fair process. Specifically, the complainant has the same rights throughout the proceeding as the alleged perpetrator. Both parties, for example, will have an equal opportunity to present relevant witnesses and other evidence at a disciplinary hearing. Likewise, the District's appeal process is available to both parties. The District, however, does not require complainants to be present for the hearing or appeal. Further, the District will not permit parties to personally question or cross-examine each other directly.

{OPTION}

[] Additionally:

- A. **(-)** The District permits both parties to have legal counsel or other advisors at any stage of the proceedings. Any restrictions on legal counsel participation apply to both parties equally.

B. ~~(-) The District permits both parties to submit third-party testimony.~~

C. ~~(-) The District permits both parties to be present for the entire hearing, but it will not require the complainant and alleged perpetrator to be present in the same room at the same time.~~

[END-OF-OPTION]

In resolving a complaint, the District uses a preponderance of the evidence standard, determining whether it is more likely than not that sexual violence occurred.

Timeline

The Compliance Officer/designee must contact the student, if age eighteen (18) or older, or the student's parents if under the age eighteen (18), within two (2) school days after receipt of a report of sexual violence to advise s/he/them of the Board's intent to investigate the alleged misconduct. The Compliance Officer/designee will also inform the alleged perpetrator of the opportunity to submit a written response to the complaint within five (5) business days. The District's investigation, including a disciplinary hearing process (but not appeal), may take up to sixty (60) calendar days to complete. This timeframe may be extended on a case-by-case basis, depending on the complexity and severity of the matter, criminal investigation requirements, and school breaks. During this period, the District will provide the complainant with periodic updates on the status of the investigation.

Interim Measures

During the investigation, the District will take interim steps to facilitate the complainant's equal access to its education programs. These steps may include, but are not limited to: 1) notifying the complainant of his/her options to avoid contact with the alleged perpetrator; 2) allowing the complainant to change his/her academic, extracurricular, transportation, dining, and working situation as appropriate; and 3) informing complainant of other available resources, such as counseling, legal assistance, and victim advocacy. Specific interim measures will be considered and offered on a case-by-case basis.

Notice

Upon completing its investigation, the District will notify both parties in writing about the outcome of the complaint and any appeal. Specifically, the District will notify the complainant: 1) as to whether the investigation substantiated the allegations; 2) of individual remedies offered to the complainant; 3) of sanctions imposed on the perpetrator that directly relate to the complainant; and 4) other steps the District has taken to eliminate the hostile environment and prevent recurrence. The alleged perpetrator will be notified of the investigation's result and disciplinary consequence to him/her, if any. The District will not notify the alleged perpetrator about the individual remedies afforded to the complainant. All aforementioned notifications will comply with Federal and State privacy laws, including the Family Education Rights and Privacy Act (FERPA).

Remedies

The District will provide a prompt and equitable resolution. If the investigation substantiates the complaint, the District will take steps to end the sexual violence, eliminate the hostile environment, prevent its recurrence, and remedy its effects. In addition to imposing disciplinary consequences on the perpetrator, the District will consider the following individual and global remedies, on a case-by-case basis:

- A. providing medical, counseling, and academic support services to the complainant and/or perpetrator;
- B. re-arranging schedules at the complainant's request;
- C. affording the complainant extra time to complete or retake classes without academic penalty;
- D. reviewing any disciplinary proceedings against the complainant;
- E. training or retraining employees;
- F. developing materials on sexual violence;
- G. conducting sexual violence prevention programs; and
- H. conducting climate checks.

The District will not offer mediation in cases involving sexual violence. Disciplinary consequences against offenders may include suspension, expulsion, termination, and any other sanctions the Board deems appropriate. Any discipline meted out to offenders will comply with special education and Section 504 laws and regulations.

Appeals Process

Both complainants and perpetrators may appeal the outcome of the investigation. Any appeal opportunities afforded to the alleged perpetrator are also afforded to the complainant. Any party wishing to appeal the outcome of the investigation must submit a written appeal to the Board within ten (10) school days after receipt of the written notice of the outcome of the investigation. The Board shall, within twenty (20) work days, conduct a hearing concerning the appeal. The Board shall provide a written decision to the appealing individual within ten (10) work days following completion of the hearing.

Retaliation

Federal law strictly prohibits retaliation against a complainant or witness. The District will inform complainant of this prohibition and direct him/her to report retaliation, whether by students or school officials, to the Compliance Officer. Upon learning of retaliation, school officials will take strong responsive action as appropriate.

Training

All staff will be trained so they know to report harassment to appropriate school officials. This training will include practical information about how to identify and report sexual harassment, including sexual violence. The training will be provided to any employees likely to witness or receive complaints involving sexual harassment and/or sexual violence, including teachers, school law enforcement unit employees or school resource officers, school administrators, school counselors, and health personnel. Further, school administrators responsible for investigating allegations of sexual harassment and sexual violence will be trained how to conduct such investigations and respond properly to such charges.

Retention of Investigatory Records and Materials

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

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

- M. ~~copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment;~~

~~[DRAFTING NOTE: The following options should be selected if the district concludes that the following items are not adequately encompassed in the preceding paragraphs.]~~

- N. ~~(-) documentation of any training provided to District personnel related to this policy, including but not limited to, notification of the prohibitions and expectations of staff set forth in this policy and the role and responsibility of all District personnel involved in enforcing this policy, including their duty to report alleged violations of this policy and/or conducting an investigation of an alleged violation of this policy; [REMINDER: Documentation of training should be maintained regardless of whether there is an investigation of an alleged violation of this policy. It is best practice to maintain a log of all staff members who participate in a training, along with the date, time and location of the training, and a copy of the materials reviewed and/or presented during the training.]~~
- O. ~~(-) documentation that any rights or opportunities that the District made available to one party during the investigation were made available to the other party on equal terms;~~
- P. ~~(-) copies of any notices sent to the alleged perpetrator/responding party of the allegations constituting a potential violation of this policy;~~
- Q. ~~(-) copies of any notices sent to the complainant and alleged perpetrator in advance of any interview or hearing;~~
- R. ~~(-) copies of any documentation or evidence used during informal and formal disciplinary meetings and hearings, including the investigation report, and any written responses submitted by the complainant or the alleged perpetrator.~~

~~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.~~

© Neola 2018

Legal	20 U.S.C. 1681 et seq., Title IX of the Education Amendments of 1972 (Title IX)
	20 U.S.C. 1400 et seq., The Individuals with Disabilities Education Improvement Act of 2004 (IDEIA)
	42 U.S.C. 2000c et seq., Title IV of the Civil Rights Act of 1964
	42 U.S.C. 2000d et seq.
	42 U.S.C. 2000e et seq.
	42 U.S.C. 1983
	34 C.F.R. Part 106
	Dear Colleague Letter on Sexual Violence (Office for Civil Rights, 2011)
	OCR's Revised Sexual Harassment Guidance (2001)