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1. Users shall not reveal their passwords to another individual.
2. Users are not to use a computer that has been logged in under another user's name.
3. Users shall immediately notify the District if a security problem is suspected or identified.

Appropriate Use of Technology Resources - The District's Technology Resources shall only be used to access information related to the District's curriculum or conduct District business. The District's curriculum shall include, by way of demonstration and not limitation, a student's course work, a teacher's instructional program, and an administrator's duties.

Prohibited Activities and Inappropriate Use of Technology Resources - Students, employees, administrators and all other users of the District's Technology Resources are required to use the Technology Resources in an ethical and responsible manner. Students are prohibited from engaging in the following activities:

1. Revealing personal information, such as name, address, telephone number, social security number, driver's license number, credit card numbers, pictures, etc. over the Internet or e-mail.
2. Agreeing to meet with someone that he/she has met on the Internet or through e-mail without his/her parent's prior written approval and participation.
3. Students must not permit others to use their accounts. Students are responsible for maintaining the secrecy of all passwords they have and for changing passwords frequently.
4. Students must not send mass mailings through their RCS e-mail account.
5. Fraudulent, harassing, obscene and other inappropriate messages or uses of computers, or network access capabilities must not be created, downloaded or transmitted. This includes messages that might harass individuals or groups because of their age, race, sex, religious beliefs, sexual orientation, physical attributes, etc.

All individuals using the District's Technology Resources are prohibited from engaging in the following activities:

1. Retrieving, viewing, obtaining, copying, or sending obscene, pornographic, abusive, threatening, criminal, or otherwise harmful materials. This shall

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- include disturbing, threatening or harassing other users and persons on other computer systems by sending unwanted e-mail or by other means.
2. Retrieving, viewing, obtaining, or sending discriminatory or harassing materials. This does not apply to materials gathered which relate to the District's curriculum.
 3. Playing games, visiting chat rooms or otherwise using the Technology Resources for non-academic activities.
 4. Taking of supplies such as paper, printer ribbons, toner, and writeable media that are provided by the District.
 5. Use of the Technology Resources for fraudulent or unauthorized copying, communication or modifications of materials in violation of copyright laws.
 6. Invading the privacy of another user, including attempts to gain unauthorized access by using the password or account of another individual, forging e-mail messages or otherwise impersonating another user. This shall also include copying, changing, reading, or using files in another user's area without that user's permission.
 7. Giving, lending, copying or selling copies of software on the District's Computer System unless authorized by the District.
 8. Attempting to gain or actually gaining unauthorized access to the District's Computer System, programs or equipment or circumventing the district's content filter, firewall, or network security to gain unrestricted access to the internet, technology resources or computer system.
 9. Downloading or uploading information onto the hard drive of a District computer. This shall also include installation of software not approved by the District.
 10. Using the Technology Resources for commercial or for-profit purposes.
 11. Using the Technology Resources for personal or private business, product advertisement, fundraising, campaigning, or political lobbying.
 12. Removal, destruction, deletion, modification, alteration, abuse or damage to/of the District's Computer System, its hardware or software, regardless of whether the District owns or leases the hardware or software. Tampering with the District's Computer System and/or software applications will be considered vandalism, destruction, and defacement of school property whether the District

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owns or leases the property. Tampering with includes removing, damaging, deleting, modifying or altering computer hardware or software applications.

13. Infiltration, or "hacking," into any computer system or file, including the District's Computer System.
14. Attempting to access or actually accessing computer systems, data, materials or files that they are not authorized to access or the individual knows or reasonably believes may negatively affect the integrity of the District's Technology Resources and/or Computer System.
15. Sending obscene, profane, lewd, vulgar, or inflammatory language or messages.
16. Uploading, downloading, creating or intentionally spreading computer viruses.

Consequences for Illegal and/or Inappropriate Use - The use of the District's Technology Resources for illegal or inappropriate use or in support of such activity is strictly prohibited. Illegal activity is defined as any activity that violates federal, state, or local law and regulations. Inappropriate activity is defined as any activity that violates District Policy, this Regulation or the intended use of the Technology Resources. Violation of the District Policy or this Regulation by any individual may result in temporary or permanent suspension of Technology Resources, Internet and/or e-mail privileges, as well as further disciplinary measures as provided for by the Code of Responsible Behavior and Student Conduct or legal action.

All individuals using the Technology Resources of the District shall be responsible for damages to the Computer System, equipment and software resulting from deliberate or willful acts. Illegal use of the network, intentional deletion or damage of files or data belonging to others, copyright violations, or theft of services or software will be reported to the appropriate legal authorities for possible prosecution.

Rights and Responsibilities of the District - The District reserves the right to monitor any and all activity involving the Technology Resources including, but not limited to, searching data or e-mail stored on all District-owned Technology Resources at any time and for any reason. As such, users of the Technology Resources have no right of privacy in such data. The District reserves the right to terminate or modify, in full or in part, the Technology Resources offered by the District. The District further reserves the

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right to terminate the privilege of any user to access the Computer System on its own authority, so long as such decision is not in conflict with any master agreement.

Procedures - All users of the Internet and e-mail shall follow the "Procedures for Electronic Information Access and Use" which can be found under the AUP for Technology file by clicking on this link: [LINK](#) and incorporated herein by reference.

Disclaimer - The District will make every effort to provide appropriate technology resources and services, however, the District makes no warranties of any kind, whether expressed or implied, for the Technology Resources it is providing. The District shall not be responsible for any damages incurred by a user of the Technology Resources, including loss of data resulting from delays, non-deliveries, mis-deliveries, or service interruptions. The District does not endorse or guarantee the accuracy or quality of information obtained via the Internet or electronic mail.

In no event shall the District be liable for any damages (whether direct, indirect, special or consequential) arising out of the use of the Internet, accuracy or correctness of databases or information contained herein, or related directly or indirectly to any failure or delay of access to the Internet or other network application.

Use Agreements - All users of the District's Technology Resources are required to execute the appropriate [Use Agreements](#) which can be found on the district website.

10001.2-AR Children's Internet Protection Act

It is the policy of Rochester Community Schools to: (a) prevent user access over its computer network to, or transmission of, inappropriate material via Internet, electronic mail, or other forms of direct electronic communication; (b) prevent unauthorized access and other unlawful online activity; (c) prevent unauthorized online disclosure, use, or dissemination of personal identification information of minors; and (d) comply with the Children's Internet Protection Act [Pub. L. No. 106-554 and 47 USC 254 (h)]

Definitions

Key terms are as defined in the [Children's Internet Protection Act](#).

Access to Inappropriate

To the extent practical or to the extent required by law, technology protection measures (or "Internet filters") shall be used to block or filter internet, or other forms of electronic communications, access to inappropriate information.

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Specifically, as required by the Children's Internet Protection Act, blocking shall be applied to visual depictions of material deemed obscene or child pornography, or to any material deemed harmful to minors.

Subject to staff supervision, technology protection measures may be disabled for adults or, in the case of minors, minimized only for bona fide research or other lawful purposes.

Inappropriate Network Usage

To the extent practical or to the extent required by law, steps shall be taken to promote the safety and security of users of the Rochester Community Schools online computer network when using electronic mail, chat rooms, instant messaging, and other forms of direct electronic communications.

Specifically, as required by the Children's Internet Protection Act, prevention of inappropriate network usage includes: (a) unauthorized access, including so-called 'hacking,' and other unlawful activities; and (b) unauthorized disclosure, use, and dissemination of personal identification information regarding minors.

Education, Supervision and Monitoring

In accordance with the Children's Internet Protection Act, the Neighborhood Children's Internet Protection Act, and the Protecting Children in the 21st Century Act, all members of the Rochester Community Schools instructional staff should, to the extent practicable and/or required by law, work to educate, supervisor and monitor appropriate usage of the online computer network and access to the Internet.

Procedures for the disabling or otherwise modifying any technology protection measures shall be the responsibility of the Director of Technology and Strategic Initiatives or designated representatives.

10001.3-AR Web Page Development

The District's web site will provide information relating to our schools, our curriculum, and the commitment of the Rochester community for excellence in education. Internet access for the creation of web pages will be provided through Technology Services. The quality of information published by the District plays an important role in maintaining a strong reputation and image of the district. The following guidelines set the minimum standards to ensure that information published electronically is visually appealing, accurate and well written, and in compliance with the same high standards as other forms of published information about the District.

The availability of the Internet provides the opportunity for students and staff to contribute to the District's presence on the Internet. All staff members need to become

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familiar with the policies and responsibilities for using or creating pages that will be linked from the District's web site.

Failure to follow these policies or responsibilities may result in the loss of authoring privileges on the web site or other more stringent disciplinary action. These guidelines will ensure proper use of the District's network capabilities and proper conduct of each end user. These guidelines are to provide a consistent attempt to make authors aware of their responsibilities. These responsibilities will include efficient, ethical and legal utilization of the District's network resources.

1. Definitions

Technology Services - Area responsible for maintenance of the District's technology policy and regulations.

District – Rochester Community Schools

District Webmaster - Individual responsible for maintaining and Linked Page - A connection from the District's web site to that page or the pages that are connected to that linked page.

Sponsoring Faculty Member - Any district employee, teacher, coordinator, director, or administrator that wishes to create a link to their web page, their department's web page or the building's web page.

Student - Any student currently enrolled in the Rochester Community Schools.

Web Page Author - Any district employee, teacher, coordinator, director, or administrator that wishes to create a district web page.

Web Site - The official District web page from which all other pages about the District will be linked, URL: www.rochester.k12.mi.us

2. Responsibilities

- A. District Webmaster - The Webmaster will continuously review the District web site and check all links for accuracy and policy compliance. The Webmaster will communicate with staff members directly regarding web site changes that are needed. The District reserves the right to remove any pages from the web site if the District deems the specified pages are not in compliance with District Web Page Development Policy.

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- B. Staff Member – Staff members may create their own district web page, ensuring it adheres to the standards established by the District and its goals, guidelines, and policies. Staff members must proofread work before it is published on the District's web site. If the staff member has no web knowledge to create their own page, they can contact Technology Services

3. Ownership and Retention

- A. All web pages on the District's server(s) are the property of Rochester Community Schools.
- B. Web pages will be deleted whenever a staff member leaves the District at the end of a semester or school year, or when an assigned project ends, unless prior arrangements have been made at the building level.
- C. It will be the responsibility of the creator of each web site to keep the information accurate and updated. Staff members are encouraged to review and update individual web pages at a minimum of once a semester.
- D. In the event that a staff member changes building locations, he/she is responsible for the transfer of their web account to the new building. Support to accomplish this can be acquired through the building media specialist.

4. Linking from the Web Site

- A. All linked pages must comply with the guidelines and policies of the Rochester Community School District and support its mission.
- B. If links change in a manner that violates any of the guidelines or policies identified, the Webmaster, Director of Technology or Director of Community Relations may terminate the links until the violations on those pages are corrected.
- C. The content of individual web pages will be periodically scrutinized by Technology Services, Community Relations, building principals, and the Webmaster.

5. Process to Create a Web Page

Web page development is to be done utilizing the District web site authoring tool. Beginning Web Design classes are offered by the Technology Services. District employees may create their own pages and link them to the District web site.

6. Maintenance of Web Page

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Maintenance of the “structure” of the entire District web site will be the responsibility of the Webmaster. Content and updates of individual pages will be the responsibility of the person(s) whose information is being displayed or linked. The creator of those pages will update the information on the web page(s). Building principals will periodically review the information on their building’s web pages for accuracy and to verify that all pages are updated. The Web Page Development Guidelines and Policy will be updated on an as needed basis. Additional consistency standards will be developed by Technology Services and Community Relations as the need arises and updates will be provided as needed.

7. Technical Standards for a Web Page

Each web page linked from the District web site must contain certain elements which will provide for consistency of all pages.

- A. All web pages must be given names or categories which clearly identify them (i.e., “Classroom Pages” or “Mr. Smith’s First Grade, Baldwin Elementary School”). Staff members are required to follow the District web site file naming convention for all uploaded files. For assistance, e-mail the Webmaster or Technology Program Consultant.
- B. Linked text should indicate the actual destination rather than reading simply “home.”
- C. At the bottom of the web page, there must be a district e-mail address link to the name of the person responsible to keep the web page current (information not relevant anymore, or dates that have passed). Web pages may not contain links to home email accounts.
- D. Graphics and sounds must be named in all lower case letters, using an underscore symbol instead of spacing between words, and the building name added in the labeling as well.
- E. Authors must exhibit care when creating web pages with extensive tiled backgrounds or large graphics. Such files require extensive download times, are frustrating for users, slow down file servers and, therefore, are discouraged from being used.
- F. Web pages may not contain links to other web pages not yet completed. It is assumed that all work is considered under construction, so no pages will contain an “Under Construction” message.
- G. Web pages may not contain guest books, bulletin boards, ads, or counters without the written permission of Technology Services.

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- H. The staff member who is posting the web page will edit and test the pages for accuracy of links, and check for compliance with standards outlined in this policy.
- I. Questions or concerns about the content of any page(s) created by staff should be directed to the building administrator of that school or to Technology Services or Community Relations.

8. Content Standards for Web Design

All individuals who wish to have their pages linked from the District web server must:

- A. Create their pages in compliance with the District's Acceptable Use Policy and all other District rules and regulations.
- B. Observe Copyright Laws and Fair Use Guidelines before including any materials created by copyright holders. Such materials include, but are not limited to, the following: text, photographs, graphics, audio clips, video clips, and multimedia.
- C. Designate a district staff member who will be responsible for working with recognized student or school affiliation organizations and maintaining the content of its page(s). Must have building administrator's approval). This designated staff member will be authorized to gather the information and post the content to the appropriate web page.

9. Guiding Principles for Electronic Publishing

The District recognizes that the Internet have a potential to change traditional communication techniques and eliminate traditional road blocks to communication. Because this medium creates rapid access to this information, the following principles and assumptions in its use of this resource will guide the District.

- A. All authors are expected to adhere to the District's Technology Acceptable Use Agreement concerning the Internet.
- B. All information and data published on the Internet are accessible, or potentially accessible, to any user. Although documents published on the Web may be intended primarily needs and potential responses of other audiences.
- C. District personnel must guard against the unintended release of sensitive information when using the Internet and other electronic media. Such information includes individual student or personnel records, Social Security numbers, legal documents, etc. Also, when considering the publication of general "directory" data that may be viewed as public information (such as names, addresses, phone numbers, or email addresses in a membership list), staff members should comply

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with the district's Student Directory Information and FERPA Education Records policies.

- D. District personnel must clearly identify the sources of documents which they create and provide complete citations for any other documents or sources which are incorporated identified, and prior written permission must be secured before using another person's copyrighted work in electronic form. Dates of publication and revision should always be clearly noted in all web documents.
- E. Material published on the Internet should, to the extent appropriate, be accessible to individuals with disabilities and those not able to obtain them electronically.
- F. District personnel should give proper advance notice to other individuals and departments within the District and, if necessary, to outside organizations before publishing Web documents which may affect those parties (i.e., dates, schedules, results...).
- G. All documents published in electronic form must have a designated "web page author" and a method for users of the Web to contact the appropriate staff member.
- H. Staff members are encouraged to promote diversity when posting photographs and images on their web site.

10. Subject Matter Contained on a Web Page

All subject matter on the District's web site or those linked from it should relate to curriculum, instruction, school-authorized activities, and be related to the District. Staff may not publish or link to personal home pages as part of the District web site.

11. Quality of Web Page Information

Attention should be given to proper grammar and correct spelling. Documents may not contain objectionable material or link to objectionable material. Objectionable material is defined as material that does not meet the standards for instructional resources specified in District Policies. Regarding the question of quality or propriety of web page material, appearance, or content, the judgment of Technology Services, Community Relations or building principal will prevail.

12. Graphics

Free graphics and clip art copied from the web may be used on district web pages. It is the user's responsibility to ensure that only free graphics are used. If graphics are used from an original graphic artist, that artist must be given credit, along with a link back to

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their site on every page that these graphics are used. Graphics must be named in all lower case letters, with an underscore symbol used for spaces, and the building name added in the label as well.

13. Linking

A link is a URL (factual address) and is not copyrightable. Any pages that are linked to or from the District Website must be tested and links must work before they are posted. All linked pages must comply with the guidelines and policies of the Rochester Community School District. Use “netiquette” and inform people that you made a link to their site or page(s). Links to other web sites must be removed if the linked objects.

14. Copyrighted Materials

Web page creators may not place any material(s) owned by others, i.e., copyrighted work(s), on their web page without the expressed permission of the copyright owner. If web page creators want to include something from another person’s web page, they should link to it rather than copying it. Staff members should refer to the Rochester Community School District Copyright Policy and Regulations for all copyright related matters.

15. Student Name/Picture and Video Policy

In accordance with the District guidelines for photographing students, permission must be received from a parent/guardian for a student who is in a photo or video that will be placed on a web page. Every person has a right of privacy, which includes the right to restrict the use of his/her own image. Student names will be posted with photos in accordance with the following guidelines: Pre-K – 5TH grade: photos of students will not be identified by first or last name. 6TH – 8TH grade: photos of students may be identified by first name. 9TH-12TH grade: photos of students may be identified by first and last names.

16. Commercial Activity or Private Business

It is not permitted to run a private business, advertise, or solicit business on the District network or website.

17. Disclaimer

The District recognizes and adheres to the value and diversity of free speech, but does not review, edit, or endorse all items accessible from its web pages. No single location is representative of the entire District. Linked pages to the District's web site may not be official statements of the District, and the District is not responsible for the content of every page that users can reach from the District's web site. While the District will make every effort to ensure the accuracy of material web page creators publish on the Web, discrepancies may sometimes exist between printed and electronic information.

Clarification of the information can be obtained from Technology Services. The printed version of the material should be considered the official version. Opinions expressed in classroom or linked pages should be construed as those of its author, who is responsible for the information contained therein. If users have questions or comments about a particular page or document, they should contact its author directly. Technology Services and Community Relations are responsible for operation of the District services and for the design and maintenance of the Rochester Community School District's web site. Individual authors are responsible for the completeness, accuracy, or timeliness of information posted to the individual web sites, which are linked from the Rochester Community School District web site.

18. Web Page Author Agreement

- A. The Author understands that the District computer resources, including the website and network, are provided to the Author as a privilege, not a right.
- B. All contents of linked pages from the Author's page shall be the sole responsibility of the Author.
- C. The content of the Author's pages shall adhere to the District's guidelines and policies.
- D. The District may have a limited amount of space to provide for web pages.
- E. Author's Web page(s) will be removed from the server no later than one semester after they leave the District.
- F. Any violation by Author of the Terms and Conditions of this Policy may result in the imposition of sanctions, including possible revocation of the privilege granted by the District in this policy.

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10001.4-AR Digital Etiquette and Citizenship

The etiquette for digital communications is similar to the etiquette appropriate for face-to-face communications at school. For example, digital communications should always be direct, honest, polite and respectful. Similarly, and by way of example only, digital communications should not include statements, information or other material that is, or reasonably may be considered, as illegal, obscene, profane, lewd, rude or disrespectful.

10001.5-AR Digital Law

There are laws intended to apply directly to digital information and communication technology and laws that apply indirectly to digital information and communication technology, regardless of whether they were specifically intended to do so. There are too many laws to mention specifically. Those who choose to use private or District provided or supplied equipment and networks are individually responsible for compliance with all applicable legal requirements. The laws District users will encounter most commonly include the following:

Fourth Amendment. The Fourth Amendment to the federal constitution, and its counterpart in the Michigan constitution, prohibit unreasonable searches and seizures. Information technology provided, owned or supported by the District is monitored routinely by the District and no user of such technology has a reasonable expectation of privacy in the digital information transmitted through or stored there. Therefore, the District may, without notice, search, seize, copy, modify or destroy digital information transmitted by or stored in information technology provided, owned or supported by the District. The District may also search privately owned information technology on District premises, in District vehicles and/or at District-related events if the District has reasonable suspicion that evidence of a violation of the law or a violation of District policies or administrative procedures may be found on such privately owned technology. The scope of the search should be consistent with the scope of the District's reasonable suspicion. Consistent with Michigan law, District staff may not search the private social media and private email accounts of District staff or students without the permission of the Superintendent.

FERPA (Family Educational Rights and Privacy Act). FERPA is a statute that, among other things, protects the privacy rights of students and families with respect to education records. [The District's FERPA policy](#) can be found on the district's website. The District and District staff and students must comply with the District's FERPA policy and administrative procedures. Compliance with the District's FERPA policy includes not disclosing information protected by FERPA through digital communications.

Copyright Laws. Federal and state copyright laws protect the intellectual property of companies, artists, musicians and writers, among others. District users may not use information technology to violate copyright laws. Additionally, in the absence of a written agreement to the contrary, the District owns all works that are created on District time or using District resources, including information technology provided, owned or supported by the District.

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FOIA (Freedom of Information Act). FOIA is a Michigan statute that, according to its terms, may require the District to provide the public with information, including digital information, the District uses or maintains for educational purposes. There are several exceptions to FOIA, including information protected by FERPA, discussed above. At the same time, District staff, parents and students should be aware that District-related digital communications regarding students that are not covered by FERPA may be subject to disclosure under FOIA.

CFA (Campaign Finance Act). Michigan's CFA, subject to several exceptions, prohibits the use of District resources, including digital communication and information technology, to support or oppose political candidates and ballot issues.

10001.6-AR District Policy and Administrative Procedures

Digital communication and information technology must be used consistent with all District policies and administrative procedures, including the District's Student Code of Conduct.

10001.7-AR Responsible Use

The following additional rules should be observed when using privately owned information technology, some of which are implicit in these administrative procedures:

- Users are responsible for privately owned devices used at school and users may not use privately owned information technology at school without the permission.
- Users are responsible for appropriate conduct on the District network and understand that users not connect or network privately owned information technology to information technology provided, owned or supported by the District without the permission.
-

10001.8-AR Posting Student Names, Images and Work

Following the Children's Internet Protection Act (CIPA) and the Family Education Rights and Privacy Act (FERPA) Guidelines, users are responsible for following Board policy, Administrative Rules and Regulations, and school procedures when using District technology and networks and when publishing school work online. It is potentially unsafe to post any personal information about students or others. With the exception of directory information, users will not post photos or videos of students with their first and last names on any online site without the permission of the parent/guardian or the student if age 18 and older.

10001.9-AR Respecting Copyright

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Users are responsible for respecting the intellectual property rights of others. Users will obey copyright laws and not plagiarize another's work.

10001.10-AR Other Technology Considerations

- From time-to-time information technology does not work properly or “crashes.” The District is not responsible for digital information that is damaged or destroyed when information technology does not work properly or crashes.
- Assigned users may not download software or other applications without the permission of District staff (in the case of a student) or a District administrator (in the case of a staff member).
- No person may bypass or attempt to bypass security settings or filters.
- Individual users are responsible for all digital information sent from or found or stored on their assigned accounts. Therefore, individual users should not divulge their passwords to others. If individual users permit others to use their assigned accounts, they do so at their own risk. Individual users should also “log-off” after using their accounts. Individual users who believe their information technology or accounts have been used by others or “hacked” must report that fact immediately to a District staff member (in the case of a student) or a District administrator (in the case of a staff member).
- Information technology, including software, provided, owned or supported by the District may not be modified.
- Information technology provided, owned or supported by the District may only be used for educational purposes and may not be used for personal purposes unless otherwise approved.
- Those who use information technology provided, owned or supported by the District are financially responsible if the information technology is damaged or destroyed and for all actual attorneys' fees and costs incurred if the District is required to file an administrative complaint or civil action to enforce financial responsibility.
- The District reserves its full right to prohibit or limit the use of information technology provided, owned or supported by the District, when warranted by the facts and circumstances.
- Information technology, public or private, may not be used to access or transmit information and material that is otherwise not appropriate in the educational environment; such as, but not limited to, information and material that is, or may reasonable be perceived to be, illegal, obscene, profane, lewd, pornographic, rude or disrespectful.

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10002.1-AR Introduction

Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990 require the District to accommodate the disabilities of all persons on District premises and to provide a free appropriate public education to eligible disabled students.

10002.2-AR Students

The manner in which the District meets its Section 504/ADA obligations to students is set forth in *The Identification, Evaluation and Education of Students under 504*, which may be accessed by clicking on this [LINK](#). *The Identification, Evaluation and Education of Students under 504* also includes a procedure for filing and resolving complaints alleging the District did not meet its Section 504/ADA obligations. The District's Executive Director of Special Education is responsible for complying with the District's Section 504/ADA obligations to students and recommending necessary revisions to the District's 504/ADA policy, this administrative regulation and the District's *The Identification, Evaluation and Education of Students under 504*.

10002.3-AR Applicants and Employees

Applicants and employees are expected to make a request for a reasonable accommodation due to disability as soon as they are aware such an accommodation is necessary. Employees should make such requests to their immediate supervisor. An applicant or employee who believes the District has not met its obligations under Section 504/ADA is expected to file a complaint immediately with the District's Chief Human Resources Officer. The complaint will be processed and resolved according to the procedure set forth in administrative regulation 10003-AR.

10002.4-AR Persons Other Than Students, Applicants and Employees

A person other than a student (or parent acting on behalf of a student) or applicant or employee who believes the District has not met its obligations under Section 504/ADA is expected to file a written complaint immediately with the District's Executive Director of Special Education. The complaint will be processed and resolved according to the procedure set forth in administrative regulation 10003-AR.

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10003-AR Illegal Discrimination, Harassment or Retaliation

(Revised 1.11.2021)

10003.1-AR Illegal Discrimination, Harassment or Retaliation

The Board of Education has adopted anti-discrimination and anti-harassment policies that prohibit illegal discrimination and harassment in the School District's programs and activities by, among others, Board members, School District employees, and students. A student, employee, or any other person who believes a student or employee has been the victim of illegal discrimination or harassment may see resolution of the matter through the procedures that follow. Alleged discrimination and harassment, other than sexual harassment, will be investigated and resolved pursuant to 10003.2-AR or 10003.3-AR. Sexual harassment against employees and students will be investigated and resolved pursuant to 10003.4-AR, as required by Title IX and its implementing regulations. The School District's duty to investigate allegations of discrimination and harassment is not affected in cases where the same allegations have been reported to or are being investigated by law enforcement authorities.

10003.11-AR Compliance Officer and Title IX Coordinator

The Chief Human Resource Officer, whose telephone number is 248-726-3110 and whose email address is edavis1@rochester.k12.mi.us, is the School District's Compliance Officer and Title IX Coordinator for purposes of this Administrative Regulation.

10003.12-AR Days

As used in 10003.2-AR through 10003.4-AR, the word "days" means school days during the school year when school is in session and business days during the summer break.

10003.2-AR Illegal Discrimination, Harassment or Retaliation – Students

Generally

Any student, or any other person, may report that a student has been the victim of illegal discrimination or harassment, other than sexual harassment, to the School District's Compliance Officer and Title IX Coordinator and seek resolution of the matter through the informal or formal procedures described in this Administrative Regulation.

Definitions for 10003.2

"Complainant" means the student who is the alleged victim of discrimination or harassment; other than sexual harassment, which is addressed by 10003.2-AR.

Effective: March 1, 2017

“Respondent” means the person who allegedly discriminated against or harassed Complainant.

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

"Discrimination" means behavior based, in whole or in part, on Complainant's race, color, national origin, religion, sex, marital status, genetic information, or disability. The behavior must be 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.

"Harassment" means behavior that is threatening, harmful, or humiliating and so severe, pervasive, or persistent 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 a Complainant who believes s/he was the victim of 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 and other District-affiliated adults.

Step 1 A student, or any other person, may report discrimination or harassment to: a School District employee or building administrator; the Superintendent or other central-office administrator; or, the Compliance Officer and Title IX Coordinator.

All informal complaints received by School District employees must be reported to the Compliance Officer and Title IX Coordinator within two (2) days. The Compliance Officer and Title IX Coordinator will either facilitate an informal resolution, as described below, or appoint another person to facilitate an informal resolution.

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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:

- 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 and Title IX Coordinator will endeavor to complete the informal complaint resolution procedure within ten (10) days of receiving the informal complaint. If Complainant or Respondent is dissatisfied with the result, s/he 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 Title IX Coordinator 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 with: a School District employee; the Superintendent or other central-office administrator; or, the Compliance Officer and Title IX Coordinator. All such complaints must be forwarded to the Compliance Officer and Title IX Coordinator 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 and Title IX Coordinator will ask for the information in an interview. Thereafter, the Compliance Officer and Title IX

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Coordinator will prepare a written summary of the interview and ask Complainant to verify the accuracy of the summary by signing it.

Step 2 Within two (2) days of receiving the formal complaint, the Compliance Officer and Title IX Coordinator, 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 Investigator will consider whether any action should be taken during the investigation to protect Complainant from further 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 and Title IX Coordinator will consult Complainant to assess his/her reaction to the proposed action. If Complainant disagrees with the proposed change, the Investigator may nevertheless, following consultation with the Superintendent, take whatever actions s/he deems appropriate and in the best interests of Complainant, Respondent, and the integrity of the investigation.

The Compliance Officer and Title IX Coordinator will inform Respondent that a complaint has been received. Respondent will be informed of the nature of the allegations and 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 Title IX Coordinator 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 fifteen (15) 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 Title IX Coordinator will, within fifteen (15) days of receiving the formal complaint, 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. A preponderance of the evidence standard will be followed. The Compliance Officer and Title IX Coordinator's recommendations should consider the totality of the circumstances, including the ages

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and maturity levels of those involved. Disciplinary recommendations, if appropriate, should be reasonably calculated to prevent the recurrence of discrimination or harassment. 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.

Step 4 Absent extenuating circumstances, within ten (10) days of receiving the Compliance Officer and Title IX Coordinator's report, the Superintendent will issue a final decision or request further investigation. A copy of the Superintendent's final 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 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, 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 person who files a complaint alleging discrimination or harassment, or participates as a witness 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 the Compliance Officer and Title IX Coordinator, in

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accordance with the Board of Education's records retention and/or Student Records policy.

10003.3-AR Illegal Discrimination, Harassment or Retaliation – Employees

Generally

Any employee who believes that s/he has been the victim of illegal discrimination or harassment, other than sexual harassment, may notify the School District's Compliance Officer and Title IX Coordinator and seek resolution of the matter through the informal or formal procedures described below.

Definitions for 10003.3

"Complainant" means the employee who is the alleged victim of discrimination or harassment; except sexual harassment, which is addressed by 10003.4-AR.

"Respondent" means the person who has allegedly discriminated against or harassed Complainant.

"Investigator" means the person investigating a formal complaint of discrimination or harassment.

"Discrimination" means behavior based, in whole or in part, on Complainant's race, color, national origin, religion, sex, marital status, genetic information, age, height, weight or disability that is sufficiently severe and pervasive that it:

- Creates an intimidating, hostile, or offensive environment;
- Substantially or unreasonably interferes with Complainant's work performance, opportunities, or benefits; or,
- Otherwise adversely affects Complainant's employment;

"Harassment" means behavior that is threatening, harmful, or humiliating and so severe, pervasive, or persistent that it:

- Creates an intimidating, hostile, or offensive environment;
- Substantially or unreasonably interferes with Complainant's work performance, opportunities, or benefits; or,
- Otherwise adversely affects Complainant's employment.

Informal Complaint Resolution Procedure

The informal complaint resolution procedure is a less formal option for a Complainant who believes s/he was the victim of 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

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matter be moved to the formal complaint process. The informal complaint resolution procedure will not be used for complaints alleging 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 and Title IX Coordinator.

All informal complaints must be reported to the Compliance Officer and Title IX Coordinator within two (2) days. The Compliance Officer and Title IX Coordinator 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 and Title IX Coordinator will endeavor to complete the informal complaint resolution procedure within fifteen (15) days of receiving the informal complaint. If Complainant or Respondent is dissatisfied with the results of the informal complaint resolution process, s/he 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 s/he is assigned; the Superintendent or other central-office administrator; or, the Compliance Officer and Title IX Coordinator. The person with whom a complaint is filed must report it to the Compliance Officer and Title IX Coordinator 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

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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 and Title IX Coordinator will ask for the details in an interview. Thereafter, the Compliance Officer and Title IX Coordinator will prepare a written summary of the interview, and Complainant will be asked to verify the summary by signing it.

Step 2 Within two (2) days of receiving the formal complaint, the Compliance Officer and Title IX Coordinator, 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 Investigator will consider whether any action should be taken during the investigation to protect Complainant from further 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 Complainant to assess his/her reaction to the proposed action. If the Complainant is unwilling to consent to the proposed change, the Investigator may nevertheless, after consulting with the Superintendent, take whatever actions he/she deems 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 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 and Title IX Coordinator 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 fifteen (15) 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 Title IX Coordinator will, within fifteen (15) days of receiving the formal complaint, prepare and

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deliver a written report to the Superintendent that summarizes the evidence gathered during the investigation, the response of School personnel, and, if applicable, the date any incident was reported to the police. The report will provide recommendations based on the evidence. 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.

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

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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 as a witness 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 one of the Compliance Officer and Title IX Coordinator in accordance with the Board of Education's records retention policy.

10003.4-AR Sexual Harassment – Employees and Students (added 1/12/2021)

Sexual Harassment – Employees and Students

Generally

This Administrative Regulation sets forth the procedure the School District follows to investigate and resolve allegations of sexual harassment against School District employees or students. Administrative Regulations 10003.2AR and 10003.3-AR apply to illegal discrimination and harassment on other bases.

The School District's Title IX Coordinator is responsible for implementing 10003.4 -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, published in every handbook and catalogue distributed to parents and students, and conveyed to the president of every School District collective bargaining unit.

Definitions for 10003.4 AR

“Complainant” means an employee or student who is the alleged victim of conduct that could constitute sexual harassment.

“Respondent” means the person who has been reported to be the perpetrator of conduct that could constitute sexual harassment against a Complainant.

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

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

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- 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

The School District has a duty to respond to alleged sexual harassment any time a School District employee reports an employee or student has been sexually harassed and any time any other person makes a report of sexual harassment to the Title IX Coordinator. School District employees are required to report all incidents of suspected sexual harassment to the Title IX Coordinator.

Supportive Measures

The Title IX Coordinator, upon receiving a report of sexual harassment, will promptly contact Complainant to offer supportive measures, regardless 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: the Title IX Coordinator's duty to discuss options with Complainant, including explaining the process for filing a formal complaint; and, 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.

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 s/he 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 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

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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 student or the Title IX Coordinator.

Response to Formal Complaint and Grievance Procedure

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 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 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 disposing of 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

The School District cannot informally resolve an allegation of sexual harassment before a formal complaint is filed. The allegations in a formal complaint may not be resolved informally unless: Claimant and Respondent have been provided notice of their rights by

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delivery of the applicable anti-harassment policy and 8007.3-AR; and, Claimant and Respondent have voluntarily consented to informal resolution, in writing, after having been informed when informal resolution may preclude the resumption of a formal complaint investigation. Informal resolution may consist of a voluntary agreement between Claimant and Respondent, facilitated and documented by the Title IX Coordinator, or his/her designee; restorative practices, such as described at [MCL 380.1310c](#); or, facilitative mediation by an experienced mediator. Informal resolution may also be reached through other conflict resolution strategies, including arbitration. Informal resolution may not be used to resolve an allegation that a School District employee sexually harassed a student.

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 be appointed within two (2) days from the date the Title IX Coordinator receives or files the formal complaint. 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.

The Investigator will notify Respondent of his/her right to file a written response to the formal complaint within five (5) days from the date Respondent received the formal complaint. Regardless whether Respondent files a written response, the Investigator will, within ten (10) days, complete an investigation that will include, but not be limited to: interviewing Complainant and Respondent and preparing interview summaries; interviewing all actual and potentially relevant witnesses identified by Complainant and Respondent, including expert witnesses, and preparing interview summaries; 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 relevant evidence; and, providing the investigative report to the parties simultaneously. The parties and their advisors may attend party interviews and the Investigator will provide sufficient notice to permit them to prepare. 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.

The Title IX Coordinator will, upon receiving the Investigator's Report, notify the parties of their right to: submit relevant written questions to parties and witnesses, receive answers, and submit limited follow-up questions; and, after any such answers are received, file a written response to the Investigator's Report within seven (7) days from such receipt. 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

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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 all inculpatory and exculpatory evidence gathered during the investigation including, but not limited to, the formal complaint, Respondent's response, if any, the Investigator's entire file and investigative report, and the parties' responses to the investigative report, if any. 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. Regardless whether the Decision-Maker concludes Respondent is responsible, the Decision-Maker will issue a decision within ten (10) days of his/her appointment 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, including notifications, interviews, site visits, and any other methods used to gather evidence; findings of fact; the application of the applicable anti-harassment policy, this 10003.4-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 his/her 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

Complainant or Respondent may appeal the Decision-Maker's decision by filing an appeal with the Superintendent within five (5) days from receipt of the decision. 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. The Superintendent will review the appeal and, based on the appeal, the decision, and the entire record upon which the decision is based, will affirm the decision, in whole or in part, or reverse the decision, in whole or in part. The Superintendent may reverse the decision, in whole or in part: based on procedural irregularity affecting the outcome, including the failure to comply with 10003.4-AR; the Decision-Maker's lack of knowledge of newly discovered evidence; or, bias or conflict of interest on the part of the Title IX Coordinator, Investigator, or Decision-Maker. The Superintendent may, if warranted, 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. The Superintendent will issue

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his/her 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 s/he and 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 illegally retaliate against an individual who has made a report or a formal complaint or has participated or refused to participate in an investigation or other proceeding under this Administrative Regulation. Retaliation includes actual and attempted threats, coercion, or discrimination.

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 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

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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.

10005-AR

Communicable Diseases

10005.1-AR Introduction

Where a student or staff member has been diagnosed with a communicable disease, the School District's administration will consult the most recent County Health Division Reference Chart to determine and implement exclusion and re-admittance of such individuals. Oakland County Health Division staff will be contacted as needed for consultation and clarification.

10005.2-AR Communicable Diseases, Which Are Known Not To Be Spread by Casual Contact

Communicable diseases that are known not to be spread by casual contact 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.

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10005.3-AR 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 his/her immediate supervisor. The supervisor must notify the Oakland County Health Division, if such notice is thought reasonably 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. District employees may not provide the Oakland County Health Division with the name of the student or staff member unless such information is reasonably necessary to accomplish the above-mentioned purposes.

The supervisor must also 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 does not reveal the identity of the affected person. 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.

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.
- The physician who is treating the affected individual.
- A physician appointed by the Superintendent to represent the District.
- A representative of the Oakland County Health Division.
- A parent/guardian if the affected individual is a student, and 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.

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- Other persons designated by the Superintendent, the Committee or the court.

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. The Committee's actions and recommendations must be consistent with applicable law.

- If the Committee recommends that the student or staff member remain in his/her present school or employment setting, but that he/she is restricted from participating in certain activities, or that consideration be given to an alternate setting within the District, the Committee shall 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.

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- 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 consistent with law including whether, with reasonable accommodation, 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 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.

10005.4-AR Communicable Diseases That Are Known To Be Spread by Casual Contact, Other Than HIV, ARC or AIDS

For communicable diseases that 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 a School District employee believes that disclosure of such information is reasonably 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 will 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 may not be disclosed unless written authorization is obtained from the affected student's parent or the staff member, or is otherwise

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necessary to satisfy the requirements of this section. The supervisor will immediately inform the Superintendent or his/her designee.

10005.5-AR Confidentiality

School District personnel will, at all times, respect the student's right to privacy, including maintaining student records and information in accordance with the requirements of the Michigan Public Health Code, MCLA 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, MCLA 333.5101, et seq., the Bullard Plawecki Employee Right to Know Act, MCLA 421.501, any applicable contractual provisions, and Board of Education policy and regulations.

10006-AR Copyrighted Works

10006.1-AR Introduction

These guidelines are intended to assist staff in determining the permitted use of copyrighted materials. They 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 must determine whether the copying is expressly permitted within the guidelines. If copying is not expressly permitted, or if there are any questions, the issue should be brought to the attention of the building principal.

10006.2-AR Single Copy for Teacher's Use

A single copy of a copyrighted work 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; or, a chart, graph, diagram, cartoon or picture from a book, periodical, or newspaper.

10006.3-AR 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,

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whichever is less; 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 works and containing not more than 10% of the words found in the text thereof, may be reproduced. All such copies must include a notice of copyright.

10006.4-AR Additional Permitted Use

Copying is at the instance and inspiration of the individual teacher, where 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. Spontaneous copying is not intended to serve as a substitute for the purchase of books or periodicals.

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