

CARMAN-AINSWORTH COMMUNITY SCHOOLS

STUDENT CODE OF CONDUCT

2021-2022

Preamble

The Board of Education of Carman-Ainsworth Community Schools (the “Board”) believes that appropriate behavior and discipline in school is imperative for providing an environment conducive to learning. The primary objective of our District is to create an educational climate in which complete attention can be devoted to the teaching-learning process.

To this end, Carman-Ainsworth Community Schools have implemented positive behavior support plans through which students are taught specific behavior expectations in each building. The ultimate objective is to establish a school environment that enhances student growth in abilities, attitudes, and habits essential to acceptable and self-controlled behavior. An important aspect of the growth process is to gain a respect and appreciation for the rules and regulations of conduct in the school community. Students will be fully informed of the established rules, regulations and consequences. Violations of these rules and regulations that are harmful to the educational process cannot be condoned or tolerated. While it is necessary to establish and enforce reasonable regulations in the school setting, students will be provided due process in accordance with state and federal laws. By implementing a policy of consistent enforcement of rules, it is hoped that disciplinary issues will be at a minimum and the focus will be on education and learning.

Positive Behavior Interventions and Support (PBIS)	
R Respect	<ul style="list-style-type: none">• Students are respectful in all areas of the building (classroom, hallway, restroom, etc.)• Students show adults and peers respect through your actions and words• Students are able to work with others through pair work and instructional groups
O Own Your Behavior	<ul style="list-style-type: none">• Students accept redirections and support from staff• Students admit wrongdoing, reflect, and work with staff to make improvements• Students use self-regulatory strategies to manage emotions
C Come Prepared	<ul style="list-style-type: none">• Students independently take care of personal belongings• Students arrive to school/each hour on time• Students enter class ready to learn
K Knowledge is Power	<ul style="list-style-type: none">• Students put forth their best effort and complete tasks• Students challenge themselves to improve• Students seek out support on tasks they are struggling with
S Safety First	<ul style="list-style-type: none">• Students are safe with materials and their bodies at all times• Students remain in designated areas

Student Rights, Responsibilities, and Limitations

I. Freedom of Speech and Assembly

Within the school program, students are provided the opportunity for free expression of ideas. Responsible criticism and reasonable dissent are basic to the education process. No idea should be suppressed simply because it is unpopular. However, personal attacks, hate speech, and the use of obscenities are prohibited. All student meetings in school buildings or on school grounds shall function only as a part of the formal educational process or as authorized by the principal. Students have the freedom to assemble peacefully. There is an appropriate time and place for the expression of opinion and beliefs. Conducting a demonstration that interferes with the operation of the school or classroom is prohibited. Participation in a demonstration that interferes with the operation of the school or classroom or that is disruptive to the educational process is prohibited.

II. Distribution of Non-School Sponsored Written Material on School Premises

Students of the Carman-Ainsworth Community Schools have the right to distribute, at reasonable times and places, unofficial written materials, leaflets, brochures, fliers, petitions, buttons, badges, or other insignia, except those which contain expression which:

- A. Is obscene to minors.
- B. Is libelous.
- C. Is pervasively indecent or vulgar (for secondary schools) or contains any indecent or vulgar language (for elementary schools).
- D. Advertises any product or service not permitted to minors by law.
- E. Invades the rights of another person and could result in tort liability.
- F. Constitutes fighting words, the very expression of which injures or harasses other people or tends to incite immediate breach of the peace (including, but not limited to, threats of violence, defamation of character of a person's race, religion, or ethnic origin).
- G. Presents a clear and present likelihood that, either because of its content or manner of distribution, it will cause a material and substantial disruption of the proper and orderly operation and discipline of the school or school activities, will cause the commission of unlawful acts or the violation of lawful school regulations.

Distribution of unofficial written material not in the categories listed above will be permitted provided that the students distributing the written material are not engaged in, or supposed to be engaged in, classes, study periods, or other school duties, and provided that the written material has been approved by the building principal for distribution through the procedures established by the district. Those interested may obtain the established procedures through the building principals.

School-Sponsored Publications/Productions

Carman-Ainsworth Community Schools sponsors student publications and productions as a means by which students learn under adult direction and/or supervision. School-sponsored publications include but are not limited to the following: written materials, electronic or online material, video or audio clips, newsletters, newspapers, or announcements, vocal and theatrical performances, impromptu dramatic presentations, student broadcasts.

While students have the right to express their views and attitudes on all issues, all material to be printed or produced is subject to prior review by the advisors and building principal.

III. Dress and Appearance

In school, we attempt to establish an environment that is conducive to learning. We believe that school is a place where children should come prepared to focus on learning and acquiring the skills necessary to compete in a changing global society. A part of our attempt to provide a suitable environment for learning is the establishment of a dress code for students. See your student's building handbook for specific guidelines regarding dress and appearance in his or her building. Dress, grooming and appearance (including, but not limited to, excessive make-up, costume masks, sunglasses, medically unnecessary eye patches, hair covering eyes and/or face) may not be disruptive to the educational process, damaging to property, or violate reasonable standards of safety, health, hygiene or decency. The expectation is that all students be identifiable to staff within the school setting.

IV. Attendance

The Carman-Ainsworth Board of Education expects regular attendance by all students. Regular attendance contributes not only to the probability of scholastic success but also to the development of attitudes of consistent performance that will carry over into adult life.

In addition, state law requires daily attendance for all students enrolled in a Michigan public school. Section 380.1561 of *The Revised School Code* states every "parent, guardian or other person in this state, having control and charge of a child, shall send the child to a public school during the entire school year from the age of six to the child's eighteenth birthday." **Students are expected to adhere to the specific attendance rules of their building.** Violation of attendance rules resulting in excessive or patterned absence will be referred to the Genesee County Prosecutor's Office for the purpose of criminal prosecution (*Michigan Compiled Law* 380.1599).

Please see each school building's handbook for the building's specific attendance policy.

For the purposes of pupil count period attendance, students enrolling on pupil count days who are unable to attend one or more classes during the pupil count period are considered to have an excused absence(s). Students pending suspension or expulsion or on suspension or expulsion during a pupil count period are considered to have an excused absence(s).

V. Disruptive Conduct

Conduct that deliberately interferes with the educational process or violates accepted and ordinary standards of conduct is prohibited even though not specifically set forth herein. Violating any school rule or performing any act that is disruptive or detrimental to the health, welfare or educational process of other individuals or damaging to school property is prohibited. The degree of severity of the misconduct will determine whether any offense warrants disciplinary action, up to and including suspension or expulsion from school. Conduct interfering with the educational process or infringing on the rights of others will not be tolerated or condoned.

VI. Identification

All persons must, upon request, identify themselves to school district personnel in the school building, on school property or at school-sponsored events. Refusal to identify oneself upon request may result in disciplinary action up to and including suspension, expulsion, and/or referral to the appropriate police agency.

All students, who attend school buildings that require displayed identification badges, are to either have their personal identification badge visible on their person or readily accessible upon request by any staff member while on school property and at all school related events (including, but not limited to, dances, sporting events, fashion and talent shows, theater performances, AUP identification, Media Center book check-out, cafeteria). The school will issue one identification badge per year to each student at no cost. Replacement cost of lost, stolen, or damaged identification badges is the student's responsibility. Students refusing to produce and display their identification badge will be considered insubordinate and subject to consequences outlined in the *Student Code of Conduct*.

VII. Off-Campus Events

Students at school-sponsored, off-campus events shall be governed by their school rules and regulations and are subject to the authority of school district officials. School rules and regulations apply not only during regular school hours, but also at any school-sponsored event held on campus as well as any school-sponsored event held off campus and at all times on any school property whether during school hours or not. Offenses committed off school property during non-school hours but which have a sufficient connection with the Carman-Ainsworth Community Schools may result in disciplinary sanctions.

VIII. Search and Seizure

To maintain order and discipline in the schools and to protect the safety and welfare of students and school personnel, school authorities may search a student, student lockers or student driven automobiles parked on campus under the circumstances outlined below and may seize any illegal, unauthorized, or contraband materials discovered in the search.

As used in this policy, the term "unauthorized" means any item dangerous to the health or safety of students or school personnel, or disruptive to any lawful function, mission or process of the school, or any item described as unauthorized in school rules available beforehand to the student or items in violation of state or federal laws.

A student's failure to permit searches and seizures as provided in this policy will be considered grounds for disciplinary action.

- A. Personal Searches: A student's personal effects (including, but not limited to, purse, pockets, book bag, cell phones, including other electronic devices) may be searched whenever a school authority has reasonable suspicion to believe the item being searched contains, or the student (if the student is subject to search) is in possession of illegal or unauthorized materials.

If a pat down search of a student's person is conducted, it will be conducted in private by a school administrator of the same sex and with an adult witness of the same sex present unless the health or safety of the students will be endangered by the delay, which might be caused by following these procedures.

If the school authority has reasonable suspicion to believe that the student has on his or her person an item imminently dangerous to the student or to others, a more intrusive search of the student's person may be conducted. Such a search may only be conducted in private by a school authority of the same sex, with an adult witness of the same sex present, and only upon the prior approval of the Superintendent (or designee) unless the health or safety of the students will be endangered by the delay which might be caused by following these procedures.

- B. Locker Searches: Student lockers are school property and remain at all times under the control of the school; however, students will assume full responsibility for the security of their lockers. Periodic general inspections of lockers may be conducted by school authorities for any reason at any time without notice, without student consent, and without a search warrant.
- C. Automobile Searches: Students are permitted to park on school premises as a matter of privilege, not of right. The school retains authority to conduct routine patrols of student parking lots and inspections of the exteriors of student automobiles on school property. The interiors of student vehicles may be inspected whenever a school authority has reasonable suspicion to believe that illegal and unauthorized materials are contained inside. Such patrols and inspections may be conducted without notice, without student consent, and without a search warrant.
- D. Seizure of Illegal Materials: If a search yields illegal or unauthorized materials, such findings shall be turned over to proper legal authorities for ultimate disposition.
- E. School Resource Officers: School Resource Officers assist students, staff and administration in the effective operation of the school. The primary function of the School Resource Officer is to serve as a go-between the school and law enforcement agencies and to provide the following services to the district: building security, referral agency information, juvenile and adult court referrals, problem solving assistance, juvenile diversion referrals, support in investigating criminal activity and school rule violations, assistance in verifying residency of district students, and in truancy matters. The School Resource Officer and the district will coordinate information obtained by either the district or law enforcement agencies to better assess and meet the needs of students. Students and parents should understand that information will be exchanged between the school district and the law enforcement agency.

IX. Age of Majority

The Board of Education recognizes that when a student reaches the age of majority, she/he is afforded all of the rights and privileges of adulthood. However, a student attending school, regardless of age, is covered by Board Policies, which have been officially adopted and published. An 18-year-old student's responsibility to the school does not change upon reaching the age of majority.

X. Student Records

Cumulative records shall be maintained for all students from their entrance into school through the twelfth grade. Eighteen-year-old students and parents of students under eighteen have the right to examine and contest entries in their records according to the procedures established by the district in compliance with state and federal law. A natural parent of a student, whether the parent is the custodial parent or not, is entitled to review the student's records unless there is a specific court order revoking such right. (See more detailed information in "Notice of Right to Access and Privacy of Student Records".)

XI. FERPA

Pursuant to the Family Educational Rights and Privacy ACT (FERPA), a school district, with some exceptions, must obtain parental consent before disclosing a student's personally identifiable information to a third party. FERPA defines personally identifiable information as information that can be used to distinguish or trace an individual's identity either directly or indirectly through linkages with other information.

One exception to the general requirement of parental consent is that Carman-Ainsworth Community Schools may disclose student information it has designated as "directory information" to third parties, unless the student's parents has advised the district it does not want this information to be released to third parties.

Each year Carman-Ainsworth Community Schools' Superintendent shall provide public notice to students and their parents of what has been designated as directory information for the year. Parents and eligible students (students age 18 and older) may refuse to allow the District to disclose any or all of such "directory information " upon written notification to the District within ten (10) days after receipt of the District's public notice.

Currently, the following information has been designated as directory information:

- A. a student's name;
- B. address;
- C. telephone number;
- D. date and place of birth;
- E. major field of study;
- F. participation in officially recognized activities and sports;
- G. height and weight, if member of an athletic team;
- H. dates of attendance;
- I. date of graduation;
- J. degrees, honors and awards received;
- K. honor rolls,
- L. scholarships;
- M. telephone numbers for inclusion in school or PTO directories;

- N. school photographs or videos of students participating in school activities, events or programs;
- O. grade level

By designating this information as directory information, the district can include athletic team rosters on its school websites and in its yearbooks, publish the names of students in school newspapers and theater programs include student names and photographs in school newsletters, etc.

In addition, the Elementary and Secondary Education Act of 1965 and the 2001 National Defense Authorization Act require the district to provide military recruiters, upon request, with access to names, addresses, and telephone listings of secondary school students unless the student's parent or guardian has provided written notice they do not want this information disclosed.

Because of FERPA, district officials cannot discuss a student, including his or her discipline record, with another student's parent or guardian. District officials also cannot release a student's records or documentation related to a student to another student's parent or guardian.

XII. Sexual Harassment

Carman-Ainsworth Community Schools prohibits all forms of sexual harassment. Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

1. A school employee conditions the provision of an aid, benefit, or service of the school or District on participation in unwelcome sexual conduct;
2. An individual is subjected to unwelcome conduct that is so severe, pervasive (ongoing or systemic), and objectively offensive that it has the purpose or effect of interfering with the individual's ability to access the educational program or school activities; or
3. An individual is subjected to sexual assault, dating violence, domestic violence, or stalking, as defined by federal law.

Unwelcome sexual conduct may include touching, gestures, comments, requests for sexual favors, inappropriate displays, electronic communications (including text messages and messages sent via social media), and/or physical conduct of a sexual nature.

Students should notify a teacher, counselor, administrator, or any other District employee if they witness or are subject to any incidents of sexual harassment so they can be appropriately investigated and addressed. Students who engage in sexual harassment may be subject to suspension or expulsion, and/or a referral to the police and notification of their parent/guardian, following a determination of responsibility made pursuant to the investigation procedures found in Board Policy 2266.

XIII. Title IX

The Board of Education of the Carman-Ainsworth Community School District does not discriminate on the basis of sex in its education program or activity, and is required by Title IX and its implementing regulations not to discriminate in such a manner. The

requirement not to discriminate in its education program or activity extends to admission and employment. The District's Title IX Coordinators are:

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Any inquires about the application of Title IX and its implementing regulations to the District may be referred to the Title IX Coordinators, the Assistant Secretary for the U.S. Department of Education's Office of Civil Rights, or both.

The Board has adopted a grievance process that provide for the prompt and equitable resolution of student complaints alleging any action that is prohibited by Title IX and/or its implementing regulations. The grievance process is included in Policy 2266 – Nondiscrimination on the Basis of Sex in Education Programs or Activities, which is available at the District's website. The grievance process specifically addresses how to report or file a complaint of sex discrimination, how to report or file a formal complaint of sexual harassment, and how the District will respond.

Bullying Policy

I. Definitions

Bullying is a form of harassment. For the purposes of this policy, bullying is defined as any written, verbal, or physical acts, including cyber bullying (any electronic communication, including, but not limited to, electronically transmitted acts, such as internet, telephone or cell phone, personal digital assistant (PDA), or wireless hand held device) that, without regard to its subject matter or motivation, is intended or that a reasonable person would know is likely to harm one (1) or more students either directly or indirectly. Bullying can be physical, verbal, psychological, or a combination of all three.

Hazing shall be defined for the purposes of this policy as performing an act, or coercing another, including the victim, to perform any act of initiation into any class, group, team or organization that causes or creates a risk of causing physical or emotional harm.

The Board believes that bullying and hazing activities of any type are inconsistent with the educational process and prohibits all such activities at any time in school facilities, on school property, and at any district-sponsored event. Students are expected to report bullying and hazing to a school adult.

II. Reporting

Any student who believes he or she has been or is currently the victim of bullying or hazing, or has witnessed bullying or hazing, should immediately report the situation to the school principal or assistant principal. The student may also report concerns to a teacher, counselor, or adult staff member who will be responsible for notifying the appropriate school administrator.

Retaliation against any person, who reports, is thought to have reported, files a complaint, or otherwise participates in an investigation or inquiry concerning allegations of bullying or hazing is prohibited and will not be tolerated. Such retaliation shall be considered a serious violation of Board Policy, independent of whether a complaint is substantiated. Suspected retaliation should be reported in the same manner as bullying or hazing. Making intentionally false reports about bullying or hazing for the purpose of getting someone in trouble is similarly prohibited and will not be tolerated. Retaliation and intentional false reports may result in disciplinary action as indicated above.

III. Investigation

All complaints about bullying or hazing behavior that may violate this policy shall be promptly investigated. The Board delegates to the Superintendent the responsibility of establishing and implementing a procedure for the prompt investigation of a report of bullying or hazing complaints to be followed by a school principal or assistant principal who receives a report of violation of this policy.

The Board delegates to the Superintendent the function of establishing and implementing administrative procedures which provide for notification to the parents or legal guardians of both victims and perpetrators of bullying or hazing.

If the investigation finds an instance of bullying or hazing behavior has occurred, it will result in prompt and appropriate disciplinary action. This may include consideration of all disciplinary options, up to and including expulsion. Individuals may also be referred to law enforcement officials.

The complainant shall be notified of the findings of the investigation, and as appropriate, that remedial action has been taken.

Student Discipline

I. Legal Basis for Suspension/Expulsion

Pursuant to the Revised School Code, Carman-Ainsworth Community Schools has the right and the duty to educate students and provide for their safety and welfare while at school or a school sponsored activity. This authority and obligation requires the District to sometimes discipline students in order to maintain a controlled school environment that allows students to learn and thrive. Further, sections 1310, 1311, and 1311a, of the Revised School Code expressly provide the District may or must suspend or expel a student for engaging in certain misconduct, discussed further below.

The Board of Education and Administration recognize the value in providing alternative schooling options for students when deemed appropriate. As such, some students may be approved to attend Atlantis Alternative High School. As a Carman-Ainsworth Community Schools program, students enrolled in Atlantis Alternative High School are bound by all Board of Education Policies, Guidelines, Rules and Regulations, including the following *Student Code of Conduct*. However, as an alternative school, disciplinary decisions may differ from those of Carman-Ainsworth High School based on the student's prior disciplinary record.

II. Types of Disciplinary Consequences

- A. Detention: Requiring a student to miss recess, receive an alternate lunch placement or after school detention under the supervision of school authorities. After School Detention will be assigned with prior parental permission. Physical duties may be assigned during detention periods. During detention, transportation will be the responsibility of the parent or guardian.
- B. In-School Suspension: The removal of a student from all regular school activities, hourly, or for a period of one to ten days by confining the student to a separate location in school and placing the student under the supervision of school authorities or their designee.
- C. Short-Term Suspension: To exclude a pupil from school and school sponsored activities for disciplinary reasons for a period of one (1) to ten (10) school days. A school principal or other school administrator has the authority to suspend a student for ten (10) or fewer school days.
- D. Long-Term Suspension: To exclude a pupil from school and school sponsored activities for disciplinary reasons for more than ten (10) but less than 60 school days.
- E. Expulsion: To exclude a pupil from school and school sponsored activities for disciplinary reasons for a period of 60 or more school days by action of the Board Sub-committee on Student Discipline.
- F. Bus/Transportation Suspension or Expulsion: suspension or expulsion of student from bus based on student's conduct on bus.
- G. Administrative Removal: removal of student from school based on safety risk student presents to himself and/or others, with return permitted pending confirmation by mental health provider.

The precise discipline to be imposed may vary in type or length depending upon the seriousness of the misconduct, consideration of the restorative practices, and the cumulative effect of the misconduct.

III. Restorative Practices

Carman-Ainsworth Community Schools utilizes Restorative Practices. Restorative Practices means practices that emphasize repairing the harm to the victim and the school community caused by a student's misconduct. Before suspending long-term or expelling any student (except a student who possesses a firearm in a weapon-free school zone), teachers, administrators, and the Board must first determine whether restorative practices would better address the student's misconduct, recognizing the Board's commitment to minimize out-of-school suspensions and expulsions. Likewise, when suspending long-term or expelling a student, teachers, administrators, and the Board must consider whether restorative practices should be used in addition to the suspension or expulsion. Restorative practices, which may include a victim-offender conference, should be the first consideration to remediate offenses such as interpersonal conflicts, bullying, verbal and physical conflicts, theft, and damage to property, class disruption, and harassment and cyberbullying.

Before suspending or expelling a student, except as provided below, the Board of Education or its designee shall consider each of the following factors:

1. The student's age
2. The student's disciplinary history
3. Whether the student is a student with a disability
4. The seriousness of the violation or behavior committed by the student
5. Whether the violation or behavior committed by the student threatened the safety of any student or staff member
6. Whether restorative practices will be used to address the violation or behavior committed by the student
7. Whether a lesser intervention would properly address the violation or behavior committed by the student (See MCL 380.1310d(1))

These factors shall not be considered by the Board of Education or its designee to a student being expelled under the Revised School Code for possessing a firearm in a weapon free school zone. MCL 380.1310d(3)

IV. Short-Term Suspension Procedures (1-10 School Days)

When a building principal or his/her designee has determined that a student should be suspended for ten (10) or fewer school days as a result of the student's misconduct, the following steps will be taken:

- A. The student will be informed of the specific charges which are the basis for disciplinary action (i.e., the relevant Revised School Code provisions, Board Policies or Administrative Guidelines, and /or Student code of Conduct offenses), as well as the facts upon which the charges are based.
- B. The student may present evidence or relevant information in support of her defense.
- C. The building principal or his/her designee shall notify the parent/guardian of the suspension as soon as possible, the reasons for it, and the steps necessary for the student's return; and
- D. The building principal or his/her designee meet with the parent or guardian and the student to plan the satisfactory return of the student to the school setting.

A suspension from school involves exclusion from all school activities (on campus and/or at other locations) during the entire period of the suspension. This includes athletic practices, contests, and other curricular and extracurricular activities. A student may not be on school premises at any time during the course of a suspension. Students violating another school district's code of conduct while attending their school event(s) are subject to disciplinary action by Carman-Ainsworth Community Schools Administration. (All students will receive credit for make-up work done during a suspension or expulsion but all work must be submitted in accordance with the building's guidelines for makeup work.)

Public Act 103 of 1999, Section 1309, A teacher may suspend a student from any class, subject, or activity for up to one day pursuant to Board of Education policy describing the types of behavior that would warrant such action. The teacher is required to conduct

a conference with the parent or guardian of the student after the suspension takes place.

Appeal of Short-Term Suspensions

A student's parent or guardian may appeal a short-term suspension of five (5) to ten (10) days to the Superintendent or his/her designee. An appeal must be submitted in writing to the Superintendent within three (3) school days of the disciplinary action. A suspension of ten (10) school days or less cannot be appealed beyond the level of the Superintendent or their designee. *A suspension of one (1) to four (4) days cannot be appealed.

V. Long-Term Suspension and Expulsion Procedures

When a building principal or his/her designee has determined that a student should be suspended for more than ten (10) school days or expelled as a result of the student's misconduct, the following steps will be taken:

- A. The student and his/her parent or guardian will be provided with written notice of the charges against him/her which are the basis for the disciplinary action (i.e., the relevant Revised School Code provisions, Board Policies or Administrative Guidelines, and /or Student Code of Conduct offenses), and the factual basis for the charges. The notice shall also include:
 1. The procedure to request a hearing before the Board Subcommittee on Student Discipline.*
****At the Superintendent's or Board's discretion, a district hearing officer may be appointed to assess the merits of the discipline appeal. The recommendation of the hearing officer will be acted on by the Superintendent and/or Board Subcommittee on Student Discipline.***
 2. The right of the student and his/her parent/guardian to request an open or closed hearing.
 3. The right of the student and his/her parent/guardian to be present at the hearing.
 4. The right of the student and his/her parent/guardian to be represented by legal counsel, at their own expense.
 5. A description of the hearing process, including that the student will have the opportunity to give his/her version of the facts, offer the testimony of and present evidence.
 6. The recommended discipline.
- B. At the hearing, conducted by the Board Subcommittee on Student Discipline:
 1. The student shall be advised of the evidence offered against him/her.
 2. The Board Subcommittee on Student Discipline may limit disclosure of the identity of students providing information relative to the charges.

3. The student will be given the opportunity to present his/her evidence.
 4. Although the student may request the hearing occur in an open or closed session, the decision of the Board Subcommittee on Student Discipline shall be by formal motion and a vote. The action shall appear in the minutes of the Board Subcommittee on Student Discipline and be part of the public records. The student's name will not be reflected in the minutes or Board resolution.
 5. The hearing shall be conducted by the Board Sub-committee on Student Discipline, which shall make its determination solely upon the evidence presented at the hearing. The hearing is not a court proceeding but the rules of evidence used in administrative proceedings will generally be followed.
 6. A record may be kept of the hearing.
 7. The Board Sub-committee on Student Discipline shall state within a reasonable time after the hearing its findings as to whether or not the student charged is guilty of the conduct charged and its decision as to expulsion or other discipline.
- C. An expulsion from school involves exclusion from all school activities for the entire length of the expulsion. This includes athletic practices, contests, and all other curricular and extracurricular activities. An expelled student may not be on school premises at any time during the course of the expulsion.

VI. Due Process

The constitutional rights of individuals assure the protection of due process of law; therefore, this system of constitutionally and legally sound procedures is developed with regard to the administration of discipline in the schools of Michigan.

In exercising its disciplinary authority, the district will be guided by a reasonable and fair approach to the law and to district policy. Every effort shall be made by principals, other administrators and faculty members to resolve problems through effective use of school district personnel in cooperation with the student and his/her parent or guardian.

A student recommended for suspension of more than 10 days or expulsion will be given an opportunity for a hearing with the Board Sub-committee on Student Discipline if he/she or his/her parent or guardian indicates the desire for one. A hearing will be conducted to provide the student and his/her parent with an opportunity to present evidence and/or contest the facts, which led to the disciplinary action, or to contest the appropriateness of the imposed sanction. A student may be represented by counsel at the hearing at his/her own expense.

VII. Grounds for Suspension and Expulsion

Teachers will initiate and maintain communication with their students to establish acceptable rules of behavior to provide a classroom climate conducive to learning. Violations of these classroom rules are, in most cases, handled by the individual classroom teacher.

The following types of behavior are never appropriate at school and are considered to be violations of the *Student Code of Conduct*.

This list should not be considered all inclusive and other types of misconduct or disruptive behavior may also result in exclusion from school, including expulsion. Attempts to commit prohibited conduct or engage in misconduct are also subject to disciplinary consequences. Offenses committed off school property but having sufficient connection with school may result in disciplinary consequences.

Students who commit a major violation of the Student Code of Conduct, Board Policy, or the Revised School Code while already on probation may be recommended for expulsion/long term suspension.

A. CRIMINAL ACTS

The following activities are among those defined as criminal under laws of the state of Michigan and may not be all-inclusive:

1. Arson
2. Assault
3. Battery
4. Burglary
5. Explosives to include fireworks, smoke bombs, or other incendiary devices
6. Extortion, blackmail or coercion
7. Possession or use of firearms or weapons, including look a-likes
8. Larceny
9. Malicious mischief, destruction of property, vandalism, and/or pranks
10. Robbery
11. Sale, use, or possession of alcoholic beverages or controlled substances including look-a-likes
12. Breaking and entering
13. Trespassing
14. Criminal sexual conduct
15. Possession or use of noxious gases

The commission of or participation in any criminal acts in school buildings, on school property, or at school-sponsored events is prohibited and may result in disciplinary action up to and including expulsion. Disciplinary action will be taken by the school regardless of whether or not a criminal charge results. The preceding list is not all-inclusive. In addition, a student may be disciplined for commission of or participation in a criminal act that does not occur on school property or at a school-sponsored event, if the student's conduct impacts the normal function of the school or the safe learning environment of students or staff.

B. PROHIBITED SUBSTANCES/MATERIALS

1. Possession/Use of Cigarettes, E-Cigarettes, Chewing Tobacco/Vaping:

Faculty and administration will strictly enforce the District's policy prohibiting smoking, vaping, and the possession of tobacco products and e-cigarettes on district property or at school functions. (Any and all electronic cigarettes, vapors, lighters, spittoons and/or other smoking paraphernalia for tobacco and/or smokeless tobacco).

Penalty:

- a. First Offense - Three (3) day out-of-school suspension and notification to parent/guardian.
- b. Second Offense - Three (3) to five (5) day out-of-school suspension and notification to parent/guardian.
- c. Third Offense - Five (5) to ten (10) day out-of-school suspension and notification to parent/guardian.
Fourth Offense - Ten (10) to forty-five (45) day out-of-school suspension and notification to parent/guardian.

2. Possession/Use of Over-The-Counter Medication: The possession/use of over-the-counter medication is strictly regulated to help ensure student safety. All medication of any kind, including but not limited to aspirin, CBD products, herbal medications, and supplements must be dispensed from and stored in the school office in accordance with state law and Board policy. Parents must complete a medication authorization form which provides the school with written permission to administer over-the-counter, non-prescription drugs to the student.

Penalty:

1. First Offense - Suspension of up to two (2) days and notification to parent/guardian.
2. Second Offense - Ten (10) day out-of-school suspension and notification to parent/guardian.
3. Third Offense - Ten (10) to forty-five (45) day out-of-school suspension and/or long-term suspension and/or expulsion and notification to parent/guardian.

3. Sale/Distribution of Over-The-Counter Medication: The sale/distribution on school property and/or at school functions of over-the-counter medication is prohibited.

Penalty:

Long-term suspension for balance of the semester and the following semester or expulsion and notification to parent/guardian and/or report to police.

4. Possession, Use and/or Under the Influence of Alcoholic Beverages, Narcotics, Drugs, Intoxicants, Inhalants: Possession, use and/or under the influence, on school property and/or at a school function, of alcoholic beverages (including no or low alcoholic look-a-likes, malt beverages),

narcotics, drugs, intoxicants or other controlled substances, including look-a-likes, is prohibited.

Penalty:

- a. First Offense – Ten (10) day out-of-school suspension and notification to parent/guardian and/or report to police.
- b. Second Offense (in the same school year) – Long-term suspension for the balance of the semester and the following semester or expulsion and notification of parent/guardian and/or report to police.

5. **Possession of Paraphernalia used with Alcohol or Drugs:** Possession of paraphernalia used with alcohol or drugs is prohibited. Such paraphernalia includes, but is not limited to, marijuana pipes, “bongs,” paper for rolling marijuana cigarettes, and the like.

Penalty:

Suspension or expulsion and/or report to police and notification to parent/guardian.

6. **Sale/Distribution/Possession with Intent to Sell/Distribute Alcoholic Beverages, Narcotics, or Drugs:** Sale/distribution and/or possession with intent to sell/distribute on school property and/or at school functions of alcoholic beverages, (including non or low alcoholic look-a-likes, malt beverages), narcotics, drugs or other controlled substances, including look-a-likes, which have not been medically prescribed for that individual and which modify normal behavior, is prohibited.

Penalty:

Long-term suspension for the balance of the semester and the following semester or expulsion and notification to parent/guardian and/or report to police.

7. **Possession/Distribution of Counterfeit Money:** Possession, use, selling, giving away, bartering, receiving or exchanging any counterfeit money on school property and/or at a school function is prohibited.

Penalty:

Detention, suspension or expulsion and report to police and notification to parent/guardian.

C. PHYSICAL/VERBAL ASSAULTS AND CONFRONTATIONS

1. **Physical Assault Against a School Employee, Volunteer, or Contractor:** Intentionally causing or attempting to cause physical harm to another through force or violence while on school premises, on a school bus or other school-related vehicle, or at a school-sponsored activity or event whether or not it is held on school premises.

Penalty:

This behavior is a violation of state law.

- a. For students in grades 6 and above: subject to consideration of the seven (7) factors listed in MCL 380.131d(1), permanent expulsion with possible reinstatement after 180 days, report to police, notification of parent/guardian, and notification of public agencies as required by law.
 - b. For grades 5 and below: minimum of suspension/long-term suspension or expulsion, notification of parent/guardian and/or report to the police.
- 2. **Physical Assault against Another Student:** - Behavior aimed at intentionally causing or attempting to cause physical harm to another student through force or violence that occurs on school property, at any school sponsored activity, or on any school related vehicle.

Penalty:

- a. For students in grades 6 and above: subject to consideration of the seven (7) factors listed in MCL 380.1310d(1), suspension or expulsion up to 180 days (the length of which will be determined by circumstances) report to police, notification to parent/guardian, and notification of public agencies as required by law. Administrator must forward reports of assault to the Board Sub-committee on Student Discipline.
 - b. For students in grades 5 and below: minimum of suspension/long-term suspension or expulsion, notification of parent/guardian, and/or report to the police.
- 3. **Verbal Assault or Threats:** Statement or act, oral, written, or electronically transmitted, which can reasonably be expected to induce in another person(s) an apprehension of danger of bodily injury or harm. Verbal assaults include any threat to do harm to another through force or violence. Bomb threats and similar threats directed at a school building, school property, or at school related events, are included in this definition of verbal assault.

Penalty:

- a. For students in grades 6 and above: suspension or expulsion for a period of time as determined by the discretion of the Board Sub-committee on Student Discipline or its designee (the length of which will be determined by circumstances) report to police, notification of parent/guardian, and notification of public agencies as required by law.
 - b. For students in grades 5 and below: suspension/long-term suspension or expulsion, notification of parent/guardian, and/or report to police.
- 4. **Fighting/Hostile Confrontation:** Physical attacks/confrontations, mutual fighting (regardless of which combatant initiated the physical fight) and hostile verbal confrontations. Based on

administrative discretion in reviewing the facts and circumstances, the penalties may be extended.

Elementary Penalty:

Suspension/long-term suspension (the length to be determined by the facts and circumstances) or expulsion, report to police, notification to parent/guardian and notification to public agencies as required by law.

Middle School Penalty:

Suspension/long-term suspension or expulsion as noted below, report to police, notification to parent/guardian and notification to public agencies as required by law.

- a. First Offense – Five (5) day out-of-school suspension
- b. Second Offense - Ten (10) day out-of school suspension
- c. Third Offense – Recommendation for long-term suspension/expulsion.

High School Penalty:

Suspension/long-term suspension or expulsion as noted below, report to police, notification to parent/guardian and notification to public agencies as required by law.

- a. First Offense - Ten (10) day out-of-school suspension
- b. Second Offense - Forty-five (45) day out-of school suspension
- c. Third Offense – Expulsion

In addition to out-of-school suspensions, students involved in a fight/hostile confrontation must meet with their Counselor, Behavior Interventionist, along with their parent/guardian prior to returning to school. Students will also be placed on a one (1) year school probation status, which will prohibit them from attending special school events including, but not limited to, all dances, talent and fashion shows (determined by the administration) for one calendar year. **The one-year probation will carry over into the following school year.**

Students who are **not directly** involved in the actual physical altercation, **but who help instigate** it through words, actions, gathering around to witness the dispute, taking video footage, or any action that contributes to the disruption of the school climate, may also be subject to discipline for their contribution to the altercation. Such discipline may include detention, suspension, or expulsion, and/or report to police and/or notification to parent/guardian.

Students are encouraged to move away from any area where a conflict is occurring (unless attempting to help break up) and notify the nearest staff member immediately.

D. INAPPROPRIATE BEHAVIOR:

1. **Theft/Abuse of Property/Vandalism:** Students endangering or abusing the property of students, school employees, or the school, including but not exclusive to the following: theft, misuse of books, materials and equip-

ment, including technology resources, defacing property; and unauthorized presence in a school building (trespassing).

Penalty: Suspension or expulsion and/or referral to police and notification to parent/guardian. Restitution must be made for all damages or loss of property. The student may be removed from the related class.

2. **Insubordination:** Refusal to obey established and well-defined rules and school regulations or refusal to obey reasonable directions or instructions of school personnel. This includes being in an unauthorized area, refusal to leave school grounds at the request of school personnel, horseplay and/or littering.

Penalty: Detention, suspension or expulsion and/or report to police and notification to parent/guardian.

3. **Profanity/Obscene Language, Gestures, or Behavior:** Use of profane or obscene language, gestures, drawings, writings, electronic or the like.

Penalty: Detention, suspension, or expulsion and/or report to police and/or notification to parent/guardian.

4. **Gross Misconduct:** Conduct detrimental to the normal functioning of the school or school activities including gross or repeated disobedience of school rules, violation of state laws, local ordinances and laws pertaining to civil disobedience. Gross misconduct also includes behavior that impacts the normal functioning of the school or the safe learning environment by students during non-school times/hours (including, but not limited to, summer recess, holiday recess) where a student is arrested, charged or convicted of a crime. This behavior may result in disciplinary action or loss of participation in extracurricular activities to be determined by administration.

Penalty: Suspension or expulsion and/or report to police and notification to parent/guardian.

5. **Persistent Disobedience:** Consistent violations of school rules and regulations; repeated involvement in behavior that disrupts the educational process of other students.

Penalty: Suspension or expulsion and notification to the parent/guardian.

6. **Bullying/Harassment/Hazing/Cyberbullying:** Any behavior, physical or verbal, or use of technology that ridicules, demeans, or intimidates is prohibited. This will include any form of defamation of character, intimidation, threats, or stalking of students or school employees of any kind or to the person or property of others whether transmitted verbally, in writing, or electronically (often referred to as "cyber bullying") either in or outside of school. This includes retaliation and/or making false reports.

Penalty: Detention/suspension/expulsion and/or report to police and notification to parent/guardian.

- 7. Criminal Sexual Conduct:** Violation of the Michigan Penal Code, MCL 750.520b, 520c, 520d, 520e, or 520g, which includes engaging in sexual penetration or sexual contact with a person under 13 years of age, while armed with a weapon, using force or coercion to accomplish that act, during the commission of another felony, and/or when the victim is mentally incapacitated or physically helpless. A student who believes he/she has been the victim of such conduct should report this immediately to an administrator or other school official. An investigation will follow, as well as appropriate disciplinary action and notification of parents, police and other related agencies.

Penalty:

Subject to consideration of the seven (7) factors listed in MCL 380.131d(1), permanent expulsion with possible reinstatement after 180 days, report to police, notification to parent/guardian, and notification of public agencies as required by state and federal law.

- 8. Sexting** – “Sexting” is the act of electronically sending to another person or receiving sexually explicit text messages, photographs, graphic images and/or videos. “Sexting” is not only an inappropriate behavior that violates the Student Code of Code; it also violates many state and local laws.

Students and their parents should be aware of the possible criminal consequences and penalties for possessing, producing, and disseminating pornographic and/or sexually explicit material. Violations may result in felony charges and require the student to register as a sex offender. Parents and students should understand that once a picture or video is on the internet, it is generally there forever.

Penalty:

Discipline up to and including recommendation for expulsion and referral to law enforcement and/or other agencies.

- 9. Inappropriate Display of Affection:** displays of unacceptable or undue familiarity such as kissing, embracing, fondling, or other conduct of a sexual nature are inappropriate at school or school related activities. Based on administrative discretion in reviewing the circumstances, penalties may be extended.

Penalty:

Detention, suspension or expulsion and/or report to police and/or notification to parent/guardian.

- 10. Improper Use of a Motor Vehicle:** Conduct in the operation or occupancy of a motor vehicle, which may endanger the security of people or property while on school grounds. Students are not permitted to

transport other students away from school grounds during the school day. Please be advised that dangerous driving and/or driving in a manner that puts others at risk may result in discipline up to and including recommendation for expulsion from school.

Parents and/or other adults are required to follow the directions of school officials when picking up and dropping off students.

Penalty:

Withdrawal of student's driving privilege on school property, detention, suspension or expulsion and/or report to police and notification to parent/guardian. Restitution will be made for all damages or losses.

- 11. Forgery:** The unauthorized using or writing of the name of another person on school forms, passes or other school related correspondence.

Penalty:

Detention, suspension or expulsion and/or report to police and/or notification to parent/guardian.

- 12. Possession/Sale of Fireworks or Making False Fire Alarms:**

Possession and/or sale of fireworks on school property or at a school function or making a false fire report/alarm or inappropriately pulling a fire alarm. **This behavior is a violation of state law.**

Penalty:

Suspension or expulsion and/or report to police, notification to parent/guardian and notification of public agencies as required by state and federal law. Restitution will be made for all damages or loss of property.

- 13. Possession of a Dangerous Weapon:** The act of possessing, using or threatening to use a dangerous weapon. For purposes of possessing a dangerous weapon in violation of the Revised School Code, a dangerous weapon is defined as a dagger, dirk, stiletto, and knife with a blade over 3 inches in length, pocketknife opened by a mechanical device, iron bar, or brass knuckles. A student may also be charged with possessing a dangerous weapon in violation of the Student Code of Conduct if he/she possess other dangerous weapons and look-a-like weapons, including martial arts instruments, noxious gases (including but not limited to, pepper gas, tear gas, self-defense sprays), and other devices used to inflict harm.

Penalty:

This behavior is a violation of state law.

- a. For students in grades 6 and above, subject to consideration of the seven factors listed in MCL 380.131d(1), permanent expulsion with

possible reinstatement after 180 days, report to police, and notification to parent/guardian.

- b. For students in grades 5 and below who have been expelled for threatening another person with a dangerous weapon: permanent expulsion subject to possible reinstatement after 90 days, report to police, and notification to parent/guardian. Notification of expulsion to public agencies as required by state and federal law.

NOTE: The seven (7) factors listed in MCL, 380.1310d(1) will not be considered when a student is charged with possessing a firearm in a weapon free school zone. A student who possesses a firearm in a weapon free school zone is subject to permanent expulsion under the Revised School Code, MCL 380.1311(2).

- 14. Arson:** in a school building or on school grounds - Intentionally burning, damaging, or destroying by fire or explosive

Penalty:

Subject to consideration of the seven factors listed in MCL 380.1310d(1), permanent expulsion with possible reinstatement after 180 days, report to police, and notification to parent/guardian and notification of public agencies as required by state and federal law.

15. Use of Cellular Phones and Other Electronic Devices:

Elementary and Middle School Policy:

Cell phones may not be used, seen, or heard during school hours or during bus time, and may only be used at the end of the school day. Students who have cellular phones, tablets (when not provided or permitted by the school for educational purposes), laptops, smart watches, MP3 players, I-Pods, and/or other electronic devices at school do so at their own risk. The school is not be responsible for the theft or loss of any electronic devices. **In addition, cell phones may not be used to take inappropriate photos or videos, for posting on social media, or for anything that would be considered unacceptable during school hours, as determined by school officials.**

Penalty:

- a. First Offense – Student will receive a behavior referral for possession of electronic device. The device will be confiscated by a school official and returned upon **parent/guardian pickup** before or after school.
- b. Second Offense – Student will receive a second behavior referral. The device will be confiscated by a school official and returned upon parent meeting.
- c. Third Offense – Student will receive a third referral. The device will be confiscated by a school official and progressive discipline will be determined by school administrator.

Law enforcement may be contacted if a student takes inappropriate photos or videos or posts inappropriate content to social media using an electronic device while at school, on school transportation, or at a school-

sponsored event. In addition, student conduct using electronic devices (such as texts, emails, and/or posts to social media) that violates the Code of Conduct or Board Policy, even when occurring outside of school, may be subject to discipline if there is a sufficient nexus between the conduct and school or if the conduct causes a material and substantial disruption to the school environment.

High School Policy:

Carman-Ainsworth High School students may be in possession of electronic devices such as cell phones, tablets, laptops, iPads/iPods, MP3 players, and gaming devices, at school with the understanding that the school district will not be responsible for damage, theft, or loss of such devices. **Cell phones/electronic devices should be silenced and not used without approval from the supervising teacher or an administrator. Teachers may include restrictions during their class periods as they deem necessary. In addition, cell phones are not to be used to take inappropriate photos or videos, for posting on social media, or for anything that would be considered unacceptable during school hours, as determined by school officials.**

-Cell Phones/Electronic Devices are permissible for use:

- in the morning before the start of school
- during passing time throughout the school day
- during a student's lunch period

Cell phones and electronic devices may not be used in any school office or area of business within the high school building (including, but not limited to, the Main Office, Guidance/Counseling Office, Student Services Office, Athletic Office, and Attendance Office).

Penalty:

- a. First Offense – The electronic device will be confiscated and returned upon parent/guardian pick-up or picked-up by the student on the following Monday of each week.
- b. Second Offense – The electronic device will be confiscated and returned upon parent-administrator meeting.
- c. Third Offense – The electronic device will be confiscated and the student subject to detention or suspension.

Law enforcement may be contacted if a student takes inappropriate photos or videos or posts inappropriate content to social media using an electronic device while at school, on school transportation, or at a school-sponsored event. In addition, student conduct using electronic devices (such as texts, emails, and/or posts to social media) that violates the Code of Conduct or Board Policy, even when occurring outside of school, may be subject to discipline if there is a sufficient nexus between the conduct and school or if the conduct causes a material and substantial disruption to the school environment.

Failure to surrender a cell phone or electronic device to a staff member will be considered insubordination and will result in a one (1) day in-school-suspension if the device is surrendered to an administrator. Failure to surrender to an administrator will result in a two (2) day out-of-school suspension.

16. Possession or Use of Laser Pointers or other Laser Projection

Devices: The possession or use of laser pointers or other laser projection devices is prohibited on school property and at school functions.

Penalty:

- a. First Offense - Detention and parent/guardian contact. Device will be returned to parent/guardian only, and parent/guardian must pick up the device from the school.
- b. Second Offense - Three-day (3) out-of-school suspension and permanent confiscation of device.
- c. Third Offense – Five (5) day to ten (10) day out-of-school suspension and permanent confiscation of device.

17. Closed Campus Violation: Leaving the building and/or school grounds during the school day without prior permission from the attendance office to do so.

Penalty:

Detention, suspension and notification of parent/guardian.

18. Gambling: Participation in a game of chance involving the exchange of money or property is strictly prohibited on school property during school events.

Penalty:

Detention/suspension/expulsion and/or report to police and/or notification to parent/guardian.

VIII. Discipline of Students with Disabilities

State and federal law contain procedural requirements that govern the discipline of all students with or without disabilities. Students with disabilities have additional procedural protections under both the Individuals with Disabilities Education Act of 2004 (IDEIA) and Section 504 of the Rehabilitation Act of 1973.

Re-Evaluation of Code

A committee shall be appointed to re-evaluate the Student Code of Conduct every four years. It is recommended that, along with parents, teachers, and administration, students from the high school and the middle school be included in the reevaluation process. *Last revised July 2019.*

English as a Second Language (ESL) or English Learners (EL)

ESL/ELL families may request handbooks in their language (if available) by calling Student Support Services at 810-591-6251.

Complaint Procedures – Unlawful Harassment/Discrimination

Carman-Ainsworth Community Schools is committed to treating all students, staff, and parents fairly. Any person who believes they have been subject to unlawful harassment or discrimination, including on the basis of 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), may bring forward a complaint. This section describes the complaint procedures and investigation process for claims of unlawful harassment and discrimination on the basis of race, color, national origin, disability, age (except as authorized by law), religion, height, weight, marital or family status, military status, ancestry, or genetic information (all Protected Classes except sex, including sexual orientation and gender identity). The complaint procedures for allegations of sex discrimination/harassment (including sexual orientation and gender identity) are investigated pursuant to the process described in the section below, titled **"Complaint Procedures – Sex Discrimination/Harassment"**.

1. Reporting Unlawful Discrimination/Harassment

Students who believe they have been a victim of unlawful discrimination and/or harassment or who have knowledge of unlawful discrimination and/or harassment should report it to a teacher, administrator, other school employee, or to one of the District's Compliance Officers.

District Compliance Officers:

Russ Parks
Assistant Superintendent
Carman-Ainsworth Community Schools
G3475 W. Court Street
Flint, MI 48532
Tel. 810-591-3206
rparks@carmanainsworth.org

Bob Hetherton
Director of Student Support Services
Carman-Ainsworth Community Schools
1300 N. Linden Road
Flint, MI 48532
Tel. 810-591-6251
bhethert@carmanainsworth.org

Gina Ryan
Assistant Superintendent
Carman-Ainsworth Community Schools
G3475 W. Court Street
Flint, MI 48532
Tel. 810-591-8246
gryan@carmanainsworth.org

A student may also report incidents of unlawful discrimination and/or harassment to the U.S. Department of Education's Office for Civil Rights, the police, or other outside agencies as applicable. There is no requirement that a student exhaust the District's complaint procedures before filing a report or complaint with an outside party.

Complaints may be made orally or in writing. If in writing, the complaint can be made using the **Report of Harassment form** included below. To the extent possible, complaint should include this information:

- The alleged victim(s);
- The identity of the perpetrator(s);
- The identity of any potential witnesses; and
- A detailed description of what occurred, including dates, times, and locations.

2. What Happens Next

After a student makes a complaint of unlawful discrimination and/or harassment, the complaint will be forwarded to one of the District's Compliance Officers, listed above. A teacher, administrator, or other school employee must forward the student's written complaint, or file a report detailing the student's oral complaint, with one of the District Compliance Officers within two (2) school days.

The District Compliance Officer will then contact the student to determine if the student would like to engage in the informal or formal complaint process. In certain situations, the informal complaint process cannot be used. For example, any allegation of harassment involving adult member of the District community will be formally investigated.

3. Informal Complaint Process

The student making the complaint (the "complainant") must agree to participate in the informal complaint process before this process will be used. The complainant may choose at any time to switch from the informal to the formal complaint process.

The informal complaint process involves an informal investigation, in which the Compliance Officer speaks with the complainant and the alleged perpetrator to determine what steps should be taken to resolve the complaint. The Compliance Officer may counsel the complainant on speaking with the harasser and informing him/her that the conduct is unwelcome and must stop. The Compliance Officer may also intervene on the complainant's behalf. If the parties both agree, they may both meet with the Compliance Officer to work out a resolution together.

While there is no time requirement, a Compliance Officer will attempt to resolve all informal complaints within 15 business days of receiving the complaint.

4. Formal Complaint Process

A complainant may opt to use the formal complaint process instead of the informal process. In addition, the formal complaint process will be used when a student asserts he/she is the victim of unlawful discrimination or harassment by a school employee or other adult.

The formal complaint process includes a formal investigation, in which the complainant, alleged perpetrator, and any witnesses are interviewed by the Compliance Officer. The

Compliance Officer will also consider any relevant information or evidence provided by the complainant, respondent, or witnesses. The alleged perpetrator (the “respondent”) is informed about the nature of the allegations and provided with a copy of any relevant administrative guidelines, including the Board’s Anti-Harassment policy. The Compliance Officer will advise the respondent of the opportunity to submit a written response to the complaint.

The Compliance Officer will attempt to complete the investigation within 15 business days of receiving the formal complaint, and will provide periodic updates to the parties involved. During the investigation, steps may be taken to protect the complainant from retaliation or further harassment.

After completing the investigation, the Compliance Officer will prepare and submit a written report to the Superintendent. The report will summarize the evidence and include his/her conclusion as to whether discrimination or harassment occurred. Absent extenuating circumstances, the Superintendent will issue a final decision within ten school days. The final decision will include whether the unlawful discrimination or harassment was substantiated, or if further investigation is needed.

5. Additional Information

Additional information regarding the Carman-Ainsworth’s discrimination and harassment policies and procedures is available in its Board Policies and Administrative Guidelines. See, e.g., Board Policy and Administrative Guideline 5517.

Complaint Procedures – Sex Discrimination/Harassment

The full investigation and grievance procedure can be found in the District’s sex discrimination and harassment policy, Board Policy 2266. The following is an overview, intended to provide general information on student rights and duties concerning sex-based discrimination and harassment, including sexual orientation and gender identity, which fall under Title IX of the Education Amendments of 1972. Title IX is a federal statute that prohibits discrimination on the basis of sex in educational programs or activities that receive federal funding, including public schools.

When the District receives a complaint of sexual harassment, the District will conduct an investigation to determine (1) if sexual harassment occurred, (2) in a District program or activity, (3) in the United States. The accused is not responsible for the harassment until a determination of responsibility has been made at the end of this procedure.

1. Reporting Unlawful Discrimination/Harassment

Any student may submit a report of sexual harassment or discrimination, including individuals wishing to remain anonymous, by mail, telephone, email, or any other means, to the District’s Title IX Coordinators:

Russ Parks
Assistant Superintendent
Carman-Ainsworth Community Schools
G3475 W. Court Street

Gina Ryan
Assistant Superintendent
Carman-Ainsworth Community Schools
G3475 W. Court Street

If the allegations are against a District Title IX Coordinator, then the complaint may be made to the Superintendent or another District employee. The complaint can be made using the **Report of Harassment Form** included in the handbook.

Reports may be verbal or in writing, and should include, to the extent known, the identity of the alleged victims(s), perpetrator(s), and witness(es), and a description of what occurred, including date(s), time(s), and location(s).

Allegations that do not involve sexual harassment will be addressed through procedures in the section titled “**Complaint Procedures – Unlawful Harassment/Discrimination**” and Board of Education Policy 5517.

It is a violation of this policy and the Student Code of Conduct to knowingly make false statements or submit false information, including making a false report of sexual harassment.

2. What Happens Next

Once a complaint alleging sexual harassment is filed, both the individuals involved will be contacted by one of the Title IX Coordinators, who will explain the process for investigation a formal complaint, provide a copy of Board Policy 2266, and discuss the need for any supportive measures. Supportive measures are non-disciplinary, individualized services offered to ensure the individuals continue to have equal access to the District’s educational program and opportunities. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of class schedules, campus escort services, mutual restrictions on contact between the parties, leaves of absence, increased security and monitoring of certain areas of school property, and other similar measures.

Students that pose an immediate risk to the physical health or safety of another student arising from the allegations of sexual harassment may be removed during the investigation of the formal complaint. The student will be provided notice and given an opportunity to challenge the decision immediately following the removal.

3. Informal Resolution Process

The Title IX Coordinator may offer the parties an informal resolution process to resolve a formal complaint. The District cannot require anyone to participate in an informal resolution process or waive their right to a formal investigation and determination. Either participant may withdraw from the informal process and resume the formal process at any time.

4. Formal Investigation and Adjudication

In general, the District will seek to complete the entire formal investigation, including the determination and any appeals, within 60 days but may be extended.

During the investigation, the parties involved may have the assistance of an advisor, which may, but does not need to be, an attorney.

The District is responsible for investigating and gathering evidence, but the parties may present witnesses and other evidence on their behalf. Both parties will have an equal opportunity to inspect and review the evidence the District has gathered that directly relates to the allegations in the complaint and submit a written response to the evidence. The District investigator will prepare a report that fairly summarizes the evidence that will be sent to the parties to provide a written response.

Before a determination of responsibility is made, the party may submit relevant questions to the other party and witnesses. Irrelevant questions, including about a student's sexual predisposition or prior sexual behavior, will be excluded unless offered to prove consent or the conduct was committed by someone else.

If the student is found responsible for the alleged conduct, possible sanctions include informal discipline (e.g., writing assignments, in-school discipline, etc.) or formal discipline (suspension of transportation privileges, exclusion from extra curricular activities, suspension or expulsion, etc.)

5. Appeal Process

Both parties have the right to file an appeal from a determination of responsibility; however, the student that made the complaint may not challenge the ultimate disciplinary sanction or consequence imposed.

Formal Complaint

Student's Name: _____ Date of Report: _____

Date of Alleged Harassment: _____

Location of Alleged Harassment: _____

Name of Alleged Harasser: _____

Detailed description of the Incident(s):

Names of Witness(es), if any: _____

Signature of Person Making the Report

Signature of Person Taking the Report

(over)

Resolution

5517 F1/page 2 of 2

Date of Investigative Action Taken: _____

Investigative Action Taken: _____

Resolution: _____
