

## GENERAL GENERAL ADMINISTRATIVE REGULATIONS

The 8000 series of Board Policies requires or permits the Superintendent to promulgate and implement administrative regulations. The Superintendent, pursuant to this authority, promulgated and implemented these administrative regulations on February 15, 2023 and posted them on <https://www.wyandotte.org/district/board-of-education/board-bylaws-policies-procedures>. All School District personnel and Students are required to follow these administrative regulations.

### 8001-AR Acceptable Use

The School District encourages and promotes the use of technology in our schools and for school operations. To ensure students, staff and parents take full advantage of the technologies available, but in compliance with applicable law, all uses of technology in the School District must have proper authorization and adhere to School District policies. The use of technology is a privilege, not a right, and must be in support of and consistent with the purposes and stated goals of the School District. There are no inherent warranties for technological resources that the School District is providing. The School District will monitor all network activity by, for example, ensuring the presence of a teacher or other appropriate School District staff personnel when students are accessing the internet at school, installing filtering or blocking software on School District computers to restrict unauthorized websites, and monitoring access logs to keep track of websites visited by students in order to restrict access to newly-created or previously unknown websites harmful to minors.

**Guidelines** Students will use technology as authorized by appropriate school personnel. Only software legally owned and/or authorized by the School District may be put on School District computers. All network activities will be legal and of an appropriate use. Prior approval of the building principal and District web manager is needed to place anything on the building or District web pages.

#### Technology Users Will:

- Comply with School District policies, rules, and regulations.
- Use networks and technology in support of the School District's educational goals.
- Obey all School District, state, and national copyright laws.
- Report to the building administrator or teacher any misuse of networks and/or technology.
- Use School District equipment responsibly.
- Respect individual work, files, programs, and security.
- Hold harmless the School District from any and all claims or damages of any nature arising from access, use, or inability to access or use the technology or network system.

#### Technology Users Will Not:

- Intentionally tamper with computer or network components in a way that makes them temporarily or permanently inoperable.
- Access, vandalize, or modify anyone else's account, data, files, and/or passwords without authorization of the network administrator or building principal.

- Use School District technology for commercial or “for profit” purposes.
- Use School District technology to impersonate another, or to obtain illegal copies of software or audio, text, or video materials for which the School District does not have ownership.
- Use School District technology to send or intentionally receive messages that are inflammatory, harassing in nature, sexist, racist, or otherwise inappropriate.
- Disclose confidential information, passwords, or access codes.
- Post personal information (such as address or phone number), credit card numbers, bank account numbers, or any other financial information.
- Use School District technology to distribute and/or access materials that:
  1. Violate [FERPA](#), or any other law which affords students certain rights with respect to their education records;
  2. Jeopardize the health and safety of students;
  3. Are obscene, pornographic, or libelous;
  4. Cause disruption of school activities;
  5. Plagiarize the work of others;
  6. Are commercial advertisements; or
  7. Have not been approved by the building administrator, network administrator, or web master.

Any attempt at performing one of the aforementioned prohibited acts is also prohibited.

### **Digital communications**

Digital communication (including social networking) that occurs on district premises or involves the use of district equipment is governed by the Acceptable Use Policy and this Policy. This Policy also applies to digital communication that occurs off District premises and/or using non-District equipment.

Digital communication (including social networking) provides educational and other opportunities for staff and students. The Board of Education expects that staff and students who engage in digital communication will do so in a reasonable and appropriate manner. Specifically, the digital communication between staff and students, or to which students reasonably may be exposed, should be professional and of the same content, tone and demeanor as in-school communication between staff and students. Similarly, digital communication between staff and parents, community members and other adults, or to which staff members, parents and community members reasonably may be exposed, should be professional.

**Internet Safety** The School District will implement software and/or other safeguards on School District-owned technology which protects adults and students from accessing images or other online depictions that are obscene, contain child pornography, and, with respect to students, are harmful to minors.

The School District will educate students about appropriate online behavior, including: interacting with other individuals on social networking websites and chat rooms, and cyberbullying awareness and response, in accordance with Board policy 2006 and any implementing regulations.

## 8002-AR Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act (Section 504)

The [ADA](#) and [Section 504](#) prohibit illegal discrimination on the basis of disability. ADA and Section 504 also require the School District to provide a free appropriate public education (FAPE) to eligible students. The manner in which the School District provides FAPE to eligible students and related issues are described in the School District's 504 process and forms. This regulation sets forth a procedure for addressing complaints of illegal discrimination arising under the ADA and Section 504.

### **Procedure**

**Step 1.** A person who believes that he/she has been discriminated against by the School District may discuss the matter informally with the immediate supervisor in the case of an employee, or the building principal, in the case of a student, or, instead, proceed directly to Step 2. (NOTE: If the immediate supervisor or building principal who is the subject of the complaint, the employee or student may instead contact the School District's Section 504 Compliance Officer, identified below.) The person receiving the complaint shall verbally convey his/her findings to both the person who alleged the violation and the person who is the subject of the complaint within ten (10) days.

NOTE: The informal complaint procedure is provided as a less formal option for a person who believes s/he has been discriminated against or harassed. This informal procedure is **not** required before filing a formal complaint. Moreover, a student who seeks resolution through the informal process may request, at any time, that the matter be moved to the formal complaint process.

**Step 2.** If the informal Step 1 process does not resolve the matter, or, if the employee or student chooses not to use the informal procedure, a written complaint may be submitted to the employee's immediate supervisor (to the school's principal if by a student). A complaint may also be filed directly with the applicable School District Section 504 Compliance Officer. The complaint shall include: (1) the employee's or student's name; (2) the facts of the incident or action complained about; (3) the date of the incident or action giving rise to the complaint; (4) the type of discrimination alleged to have occurred; and, (5) the specific relief sought. A Step 2 meeting shall be conducted within ten (10) days following the submission of the written complaint. Within the next ten (10) days, the immediate supervisor or principal shall issue a written disposition, with copies to be given to both the person who alleged the violation and the person who is the subject of the complaint.

**Step 3.** If the supervisor or principal's reply does not resolve the matter, a written complaint may be submitted to the applicable District Section 504 Compliance Officer within ten (10) days of the Step 2 disposition. A meeting shall be conducted at which both parties shall have the right to present witnesses and offer other evidence. Following the meeting, the Section 504 Compliance Officer shall reply in writing to the complainant and the person who is the subject of the complaint within ten (10) days.

**Step 4.** If the complainant wishes to appeal the decision of the Section 504 Compliance Officer, he/she may submit a written appeal to the Superintendent of Schools within ten (10) days after receipt of the Section 504 reply. The Superintendent, or his/her designee, shall meet with all parties involved and respond to the complaint, in writing, within ten (10) days of the date of the appeal. Copies shall be provided to both the complainant and the person who is the subject of the complaint.

**Prohibition Against Retaliation** The District hereby provides assurance that it strictly prohibits any form of retaliation against persons who utilize this Complaint Procedure.

With regard to the District website and any District web presence which is developed by, maintained by, or offered through third party vendors and open sources, the District is committed to compliance with [Title II of the Americans with Disabilities Act \(ADA\)](#) and [Section 504 of the Rehabilitation Act of 1973](#) so that students, parents, employees, and members of the public are able to independently acquire the same information, engage in the same interactions, and enjoy the same benefits and services within the same timeframe as those without disabilities, with substantially equivalent ease of use. The District further seeks to ensure that those individuals with disabilities are not excluded from participation in, denied the benefits of, or otherwise subjected to discrimination in any District programs, services, and activities delivered online. All existing, new, or updated web content produced by the District will conform to Web Content Accessibility Guidelines (WCAG) 2.0, Level AA conformance, or updated equivalents, as soon as practicable.

With respect to third-party content, the District, through its Web Accessibility Coordinator, will confirm the accessibility of such content before posting/linking to the District's web presence, to the extent possible, by testing same through a web accessibility checker or similar resource and/or manual checking. If the accessibility of third-party content cannot be verified prior to posting/linking, the District shall avoid posting/linking of same.

If third-party content is verified and posted, but is later identified as not being accessible **after** posting/linking occurs, the District, through its Web Accessibility Coordinator, will endeavor to determine the basis of the issue by contacting the third-party provider and/or requesting information regarding the accessibility of their products. To the extent possible, the District will determine if an alternate way to provide the third-party content exists. If it is ultimately determined that the third-party content cannot be made accessible – either because it represents an undue burden or would require a fundamental alteration – the District shall keep a record of the inaccessible third party content. A determination of undue burden or fundamental alteration will be made by the Superintendent and/or his/her designee after considering all resources available for use in the funding and operation of the service, program, or activity and will be accompanied by a written statement outlining the reasons for such conclusion.

**Website Audit** The District's Web Accessibility Coordinator will be responsible for reviewing all areas of the District's website and evaluating its accessibility on a semester basis or as close thereto as possible. The contemplated review will be completed, subject to District discretion, utilizing free online resources available to the District, a platform audit resource (if applicable), and/or a third-party vendor resource. The District's Web Accessibility Coordinator will also conduct a manual check of the website as part of the contemplated semester review. The results of all reviews/audits will be documented and evaluated. Identified issues will be remediated within a reasonable period of time under the direction of the Web Accessibility Coordinator.

**District Training** The District will provide ~~annual~~ training for any staff (e.g. administrators, faculty, support staff, student employees) responsible for creating or distributing information with online content. The training will be facilitated, in whole or in part, by an individual with sufficient knowledge, skill, and experience to understand and employ the technical standard(s) adopted by the District. The training will include training on the Web Accessibility Policy, the Administrative Regulation, and staff roles and responsibilities to ensure that web design, documents, and multimedia content are accessible. The District will provide periodic updates to staff, as appropriate, should technology standards change in a readily discernable way. The District will also ensure that new staff are timely provided training consistent with the above expectations. With regard to staff who have already been fully trained at least once on the Web Accessibility Policy, the annual-training requirement may be satisfied by disseminating notice that includes the Web Accessibility Policy (e.g., via e-mail with a link to the policy), highlights any Policy updates, and provides the name and contact information of the Web Accessibility Coordinator to serve as a resource for staff with questions about the accessibility of online content.

**Report of Accessibility Concerns/Issues** In contacting the District's Web Accessibility Coordinator to report any issues or concerns associated with the accessibility of online content, reporting individuals are encouraged to provide the following information:

- Name;
- Contact information (phone or email);
- Type of information that was inaccessible (PDF, video, etc.);
- Specific web page the user was on (URL or page title);
- Date the user was unable to access the information; and
- Any other information the user believes might be helpful to the District in resolving the issue.

Upon report of a concern regarding the accessibility of online content, the Web Accessibility Coordinator will, consistent with District policy, provide the requested information in an alternate format and, as soon as reasonably practical, make the necessary improvements to make the information accessible online.

**Formal Discrimination Complaint** A student, parent, or member of the public who wishes to submit a formal complaint regarding a violation of [Title II of the Americans with Disabilities Act \(ADA\)](#) and [Section 504 of the Rehabilitation Act of 1973](#) related to the accessibility of any District web presence that is developed by, maintained by, or offered through the District, third party vendors, and/or open sources, may utilize the District's established complaint procedures are contained in administrative regulation 8002-AR.

Irrespective of the submission of a formal complaint, once the District has been notified of inaccessible content, the reporting party should be provided with access to the desired information in a prompt manner. In this regard, the Complainant should not have to wait for the investigation of the complaint to be concluded before receiving the information that he/she was unsuccessful in accessing through the District's web presence.

## **8005-AR Communicable Diseases**

Where a student or staff member has been diagnosed with a communicable disease, the School District administration will consult the most recent County Health Division Reference Chart (CHD COMMUNICABLE DISEASE REFERENCE CHART) to determine and implement exclusion and re-admittance of individuals. Wayne County Health Division staff will be contacted as needed for consultation and clarification.

**Communicable Diseases Known Not to Be Spread by Casual Contact** Communicable diseases that are known not to be spread by casual contact, within the meaning of this regulation include Hepatitis B, HIV infections, ARC (AIDS Related Complex), AIDS, and other diseases that are transmittable by blood, other body fluids, and other body products, which present potentially serious health problems for those who contract the disease. The following procedure is intended to assure that both the rights of the individual and the school community at large are protected, and that each case will be determined on an individual basis.

**HIV, ARC, or AIDS** When a District employee reasonably suspects that a student or staff member is infected with HIV, ARC, or AIDS, he/she must notify the Wayne County Health Division, if such action is reasonably thought necessary to: protect the health of the student or staff member; prevent further transmission of the disease; or, diagnose and care for the student or staff member. The District employee shall not provide the Wayne County Health Division with the name of the student or staff member unless

such information is determined by the employee making the disclosure to be reasonably necessary to accomplish the above-mentioned purposes.

Request the permission of the affected student's parent or guardian, or the staff member, to inform the Superintendent and other necessary persons of the suspected illness. If such consent cannot be obtained, the employee shall inform the Superintendent of the matter in such a way that the identity of the affected person is not discernible. The Superintendent may then seek a court order permitting the Superintendent to obtain the information and disclose it to Board of Education members and other necessary persons.

**Communicable Disease Review Committee.** Upon receipt of the consent of the affected student's parent or guardian, or the staff member, or a court order permitting the review process to proceed, the Superintendent shall select a Communicable Disease Review Committee and direct the Committee to meet within five (5) school days. The Committee may be comprised of the following individuals:

- An official representative of the District, designated by the Superintendent, who will chair the Committee.
- The principal of the school of the affected student or staff member.
- A physician who is treating the affected individual.
- A physician appointed by the Superintendent to represent the District.
- A representative of the Wayne County Health Division.
- A parent if the affected individual is a student, the affected individual, and/or his/her representative if the affected individual is a staff person.
- A special education teacher, when the affected student is a special education student.
- Other persons designated by the Superintendent, the Committee, or the court.

**Committee Recommendations.** The Committee shall make a written recommendation to the Superintendent, based on the affected student or staff member's neurological and physical condition and the expected type of interaction with others in the affected student or staff member's school or employment setting, as to whether the person should be excluded from the school or employment setting and all school sponsored activities, restricted in his/her activities in the school or employment setting, or remain in an unrestricted school or employment setting.

If the Committee recommends that the student or staff member remain in his/her present school or employment setting, but that he/she are restricted from participating in certain activities, or that consideration be given to an alternate setting within the District, the Committee shall further set forth, in writing, the precautionary/sanitary measures, if any, that should be taken to protect the health and welfare of the student or staff member and the school community.

If the Committee recommends that the student or staff member remain in an unrestricted school setting, the Committee must so state in writing, and further state what precautionary/sanitary measures, if any, should be taken to protect the health and welfare of the student or staff member and the school community.

If the Committee recommends that the affected student or staff member be totally excluded from his/her former school or employment setting based upon his/her neurological and physical condition and expected type of interaction with others in that setting, the Committee must so state in writing. The Committee shall also state the conditions under which it would consider the student or employee's return to a restricted or unrestricted school or employment setting.

The Committee shall provide the Superintendent with its written recommendation within ten (10) school days of its meeting, unless the Committee determines that additional time is necessary in order to obtain pertinent medical information regarding the student or staff member's condition and/or that additional diagnostic testing is necessary for a thorough review of the matter.

In the event that the Committee's decision is not unanimous, the dissenting member(s) shall be given the opportunity to attach a written dissenting report to the Committee's recommendation within twenty-four (24) hours of the presentation of the Committee's report to the Superintendent.

Upon the Superintendent's receipt of the Committee's written report, the Superintendent shall, within five (5) school days, make a determination regarding the student or employee's status. The Superintendent's decision will be based upon whether, with reasonable accommodations, the student or staff member can remain in the school or employment setting without posing a health risk to himself/herself or others in the school community. In the event that the Superintendent determines that a student or staff member should be excluded from the school setting, he/she shall so advise the affected person, and, where a student is involved, his/her parent or guardian.

Where the Superintendent determines that a staff member who has been affected with HIV, ARC, or AIDS should be excluded from employment, the Superintendent shall attempt to obtain the affected person's permission or petition the circuit court for an order permitting the District to proceed pursuant to the provisions of the applicable collective bargaining agreement, board policy and/or applicable laws. If the employee in question is certified, the Superintendent shall, pursuant to [Article V, Section 2 of the Michigan Teacher's Tenure Act](#), either obtain the person's consent to be placed on a medical leave, or, if consent cannot be obtained, file tenure charges with the Board of Education seeking to place the person on an involuntary medical leave of absence.

**Appeals.** If the affected student or staff member disagrees with the determination of the Superintendent, he/she may file a written appeal to the Board of Education within ten (10) school days. The Board shall receive and review all necessary and pertinent materials provided by the Committee and the student or employee and provide an opportunity to both the Superintendent and student or employee to provide additional pertinent information. In its discretion, the Board may grant the student or employee a hearing.

The Board of Education may affirm, modify, or revise the decision of the Superintendent within ten (10) school days of the receipt of an appeal. The affected student or staff member shall have the right to remain in the school setting during the tendency of any such appeal, unless an appropriate medical professional confirms that there are clearly documented risks to the infected individual or others in the school setting that could pose an immediate health threat.

Where an affected student or staff member is permitted to remain in either a restricted or unrestricted school setting, the Superintendent shall designate a school representative to monitor changes in the student or staff member's medical status on a monthly basis, or more frequently if deemed appropriate. The Superintendent shall seek written permission from the affected person or parent prior to designating the responsible school representative. If the written authorization cannot be obtained, the Superintendent shall seek an order from the court permitting such. The Superintendent, with input from the Committee, shall reassess the status of the student or staff member at not less often than annual intervals.

All time lines set forth herein may be extended where required by the individual circumstances of the case.

**Communicable Diseases Known Not to Be Spread by Casual Contact, Other Than HIV, ARC, or AIDS**

For communicable diseases which are known not to be spread by casual contact, other than HIV, ARC, or AIDS, the identical procedures set forth above will be followed, except that there will be no necessity of court involvement to obtain the infected person's consent to disclosure of his/her identity to the Superintendent and other necessary persons.

If the District employee determines that disclosure of such information is reasonably necessary to: (1) protect the health of the student or staff member; (2) prevent further transmission of the disease; or, (3)



diagnose and care for the student or staff member, the District employee may advise his/her supervisor that a student or staff member may have a serious communicable disease known not to be spread by casual contact. The identity of the student or staff member *SHALL NOT BE* disclosed unless written authorization is obtained from the affected student's parent or the staff member, or is otherwise necessary to satisfy the requirements of this section. The supervisor shall immediately inform the Superintendent or his/her designee.

**Confidentiality** All persons involved in these proceeds and in the education of an affected student shall respect the student's right to privacy, including maintaining student records and information in accordance with the requirements of the [Michigan Public Health Code, MCL 333.5101 et seq.](#) and the [Family Educational Rights and Privacy Act, 20 USC 1232g](#). The privacy rights of affected staff members shall be similarly affected including maintaining employment records and information in accordance with the requirements of the [Michigan Public Health Code, MCL 333.5101 et seq.](#), the [Bullard Plawecki Employee Right to Know Act, MCL 421.501 et seq.](#), any applicable contractual provisions, and Board of Education policy and regulations.

## **8006-AR Copyrighted Works**

**Generally** The guidelines, below are intended to assist staff in determining the permitted use of copyrighted materials within the School District. The guidelines apply to materials used within the classroom, as well as in staff members' instructional and research activities. Before beginning or authorizing a reproduction, a School District employee will determine whether the copying is expressly permitted within the guidelines. If copying is not expressly permitted, or if there are any questions, the matter must be brought to the attention of the building principal before any copying is done. Should there be a question about whether a particular use is permitted, staff members are not to proceed without consulting their building principal.

**Single Copying for Teachers' Use** A single copy may be made of the following by or for a teacher for use in teaching or for research purposes:

- A chapter from a book;
- An article from a periodical or newspaper;
- A short story, short essay, or short poem, whether or not part of a collective work; and/or
- A chart, graph, diagram, cartoon, or picture from a book, periodical, or newspaper.

**Multiple Copies for Classroom Use** Multiple copies (not to exceed one copy per student in the class) may be made by or for the teacher for classroom use as follows:

- A complete poem if less than 250 words and if printed on not more than two pages;
- An excerpt from a longer poem, containing not more than 250 words;
- A complete article, story or essay of less than 2500 words;
- An excerpt from any prose work of not more than 1000 words or 10% of the work, whichever is less.

*(Each of the numerical limits, above, may be expanded to permit the completion of an unfinished line of a poem or of an unfinished prose paragraph.)*

- One chart, graph, diagram, drawing, cartoon, or picture per book or per periodical issue.



- Certain “special works” in poetry, prose, or in “poetic prose” which may combine language with illustrations and which are intended sometimes for children and at other times for a more general audience fall short of 2,500 words in their entirety. Such “special works” may not be reproduced in their entirety but an excerpt comprising not more than two of the published pages of such special work and containing not more than 10% of the words found in the text thereof, may be reproduced.

All copies must include a notice of copyright.

#### **Additional Permitted Use – Spontaneity**

- The copying is at the instance and inspiration of the individual teacher, and
- The inspiration and decision to use the work and the moment of its use for maximum teaching effectiveness are so close in time that it would be unreasonable to expect a timely reply to a request for permission.

Copying, as detailed above, is not intended to serve as a substitute for the purchase of books or periodicals.

## **8007-AR Discrimination and Harassment**

The Board of Education is committed to maintaining an educational and work environment that is free from discrimination and harassment based on race, color, national origin, sex, disability, religion, genetic information, marital status or any other legally protected characteristic. The Board has therefore adopted anti-discrimination and anti-harassment policies that prohibit discrimination and harassment by Board members, School District employees, students, contractors, volunteers and others connected with the School District. A student, employee, or any other person who believes that a student or employee has been subjected to discrimination or harassment may seek resolution of the matter through the procedures that follow. Complaints of sexual harassment within any educational program or activity of the School District will be investigated and resolved under 8007.3-AR, as required by Title IX and its implementing regulations (“Title IX sexual harassment”). All other complaints of discrimination, harassment or retaliation, other than Title IX sexual harassment, will be investigated and resolved under 8007.1-AR or 8007.2-AR.

**Compliance Officer and Title IX Coordinator** The High School Principal, whose telephone number is 734-759-5010 and whose email address is studentclaims@wy.k12.mi.us, is the School District’s Title IX Coordinator for purposes of reports made under 8007.3-AR and the School District’s Compliance Officer when addressing other reports made under this Administrative Regulation.

**Days** As used in 8007.1-AR through 8007.3-AR, the word “days” means school days during the school year when school is in session and business days during the summer break.

## **8007.1-AR Discrimination and Harassment (Non-Title IX) – Students**

**Generally** Any person who believes that a student has been subjected to discrimination or harassment (or retaliated against for opposing discrimination or harassment) should report it to the School District’s Compliance Officer. That report will be resolved through the informal or formal procedures described in this Administrative Regulation.

#### **Definitions for 8007.1-AR**

“**Complainant**” means the student who is reported to have been discriminated against or harassed based on a legally protected characteristic. Complaints of Title IX sexual harassment will be addressed under 8007.3-AR.

**“Respondent”** means the person who is reported to have discriminated against or harassed Complainant.

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

**“Discrimination”** means unequal treatment based, in whole or part, on Complainant's race, color, national origin, religion, sex, marital status, genetic information, disability, or other legally protected characteristic, which adversely affects Complainant's educational opportunities or participation in the School District's educational program or activities.

**“Harassment”** means behavior based, in whole or in part, on Complainant's race, color, national origin, religion, sex, marital status, genetic information, disability or other legally protected characteristic, which is sufficiently severe and pervasive that it:

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

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

**Step 1.** A student, or any other person, may report discrimination or harassment to any School District employee whose primary responsibility includes student supervision or discipline, including a teacher, counselor, building administrator or central-office administrator, including the Compliance Officer.

If not reported directly to the Compliance Officer, all informal complaints received by School District employees must be reported to the Compliance Officer within two (2) days. The Compliance Officer will either facilitate an informal resolution, as described below, or appoint another person to facilitate an informal resolution.

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

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

**Step 3.** The Compliance Officer will endeavor to complete the informal complaint resolution procedure within ten (10) days of receiving the informal complaint. If Complainant is dissatisfied with the process at any time prior to agreeing on a mutual resolution, the Complainant may file a formal complaint.

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

### **Formal Complaint Resolution Procedure**

**Step 1.** A student, or any other person, may file a formal complaint of discrimination or harassment with any building-level or central-office administrator, including the Compliance Officer. If not reported directly to the Compliance Officer, all such complaints must be forwarded to the Compliance Officer within two (2) days.

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

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

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

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

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

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

Although certain cases may require additional time, the Investigator will endeavor to complete the investigation within thirty (30) days of receiving the formal complaint. The investigation will include:

- Interviews with Complainant and Respondent;

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

**Step 3.** At the conclusion of the investigation, the Compliance Officer and/or Investigator will prepare and deliver a written report to the Superintendent, summarizing the information gathered during the investigation and, if applicable, the date of any report to the police. The report will also provide recommendations based on the evidence, including whether the complaint should be substantiated based on a preponderance of the evidence ("more likely than not") standard. The recommendations should consider the totality of the circumstances, including the ages and maturity levels of those involved. Disciplinary recommendations, if appropriate, should be reasonably calculated to prevent the recurrence of discrimination or harassment and should consider the factors set forth in Section 1310d of the Revised School Code. Disciplinary recommendations may range from counseling to permanent expulsion, in the case of a student; counseling to discharge, in the case of an employee; and recommendation for censure or a complaint to the Governor, in the case of a Board member. The report will be provided to the Superintendent within sixty (60) days after the formal complaint was made, unless there is good reason for the process to take longer.

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

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

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

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

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

**Retaliation** Retaliation against a Complainant, a person who filed a complaint alleging discrimination or harassment, or a person who participates in an investigation under this Administrative Regulation, is strictly prohibited. Upon a finding that a person has engaged in retaliation, appropriate disciplinary action will be taken.

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

## 8007.2-AR Discrimination and Harassment (Non-Title IX) – Employees

**Generally** Any employee who believes that they have been subjected to discrimination or harassment not covered by Title IX (or retaliated against for opposing discrimination or harassment) should notify the School District's Compliance Officer and seek resolution of the matter through the informal or formal procedures described below.

### **Definitions for 8007.2-AR**

**“Complainant”** means the employee who reported that they have been subjected to discrimination or harassment. Complaints of Title IX will be addressed under 8007.3-AR.

**“Respondent”** means the person who was reported to have discriminated against or harassed Complainant.

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

**“Discrimination”** means taking an adverse employment action against an employee based, in whole or in part, on the employee's race, color, national origin, religion, sex, marital status, genetic information, age, height, weight, disability or other legally protected characteristic.

**“Harassment”** means unwelcome physical acts, attempted acts, statements, gestures, jokes, written or graphic material, or other conduct or communications that are both:

- Based on race, color, national origin, religion, sex, marital status, genetic information, age, height, weight, disability or other legally protected characteristics; and
- Sufficiently severe or pervasive to create a hostile working environment.

Harassment may also include sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, where submission to this conduct becomes a condition of any person's continued employment or the basis for employment decisions. To the extent sexual harassment occurs within any educational program or activity of the School District and is covered by Title IX, the matter will be resolved through 8007.3-AR.

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

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

If not made to the Compliance Officer, all informal complaints must be reported to the Compliance Officer within two (2) days. The Compliance Officer will facilitate an informal resolution, as described below, or appoint another individual to facilitate an informal resolution.

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

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

**Step 3.** The Compliance Officer will endeavor to complete the informal complaint resolution procedure within ten (10) days of receiving the informal complaint. If Complainant is dissatisfied with the informal complaint resolution process at any point prior to agreeing to a mutual resolution, the Complainant may file a formal complaint.

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

### **Formal Complaint Resolution Procedure**

**Step 1.** Complainant may file a formal complaint with: the building administrator of the building to which they are assigned; the Superintendent or other central-office administrator; or the Compliance Officer. If not filed directly to the Compliance Officer, the person with whom a complaint is filed must report it to the Compliance Officer within two (2) days.

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

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

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

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

**NOTE:** Upon receiving a formal complaint, the Compliance Officer will consider whether any action should be taken during the investigation to protect Complainant and Respondent from discrimination or harassment, including, but not limited to, a change of work assignment or schedule for Complainant or Respondent. In making such a determination, the Investigator will consult the parties to assess their reaction to the proposed action. If Complainant or Respondent are unwilling to consent to the proposed change, the Compliance Officer may nevertheless, after consulting with the Superintendent, take whatever actions deemed

appropriate for the protection of Complainant, Respondent, and the integrity of the investigation.

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

Although certain cases may require additional time, the Investigator will endeavor to complete the investigation within thirty (30) days of receiving the formal complaint. The investigation will include:

- Interviews with Complainant and Respondent;
- Obtaining and reviewing any written statements of Complainant, Respondent, and any other witnesses;
- Interviews with any other witnesses;
- Relevant documents and other information presented by Complainant, Respondent, or any other witnesses.

**Step 3.** At the conclusion of the investigation, the Compliance Officer and/or Investigator will prepare and deliver a written report to the Superintendent that summarizes the evidence gathered during the investigation and, if applicable, the date any incident was reported to the police. The report will provide recommendations, including whether the complaint should be substantiated based on a preponderance of the evidence ("more likely than not") standard. The recommendations should consider the totality of the circumstances. Disciplinary recommendations, if appropriate, should be reasonably calculated to prevent recurrence of illegal discrimination or harassment. Disciplinary recommendations may range from: counseling to discharge, in the case of an employee; and censure to a complaint to the Governor, in the case of a Board member. The report will be provided to the Superintendent within sixty (60) days after the formal complaint was made, unless there is good reason for the process to take longer.

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

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

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

United States Department of Education  
Office for Civil Rights  
Cleveland Office  
1350 Euclid Avenue, Suite 325  
Cleveland, Ohio 44115  
(216) 522-4970  
FAX: (216) 522-2573  
TDD: (216) 522-4944



E-mail: [OCR.Cleveland@ed.gov](mailto:OCR.Cleveland@ed.gov)  
Web: <http://www.ed.gov/ocr>

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

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

or

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

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

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

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

## **8007.3-AR Sexual Harassment Under Title IX Employees and Students**

**Generally** This Administrative Regulation sets forth the procedure the School District follows to investigate and resolve complaints of sexual harassment made against School District employees or students within any education program or activity of the School District, as required by Title IX. Administrative Regulations 8007.1-AR and 8007.2-AR apply to discrimination and harassment on other bases.

The School District's Title IX Coordinator is responsible for implementing 8007.3-AR. The Title IX Coordinator will ensure his/her contact information is posted on the School District's website, included in the School District's annual notifications document, and published in every handbook and catalogue distributed to parents and students.

### **Definitions for 8007.3-AR**

**“Complainant”** means an employee or student who is reported to have experienced conduct that could constitute sexual harassment under Title IX.

**“Respondent”** means the person who has been reported to be the perpetrator of conduct that could constitute sexual harassment under Title IX.

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

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

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

**Duty to Respond to Known or Reported Sexual Harassment** The School District has a duty to respond to allegations of sexual harassment any time a School District employee has notice of sexual harassment or receives a report of alleged sexual harassment. All School District employees are required to promptly report all incidents and/or allegations of sexual harassment to the Title IX Coordinator.

Absent extenuating circumstances, within two (2) days, the Title IX Coordinator will contact Complainant (and/or Complainant's parent/guardian(s), as appropriate) to discuss how to resolve their concerns, including the option and process for filing a formal complaint. If, as an initial matter, it is clear that the reported sexual harassment is not covered by Title IX because (1) the allegations, even if true, do not rise to the level of sexual harassment; (2) the alleged sexual harassment occurred outside of the School District's program or activities; or (3) the alleged sexual harassment occurred outside of the United States, the Title IX Coordinator will explain how that could impact disposition of a formal complaint as well as how other School District policies, administrative guidelines or codes of conduct may apply.

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

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

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

documents, data, and other items; and the signature of the person making the complaint or the Title IX Coordinator.

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

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

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

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

**Informal Resolution** At any point between the filing of the formal complaint and the decision-maker reaching a determination of responsibility, the parties may voluntarily agree to participate in an informal resolution process. The informal resolution process must be completely voluntary, and may not be initiated until:

- the parties have been provided notice of their rights by delivery of the applicable anti-harassment policy and 8007.3-AR;
- the parties have been informed of the consequences of informal resolution, including that it may preclude the resumption of a formal complaint investigation arising from the same allegations and that records may be maintained and shared; and
- the parties have voluntarily consented to informal resolution, in writing.

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

Within five (5) days after the Investigator provides Respondent with notice of the formal complaint, Respondent may file a written response. The Investigator will provide a copy of any written response to the Complainant. Regardless of whether Respondent files a written response, the Investigator will undertake an investigation that will include, but not be limited to:

- interviewing Complainant and Respondent, unless they refuse to be interviewed or fail to timely respond to the Investigator's interview request;

- interviewing relevant witnesses and other potentially relevant witnesses who Complainant or Respondent request, unless the witness refuses to be interviewed or fails to timely respond to the Investigator's interview request;
- obtaining, to the extent they are available, all relevant documents, data, and other items identified by Claimant, Respondent, and witnesses;
- preparing an investigative report that fairly summarizes the interviews and relevant evidence; and,
- providing the investigative report to the parties simultaneously.

Neither Complainant nor Respondent are required to participate in the investigation process, including interviews. The Investigator will not draw any negative inferences based solely on a Complainant's or Respondent's lack of participation, but participation is encouraged so that the Investigator has the benefit of hearing the perspective of all parties. The School District will not interfere with the parties' ability to discuss the allegations or gather and present evidence, except to the extent a no-contact or similar order has been issued by the Title IX Coordinator.

Prior to finalizing the investigative report, the Title IX Coordinator or Investigator will send each party and their advisor(s) a copy of all of the evidence directly related to the allegations of sexual harassment in the formal complaint. The parties will have up to ten (10) days to review the evidence and submit a written response, which the Investigator will consider prior to completing the investigation report. Absent good cause, the investigation report will be completed with sixty (60) days.

The Title IX Coordinator will, upon completing or receiving the Investigator's Report, simultaneously send a copy to Complainant, Respondent and their advisors, if any. The Title IX Coordinator will also notify the parties of their right, within ten (10) days, to: submit relevant written questions to parties and witnesses, receive answers, and submit limited follow-up questions; and file a written response to the Investigator's Report. Any questions or evidence about Complainant's sexual predisposition or prior sexual behavior are not relevant, unless they are offered to prove that someone other than Respondent committed the conduct alleged by Complainant; or they concern specific incidents of Complainant's prior sexual behavior with respect to Respondent and are offered to prove consent. If the Investigator declines to submit a question, s/he will provide a written explanation to the party who posed it.

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

**Decision.** The Title IX Coordinator will appoint a Decision-Maker, who is not the Title IX Coordinator or Investigator. The Decision-Maker will objectively review the investigation report and relevant evidence gathered through the investigation process. Credibility determinations, if any, will not be based on an individual's status as Complainant, Respondent, or witness. The Decision-Maker will not hold Respondent responsible unless a preponderance of the evidence establishes Respondent sexually harassed Complainant. Absent extenuating circumstances, the Decision-Maker will issue a decision within ten (10) days of receiving the investigation report and evidence and will provide the decision to Complainant and Respondent simultaneously. The decision will include: Complainant's allegations; procedural steps taken with respect to the allegations; findings of fact; the application of the applicable anti-harassment policy, this 8007.3-AR, and the School District's Student Code of Conduct to the facts; and a statement of all rationale for the result as to each allegation, including determinations of responsibility, disciplinary sanctions, whether Complainant will be provided remedies to restore or preserve equal access to the School District's education programs and activities, and the procedure and bases for appeal. Upon a finding of responsibility, sanctions for Respondent-students may range from administrative intervention to permanent expulsion. Sanctions for Respondent-employees may range from counseling to discharge. Sanctions for Respondent-

Board members may range from censure to a petition to the Governor for removal from the Board of Education.

**Appeal.** Within five (5) days of the Decision-Maker sending the decision to the parties and any advisors, Complainant or Respondent may appeal the Decision-Maker's decision by filing an appeal with the Superintendent on one or more of the following bases:

- Procedural irregularity that affected the outcome;
- New evidence being discovered that was not reasonably available at the time of the determination or dismissal; or
- A conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent by the Investigator, Title IX Coordinator or Decision-Maker that affected the outcome of the grievance process.

The Superintendent will provide notice to the opposite party if an appeal is filed, including a copy of the appeal, and an opportunity to respond. The appeal must include all of the reasons the appealing party disagrees with the decision as it relates to the permissible bases for appeal. The Superintendent will review the appeal, and after considering the appeal, the decision, and any other relevant evidence or information relevant to the appeal, may either: (1) affirm the decision, in whole or in part, or (2) reverse the decision, in whole or in part. The Superintendent may also remand the decision, in whole or in part, for additional investigation by the original or a different Investigator and/or further consideration by the original or a different Decision-Maker. Absent extenuating circumstances, the Superintendent will issue the appeal decision within ten (10) days of receiving the appeal or response, if any, and provide his/her decision to the parties simultaneously. The grievance process is complete and a final decision is reached when no timely appeal is taken or after the appeal process is completed.

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

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

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

United States Department of Education  
Office for Civil Rights  
Cleveland Office  
1350 Euclid Avenue, Suite 325  
Cleveland, Ohio 44115  
(216) 522-4970  
FAX: (216) 522-2573

TDD: (216) 522-4944  
E-mail: [OCR.Cleveland@ed.gov](mailto:OCR.Cleveland@ed.gov)  
Web: <http://www.ed.gov/ocr>

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

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

or

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

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

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

## **8009-AR Digital Communications**

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

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

- Communication that violates Board Policy, such as: communication that discloses personally identifiable information about students (see Policy [2003]); communication that violates Board Policy against illegal harassment (see Policy [8007]); etc.
- Communication that is false or misleading.

- Communication that attributes the staff member's personal views to others, including the School District, school administration, or other staff members.
- Communication that defames or personally insults staff members or students, or otherwise undermines any staff member's ability to fulfill their responsibilities to the School District or its students.
- Communication that defames or personally insults Board members, parents or other community members.
- Communication stating or suggesting the desirability of confidentiality vis-à-vis students' parents or other staff members.
- Communication that has as its purpose or effect the development of a romantic or sexual relationship between a staff member and a student, or that reasonably may be interpreted as having that purpose.

The School District encourages staff to use School District equipment and sites for all digital communication with students. School staff may not communicate with students through personal social media and other similar platforms, like Snapchat, that promptly delete evidence of those communications with students. Use of messaging apps, like Remind, which send general communications and alerts to parents and students are not prohibited.

The School District does not have the resources or ability to police digital communication between and among students. However, students may be subject to school-imposed disciplinary sanctions when their digital communication violates the Student Code of Conduct or interferes with the rights of others or is reasonably anticipated to result in the disruption of school or school activities. Separately, the School District reserves the right to report suspected criminal misconduct to police authorities.

**Digital Communication Involving Board and Staff Members, Parents, and Others** Digital communication between Board and staff members, parents, and other community members or adults should always be professional. This applies to direct communication and to communication to which they reasonably may be exposed. Unless otherwise protected by law, examples of inappropriate communication include, but are not limited to:

- Communication that violates Board Policy, such as: communications that disclose personally identifiable information about students (see Policy [2003]); communication that violates Board Policy against illegal harassment (see Policy [8007]); etc.
- Communication that is false or misleading.
- Communication that attributes personal views to others, including the School District, school administration, or other staff members.
- Communication that defames or personally insults staff members or students, or otherwise undermines any staff member's ability to fulfill their responsibilities to the School District or its students.
- Communication that defames or personally insults Board members, parents, or community members and is not otherwise protected by law.

**Personal Digital Social Networking** The School District does not have the inclination, resources, or ability to police the off-duty behavior of staff members. At the same time, staff must be cognizant of the fact they serve as role models for our students and, to the extent their personal social networking is "public" or includes members of the school community, such staff members may be subject to greater scrutiny.



Furthermore, their communications and behavior may adversely impact their ability (or the ability of the School District or their colleagues) to carry out their responsibility of educating students in a safe and supportive educational environment. For these reasons, staff are reminded that off-duty digital communication may result in investigation, disciplinary sanctions, or discharge when those communications disrupt the educational environment or adversely affects or undermine the staff member's ability to perform their jobs.

---

---