



Bloomfield Hills Schools

STUDENT CODE OF CONDUCT



Miller Johnson School Policy Services

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Introduction

The School District must balance the interests of students and the community in a safe and conducive educational environment with its duty to provide educational services to students who engage in misconduct and behaviors that interfere with the safety and the delivery of educational services. Board of Education Policies addressing student misconduct and this Student Code of Conduct are intended to strike that balance. However, these documents do not limit the School District's lawful authority. All students and parents are expected to sign and return a copy of the attached *Student Code of Conduct Acknowledgement of Receipt*.¹

Interscholastic Activities

Student participation in interscholastic athletics is a privilege, not a right. Student athletes are subject to the Student Code of Conduct at all times, as well as the additional disciplinary rules that govern participants who represent the School District as members of an athletic team. These rules may be set forth in an Athletic Code of Conduct, an Extracurricular Code of Conduct, other School District documents, and/or Board policies. An athletic responsibility acknowledgment form is required to be signed by the student and the student's parent² and returned to the school before the student may participate in interscholastic or extracurricular athletics.

Transportation

Student Drivers Student drivers must be licensed and obtain a permit from the School District in order to park their vehicle on School District property or use their vehicle during the school day. Student drivers must register with their school and park only in designated areas.

School Transportation Students transported by the School District or transported to a School District-related event must abide by the driver's direction, the Student Code of Conduct, and, if applicable, the School District's Athletic Code of Conduct, Extracurricular Code of Conduct, School District documents, and/or Board policies. Violators face the loss of transportation privileges, as well as possible disciplinary action. Examples of misconduct that may lead to temporary or permanent suspension of transportation privileges or other possible disciplinary action include, but are not limited to: insubordination, smoking or drug use, fighting, profane or foul language, and destruction of property.

Student Dress and Appearance

The style and manner in which a student dresses while attending school and school-related functions is largely the responsibility of the student and the student's parent or guardian. The School District, however, maintains the right to impose reasonable restrictions on dress and grooming, where the style of dress or grooming is reasonably considered disruptive or detrimental to the School District's mission and/or the health, safety, or welfare of the student or other students with whom the student attends school.

¹ See Section §5.1.

² The word "parents," when used in this Student Code of Conduct includes legal guardians and, where required by law, those acting in the place of parents.

Police Investigations and Arrests

The School District cooperates with law enforcement authorities in the interest of the welfare of all citizens and the school community. Parents will be notified if law enforcement authorities arrest or wish to question their student in school. The timing of parental notification will depend on the circumstances, taken as a whole. Except as required by law, the School District retains discretion to report crimes/events, including, but not limited to the following, to law enforcement authorities.

- Armed student or hostage or suspected armed student;
- Arson;
- Bomb threat;
- Death or homicide;
- Drive-by shooting;
- Explosion;
- Illegal drug use, overdose, possession, or sale;
- Intruders;
- Larceny;
- Minor in possession of alcohol/tobacco products;
- Physical assault (i.e., fights);
- Robbery or extortion;
- Sexual assault;
- Suicide attempt or threat of suicide;
- Unauthorized removal of Students;
- Vandalism/destruction of property; and
- Weapons on School District property.

Search and Seizure

From time to time, school property, such as lockers, desks, and technology devices, is assigned to a student. Students do not acquire a reasonable expectation of privacy in such property. The School District reserves the unrestricted right to search and seize school property assigned to a student at any time, for any reason, with or without notice to the student or the student's parents. The privacy rights of students will be respected regarding any items found during a search that are not illegal or otherwise against School District policies or administrative regulations.

The School District may make permitted parking available to students who are licensed drivers. This privilege is conditioned on the student's consent, in advance, to the search of their vehicles while on

School District property by School District personnel at any time, for any reason, with or without notice to the student.

School District personnel may, to the full extent permitted by law, search and seize students and their personal effects. Illegal items and items inappropriate in the educational environment may be confiscated by School District personnel and, when appropriate, delivered to police authorities or parents.

Student Bullying and Cyberbullying

Student Bullying

Implementation.

Responsible School Official. The Principal of each school building is primarily responsible for implementing this administrative regulation and its corresponding for the school to which the Principal is assigned.

Reporting. The Superintendent shall report to the Board of Education, on an annual basis, all verified incidents of bullying, and the resulting consequences that were imposed.

Definitions. The following definitions apply for purposes of this administrative regulation and its corresponding policy:

“Bullying” means any written, verbal or physical act, or any electronic communication, including, but not limited to, cyberbullying, that is intended or that a reasonable person would know is likely to harm one or more School District students, either directly or indirectly, by doing any of the following:

- (i) Substantially interfering with educational opportunities, benefits or programs;
- (ii) Adversely affecting a student's ability to participate in or benefit from educational programs or activities by placing a student in reasonable fear of physical harm or by causing substantial emotional distress;
- (iii) Having an actual and substantial detrimental effect on a student's physical or mental health;
or,
- (iv) Causing substantial disruption in, or substantial interference with, the orderly operation of the school.

“At school” means in a classroom, anywhere else on school premises, on a school bus or other school-related vehicle, and at a school-sponsored activity or event, whether or not it is held on school premises.

"At school" also includes the off-premises use of a telecommunications access device or telecommunications service provider if the device or service provider is owned by or under the control of the School District.

“Cyberbullying” means any electronic communication that is intended or that a reasonable person would know is likely to harm one or more students either directly or indirectly by doing any of the following:

- (i) Substantially interfering with educational opportunities, benefits or programs;
- (ii) Adversely affecting a student's ability to participate in or benefit from educational programs or activities by placing a student in reasonable fear of physical harm or by causing substantial emotional distress;

- (iii) Having an actual and substantial detrimental effect on a student's physical or mental health;
or
- (iv) Causing substantial disruption in, or substantial interference with, the orderly operation of the school.

Accountability. Each student in the School District is accountable for their own behavior, based on age-appropriate expectations. Respect for all students is part of a safe and healthy learning environment. Each student is expected to demonstrate respect through their interactions with the give-and-take of friendships, group cooperation, social interaction, compromise and acceptance of differences among other students and staff.

Retaliation. Taking action intended to prevent or intimidate any person with reliable information about an act of bullying from reporting, or otherwise participating in an investigation or inquiry concerning, allegations of bullying is prohibited and will not be tolerated. Such action shall be considered a serious violation of one or more Board policies independent of whether a complaint is found to have been substantiated. Such suspected action should be reported in the same manner as bullying.

Making intentionally false reports about bullying for any purpose is similarly prohibited and will not be tolerated.

Retaliation and intentionally false reports may result in disciplinary action.

Complaint Procedure In order to implement the bullying policy, the School District has developed the following complaint procedure:

A student who believes they have been the victim of bullying or cyberbullying should report the incident(s) to the building principal. A student's parent should also report any such incident(s) on behalf of the student. Upon receipt of a report (complaint), the principal or designee (the investigator) will conduct a prompt investigation. At the request or with the permission of the complainant, the investigator may first attempt to resolve the matter informally, such as through restorative practices. Informal steps will not, however, cause a substantial delay in the investigation. The complainant may, at any time, request that the matter move to a formal investigation. Where the bullying activity is alleged to have been based, in whole or in part, on the protected classifications of race, color, sex, national origin, or disability, the building principal will notify the School District's designated Compliance Officer or Coordinator pursuant to Board of Education Policy [insert Board policy number here].

Step 1: Formal Investigation. The investigator will interview the complainant and document the interview. Generally, the complainant will be asked to reduce the complaint to writing, to provide the names and contact information, if known, of any persons who witnessed and may be able to substantiate the allegations of the complaint, and to produce any documents or other things supporting the complaint. The complainant will be asked not to discuss the complaint with other students while the investigation is pending so as to preserve the integrity of the investigation.

The investigator will interview the accused and document the interview. Generally, the accused will be asked to reduce their response to writing and to produce any documents or other things supporting their response. The investigator should not disclose the identity of the complainant unless this is necessary to enable the accused student to respond to the allegations. The accused will be directed not to contact the complainant, if the complainant's identity is known or suspected; (ii) to discuss the complaint with other students while the investigation is pending; or (iii) retaliate or threaten to retaliate in any way against the complainant or any potential witnesses.

In the event of a significant discrepancy between the information provided by the complainant and the accused, the investigator will interview other persons reasonably necessary to resolve the discrepancy.

Step 2: Decision.

Complaint Found Valid. If the investigator concludes that the complaint is valid (i.e., bullying or cyberbullying in violation of School District policy has occurred), the following actions will be taken:

- The parent of both the complainant and the accused will be notified of the results of the investigation;
- The results of the investigation will be reported to the Superintendent;
- The Superintendent will consider whether restorative practices may be appropriate and, if so, invite the complainant and the accused to participate in a restorative practices team meeting;
- The Superintendent will consider whether disciplinary action may be appropriate and, if so, initiate disciplinary action in accordance with the Student Code of Conduct; and
- The Superintendent will determine whether relief to the complainant is feasible and available.

Complaint Found Not Valid. If the investigator concludes that the complaint is not valid (i.e., no bullying or cyberbullying in violation of School District policy has occurred or can be substantiated), the following actions will be taken:

- The parent of both the complainant and the accused will be notified of the results of the investigation;
- The complainant and the accused will be reminded the School District prohibits retaliation or threats of retaliatory action;
- The results of the investigation will be reported to the Superintendent; and
- Any references to the complaint will be removed from the education records of the accused. The investigator will retain the investigative file for at least three (3) years.

If a complaint is determined by clear and convincing evidence to be intentionally false, the person making such a complaint may be subjected to disciplinary action.

Introduction to Disciplinary Actions and Prohibited Acts

Introduction This Student Code of Conduct balances the School District's obligation to maintain safety and an environment conducive to education with the School District's obligation to respond appropriately to students who engage in misconduct or inappropriate behavior.

The Student Code of Conduct establishes the rules governing the most serious and obvious types of student misconduct. The prohibited acts listed in this Student Code of Conduct are not to be considered as an all-inclusive list or as a limitation upon the authority of school officials to deal appropriately with violations of a school building's individual rules and regulations, or other types of conduct which interfere with the good order of the school system, the proper functioning of the educational process, or the health and safety of students.

Attendance and Tardiness Policies The Student Code of Conduct does not include the School District's attendance and tardiness policies, the School District's requirements for credit and graduation, or the School District's authority to regulate the participation of students in extracurricular and athletic activities.

Range of Discipline Each prohibited act listed in the Student Code of Conduct references the discipline which may be imposed for a violation. The School District will also consider restorative practices as an

addition or alternative to discipline. The discipline for student involvement in prohibited acts ranges from administrative intervention to expulsion. In cases where the stated penalty is set forth in terms of a range, the actual penalty imposed will depend upon the nature and severity of the offense, the particular facts involved, the age of the student, the student's prior behavioral record, the persistent and/or chronic nature of the misconduct, the recommendation of school personnel, and all other circumstances deemed relevant by administrator imposing discipline.

The Student Code of Conduct is applicable when a student:

- is on school property;
- is in a motor vehicle being used for a school-related purpose;
- is at a school-related activity, function, or event;
- Engages in a prohibited act en route to or from school;
- Engages in a prohibited act involving another student who is en route to or from school;
- Engages in a prohibited act off school premises, which act is either prohibited by law or, in the judgment of the building administrator, is of such seriousness that the student's continued attendance in school would present a danger to the health and safety of students or employees, and/or would substantially interfere with the proper functioning of the educational process; or
- Engages in a prohibited act when the student was not enrolled in the School District or was enrolled in another school district, if the act of misconduct would constitute a sufficient basis for suspension or expulsion had it occurred while the student was attending school in the School District.

Presumption Against Long-Term Suspension or Expulsion and Consideration of Individual Factors

Rebuttable Presumption Consistent with Michigan law, the School District adopts a rebuttable presumption that students should not be disciplined by the imposition of long-term suspension (i.e., more than 10 school days) or expelled (i.e., 60 or more school days) unless the School District has determined, in its sole discretion, the presumption has been rebutted by considering each of the following seven factors:

- The student's age;
- The student's disciplinary history;
- Whether the student is disabled within the meaning of IDEA or ADA/Section 504;
- The seriousness of the student's misconduct or behavior;
- Whether the student's misconduct or behavior threatened the safety of any pupil or staff member;
- Whether restorative practices will be used to address the student's misconduct or behavior; and
- Whether less severe discipline would properly address the student's misconduct or behavior.

This rebuttable presumption does not apply to short-term suspensions (i.e., 10 school days or fewer) or to a student who possesses a firearm in a weapons free school zone. However, with respect to all long-term

suspensions and expulsions, the School District administrator implementing the discipline will consider and document consideration of the seven factors listed above.

Restorative Practices Consistent with Michigan law and in every case, the School District will consider restorative practices as an addition or alternative to suspension or expulsion. Restorative practices are practices that emphasize repairing the harm of the victim and the School District community of a student's misconduct or other behavior. Restorative practices may be considered and implemented by a restorative practices team. The restorative practices team may be constituted and act in the manner described in [Section 1310c\(2\) of the Revised School Code](#) or in a different manner, depending on the circumstances as a whole.

Restorative practices should be the first consideration to remediate offenses such as interpersonal conflicts, bullying, verbal and physical conflicts, theft, damage to property, class disruption, and harassment, bullying, and cyberbullying.

Definitions of Discipline

Administrative Intervention Disciplinary action which does not result in an out-of-school suspension and which includes, but is not limited to, restorative practices. Administrative intervention may include the removal of a student from a class period, in-school suspension, a reprimand, restitution, detention and/or work assignment before or after school, additional classroom assignments, and revocation of the privilege of attending after school functions and activities, events, etc.

Snap Suspension If, during a class, subject, or activity, a teacher has good reason to believe: a student has engaged in conduct which unquestionably interferes with the education of that student or other students, or a student has engaged in conduct which poses a clear and present danger to that student or other students, the teacher may suspend the student from that class, subject, or activity for up to one full school day.

Suspension Exclusion of a student from school for fewer than 60 school days or exclusion from school which will terminate upon the fulfillment of a specific set of conditions.

Expulsion Exclusion of the student from the School District for 60 school days or more or permanent exclusion.

Prohibited Acts

Unless otherwise specified, the penalties for all prohibited acts range from administrative intervention to permanent expulsion, depending on a number of factors, including: the severity of the conduct; the impact of the conduct on the school and surrounding community; applicable Board of Education policies; and state and federal laws.

1. Alcohol, Marijuana, and Chemical Substances

A student shall not manufacture, sell, handle, possess, use, deliver, transmit, or be under any degree of influence (legal intoxication not required) of any alcoholic beverages, marijuana, or other intoxicant of any kind. A student shall not intentionally inhale or cause another to intentionally inhale glue, aerosol paint, lighter fluid, reproduction fluid, or other chemical substance, including for the purpose of becoming intoxicated or under the influence (legal intoxication not required).

2. Bullying and Hazing

Students are prohibited from engaging in conduct, whether written, verbal, or physical, that unreasonably interferes with another's participation in or enjoyment at school or school-related

activities, such as bullying or hazing. The Board of Education has adopted a policy on bullying as a part of Policy 2006. A corresponding administrative regulation 2006-AR has been developed to implement the policy.

“Hazing,” for the purpose of this Student Code of Conduct, means initiating another student into any grade, school, or school-related activity by any means or methods that is intended, or that a reasonable person would know is likely to, cause physical or emotional pain, embarrassment, or discomfort.

3. Coercion, Extortion, and Blackmail

A student shall not engage in the act of securing or attempting to secure money or other items of value by the use of threats and/or violence, nor shall a student, by threats and/or violence, force another person to perform an unwilling act.

4. Copyrighted Material

A student shall not unlawfully duplicate, reproduce, retain, or use copyrighted material.

5. Discriminatory Harassment

A student shall not engage in unwelcome sexual advances or requests for sexual favors or unwelcomed sexual touching. A student shall not engage in other verbal or physical conduct relating to a person's sex, race, color, national origin, religion, height, weight, marital status, or handicap or disability (e.g., sexual or racial comments, threats, or insults, etc.).

6. Disruption of School

A student shall not, by any type of conduct (violence, force, noise, coercion, threat, intimidation, fear, passive resistance, etc.), cause the disruption or obstruction of any function of the school, nor shall the student engage in any such conduct if such disruption or obstruction is reasonably likely to result. Neither shall a student urge other students to engage in such conduct for the purpose of causing such disruption or obstruction.

While the following acts are not intended to be exclusive, they illustrate the kinds of offenses encompassed within this rule. It should be understood that any conduct which causes disruption, is likely to result in disruption, or interferes with the educational process, is forbidden.

- Occupying any school building, school grounds, or a part thereof, without the permission of a school building staff member, which deprives others of its use;
- Blocking normal pedestrian or vehicle traffic, the entrances or exits of any school building or corridor or room, without the permission of the building principal, in such a way as to create a safety concern or a disruption to the orderly operation of the school;
- Preventing, attempting to prevent, or interfering with the convening or continued functioning of any class, activity, meeting, or assembly, in such a way as to create a safety concern or a disruption to the orderly operation of the school;
- Instigating or participating in a disturbance, or causing a disturbance, which interrupts the educational opportunities of others or threatens the general health, safety, and welfare of others on school property or at a school sponsored activity.

7. Damage of Property or Theft/Possession

A student shall not intentionally cause or attempt to cause damage to school property or the property of another person, or steal, attempt to steal, or knowingly be in the unauthorized possession of school property or the property of another person.

8. Dress

A student shall not dress or groom in a manner, which in the judgment of a building administrator, is reasonably considered disruptive or detrimental to the School District's mission and/or the health, safety, or welfare of the student or other students with whom the student attends school.

9. Drugs, Narcotic Drugs, and Counterfeit Substances

A student shall not manufacture, sell, possess, use, deliver, transfer, or be under the influence (legal intoxication not required) of any drug, narcotic drug, hallucinogen, stimulant, depressant, controlled substance, counterfeit substance, or a controlled substance analogue intended for human consumption.

A student shall not sell, deliver, or transfer, or attempt to sell, deliver, or transfer any prescription or non-prescription drug, medicine, vitamin, or chemical substance (e.g., pain relievers, stimulants, diet pills, pep pills, No-Doze pills, cough medicines, laxatives, stomach or digestive remedies, etc.), nor shall a student use or possess these substances for an improper purpose.

A student shall not sell or represent to others that a substance is an illegal or controlled substance or sell, manufacture, possess, use, deliver, or transfer "designer" drugs.

10. Electronic Communication Devices and Laser Pointers

Districtwide, students are prohibited from using or possessing active (i.e., turned on) electronic communication devices in restrooms, locker rooms, offices, and other locations where students and staff have a reasonable expectation of privacy. Separately, all students are prohibited from possessing or using laser pointers on school premises and at school-related activities without the express permission of school administration.

- *High School.* Students are expected to use good judgment when using or possessing active electronic communication devices in hallways during passing time, in the parking lot, cafeteria during lunch, and extracurricular activities. Students may not use or possess active electronic communication devices without explicit staff permission in class or on buses.
- *Middle and Elementary School.* Students may not use or possess active electronic communication devices without staff permission.

11. Failure to Comply with Directions of School Personnel

A student shall not be insubordinate or fail to comply with instructions and directions of School District employees (including substitute and student teachers), volunteers, or persons acting as a chaperone or in a supervisory capacity.

12. Failure to Cooperate

A student shall not refuse to cooperate with School District administrators and/or teaching staff investigating a possible violation of this Student Code of Conduct, other codes of conduct, and/or building rules. No student shall make false statements or give false evidence to School District administrators and/or teaching staff. Except as where otherwise authorized by law, a student shall

not refuse to testify or otherwise cooperate with School District personnel in any disciplinary proceeding.

13. False Alarms

A student shall not knowingly cause a false fire alarm, or make a false fire, bomb, or catastrophe report.

14. False Allegations

A student shall not libel or slander, or make false allegations against another student, School District employee (including substitute and student teachers), Board of Education members, or volunteers.

15. Falsification of Records

A student shall not claim to be another person or falsify times, dates, grades, addresses, or other data on School District forms or records. A student shall not provide false, misleading, or inaccurate statements or information on School District forms or records.

16. Fireworks, Explosives, and Chemical Substances

A student shall not possess, handle, or transmit any substance or prepared chemical that can explode, is capable of inflicting bodily injury, or is reasonably likely to cause physical discomfort to another person.

17. Gang Insignia/Activities

A student shall not wear or possess any clothing, jewelry, symbol, or other object that may reasonably be perceived by any student, teacher, or administrator as evidence of membership in or affiliation with any gang. A student shall not commit any act, verbal or non-verbal (gesture, handshakes, etc.), that may reasonably be perceived by a teacher or administrator as evidence of membership in or affiliation with any gang. A student shall not commit any act, verbal or non-verbal, in furtherance of the interests of any gang or gang activity, including, but not limited to: a) soliciting others for membership in any gang or gang related activity, b) requesting any person to pay protection or otherwise intimidating or threatening any person, c) committing any other illegal act or violation of School District rules or policies, or d) inciting other students to act with physical violence on any person. The term "gang" means a group of two or more persons whose purpose or activities include the commission of illegal acts or violations of this Code of Conduct, School District rules or policies, or whose purpose or activities cause disruption or is likely to cause disruption to the educational process.

18. Improper Communications

A student shall not make threatening, annoying, nuisance, vulgar, and/or obscene communications, verbally, in writing, or by gestures, to School District employees (including substitutes and student teachers), Board of Education members, chaperones, volunteers, or visitors to the school building. The prohibition against such communications shall apply whether the communications are made in a school building or on school premises or outside of a school building or off school premises, and regardless of whether such communications are made during, before, or after school hours or during times when school is not in session.

19. Indecency

A student shall not engage in conduct that is contrary to commonly recognized standards of decency and behavior, which includes obscenity, indecent exposure, or the use of language in verbal or written form, or in pictures, or in caricatures or gestures, which are offensive to the general standards of propriety.

20. Lookalike Weapons

A student shall not possess, handle, or transmit any object or instrument that is a "look-a-like" weapon or instrument (e.g., starter pistol, rubber knife, toy gun, etc.).

21. Misconduct Prior to Enrollment

An otherwise eligible resident may be suspended or expelled for an act of misconduct committed while the student was: (a) a resident of another district; (b) enrolled in another school; (c) outside of school hours; or (d) off school premises if the misconduct would have constituted a sufficient basis for suspension or expulsion had it occurred while the student was enrolled in the School District.

22. Personal Protection Devices

A student shall not possess, handle, or transmit a personal protection device (e.g. pepper gas, mace, stun gun, electric shock device, etc.) capable of inflicting bodily injury or causing physical discomfort to another person.

23. Recording

A Student may not use a personal electronic device to broadcast or record audio, images, or video of any student, staff member, or other person in the school or while attending a school-related activity, unless the student has received permission from the person(s) to be broadcasted or recorded. This prohibition does not apply to curricular or extra-curricular activities for which personal recording is generally permitted (e.g., athletic events, arts performances, etc.).

24. Trespassing, Loitering

A student shall not be on school property or in a school building except to participate in the curricular and extracurricular activities of the School District, nor shall a student loiter in building hallways, classrooms, bathrooms, etc., other than during assigned passing times during the school day.

25. Scholastic Dishonesty

A student shall not engage in academic cheating. Cheating includes, but is not limited to: the actual giving or receiving of any unauthorized aid or assistance or the actual giving or receiving of unfair advantage on any form of academic work. A student shall not engage in plagiarism, which includes the copying of language, structures, ideas, and/or thoughts of another and represent it as the student's own original work.

26. Smoking/Tobacco

A student shall not smoke, chew, or otherwise use tobacco. A student shall not, while on school property, have in the student's possession or under the student's control, tobacco in any form. This includes electronic cigarettes, vaporizers, or any other device that simulates smoking any type of product, regardless whether they are manufactured, distributed, marketed, or sold under any product name or descriptor.

27. Suspended Student on School Property or Attending School Activities

A student, while suspended, shall not enter onto School District property without the prior permission of a building administrator.

A student, while suspended, shall not participate in, or attend any school related activity, function, or event, held on or off school property, without the prior permission of a building administrator.

28. Violation of Acceptable Use Policy

A student shall not violate or attempt to violate School District policies, administrative regulations, and directives concerning School District or personal computers, networks, and telephone systems. Violation of any of the rules and responsibilities may result in a loss of access privileges/technology privileges/computer usage and may result in other disciplinary or legal actions including restitution.

29. Violations of Building's Rules and Regulations

A student shall not commit or participate in any conduct or act prohibited by a school building's rules and regulations.

MAJOR OFFENSES

The prohibited acts listed below are generally codified as illegal acts and will typically involve law enforcement personnel such as the local police. In most instances of major offense, the student will be scheduled for a disciplinary hearing. This section is supplemental to and does not supersede or replace any prior sections.

1. Arson

A student shall not burn or attempt to burn any tangible property or intentionally set a fire on school property or cause or attempt to cause an explosion on school property.

2. Arson Prohibited by Law

A student shall not commit an act of arson, prohibited by [MCL 750.71 through MCL 750.80](#).

3. Criminal Acts

A student shall not commit or participate in any conduct or act defined as a crime by federal or state law or local ordinance.

4. Criminal Sexual Conduct

A student shall not commit criminal sexual conduct, as defined by [MCL 750.520b-e and g](#).

5. Dangerous Weapons

A student shall not possess a dangerous weapon in a weapon free school zone, including brass knuckles or a dagger, dirk, firearm, iron bar, knife with a blade over 3 inches in length, pocket knife opened by a mechanical device, or stiletto.

6. Fighting, Assault, and Battery on Another Person

A student shall not physically assault, or cause, behave in such a way to cause, or threaten to cause physical injury to another person.

7. Weapons and Dangerous Instruments

A student shall not possess, handle or transmit a knife with a blade length of three (3) inches or less, airsoft gun, blackjack, baton, martial arts device, paintball or splat gun, or other object or instrument that can be considered a weapon or is capable of inflicting bodily injury.

Due Process - Procedures for Discipline

Introduction These procedures govern the suspension, expulsion, or permanent expulsion of a student from the School District's regular educational program. If a student charged with violation of this Student Code of Conduct has been returned to the regular school program pending a decision by a School District administrator, the reinstatement does not limit or prejudice the School District's right to suspend or expel the student following a decision by a superior administrator or the Board of Education.

The initial judgment that a student has engaged in a prohibited act under this Student Code of Conduct shall be made by the building administrator.

Short-Term Suspension (i.e., 10 School Days or Fewer) As a general rule, prior to any out-of-school suspension, the building administrator will:

- Inform the student of the misconduct or behavior for which discipline is being considered and, if the student denies the misconduct or behavior, an explanation of the evidence the administrator possesses;
- Provide the student an opportunity to explain their version of the facts; and
- Consider each of seven individual factors listed on pages 5-6 of this Student Code of Conduct.

If a student's presence in school poses an immediate danger to persons or property or an ongoing threat of disruption to the educational process, the building administrator may immediately suspend the student, and as soon thereafter as reasonable, provide the student with their due process rights as set forth above.

If, after following this procedure, the administrator determines that the student has engaged in a prohibited act under the Student Code of Conduct, then the administrator may impose a disciplinary penalty of a suspension not to exceed ten (10) school days.

The principal or designee shall inform (in person or by phone) the student's parent of the suspension and of the reasons and conditions of the suspension and, thereafter, in writing. A building administrator's decision to impose a penalty of up to ten (10) school days is final and not subject to further review or appeal.

Long-Term Suspension (i.e., 11 School Days or More), Expulsion (60 School Days or More), and Permanent Expulsion

Step 1. If the building administrator decides that a suspension for eleven (11) or more school days or expulsion is warranted, the student and the parent shall be notified in writing of:

- The charges against the student;

- The recommended disciplinary action;
- The fact that a hearing will be held before the Superintendent; and
- The time, place, location, and procedures to be followed at the hearing.

The written notice will also document the building administrator's consideration of the individual factors listed on pages 5-6 of this Student Code of Conduct and consideration of restorative practices.

If the building administrator decides the student's presence in school would present a danger to the student, other students, school personnel, or the educational process, the student will be suspended pending the decision of the Superintendent. If the building administrator determines that the student would not present a danger as described above, the student may be returned to school pending the decision of the Superintendent. If the student is suspended pending a decision of the Superintendent or designee, the hearing will commence within ten (10) school days following the initial suspension of the student. If the student is not suspended pending the decision of the Superintendent, then the Superintendent or designee will schedule the hearing to be held within fifteen (15) school days following the completion of the building principal's investigation of the charges. The timelines for commencement of the hearing may be enlarged upon the request of the administrator, student, or parent.

Step 2. A hearing before the Superintendent will be held for the purpose of determining the truth or falsity of the charges against the student and, if the charges are found to be true, the consideration of the individual factors listed on pages 5-6 of this Student Code of Conduct, the consideration of restorative practices, and the appropriate disciplinary measures to be imposed.

The student and/or the student's parent may notify the School District that they waive their right to a hearing. In such cases, the principal's recommended disciplinary penalty will ordinarily be imposed, provided, however, that if the recommended penalty is expulsion or permanent expulsion, the Superintendent will nevertheless make the final decision.

The Superintendent may amend the principal's charges upon motion of the building administrator, student, or parent, or amend the charges upon the Superintendent's own motion to conform to the evidence presented at the hearing. Additionally, the Superintendent may impose a greater or lesser penalty than that imposed or recommended by the building administrator.

Step 3. The Superintendent's decision shall be given orally to the student and parent not later than five (5) school days after the close of the hearing. A written decision will be mailed at that same time. These timelines, however, may be enlarged by the Superintendent due to extenuating circumstances.

Step 4. A decision by the Superintendent to permanently expel a student may be appealed to the Board of Education by filing a written notice with the Superintendent within five (5) school days of the decision. The appeal will be heard in open or closed session, as elected by the parent.

An appeal to the Board of Education will not involve further testimony or new evidence. During the appeal hearing, the Superintendent will share the results of the hearing at the Superintendent's level and make a recommendation to the Board of Education. The student, parent or a legal representative will have an opportunity to address the Board of Education. The Board of Education may ask questions of the Superintendent, the parent, or the student and will render a written decision on the appeal within fifteen (15) school days.

Addressing and Responding to Hate Incidents

This guidance has been compiled to assist the Bloomfield Hills Schools (“BHS” or “District”) in creating and maintaining a learning environment that is free from harassment because of a community member’s religion, sex, gender identity, gender expression, marital status, genetic information, age, height, weight, disability, language, and any other classification or trait protected by law (“Protected Classifications”).

Consistent with the terms of established District policy, no student, teacher, administrator, or other school personnel of this District should harass a student because of an actual or perceived Protected Classification. Consistent with established District protocols, the District should act to investigate all complaints, either formal or informal, verbal or written, of harassment because of an actual or perceived Protected Classification; and promptly take appropriate action to protect individuals from further harassment; and, if it determines that unlawful harassment occurred, to promptly and appropriately discipline any student, teacher, administrator or other school personnel who is found to have violated District policy, and/or to take other appropriate action reasonably calculated to end the harassment.

In administering its policies and procedures, BHS recognizes that it should account for individual biases and subconscious beliefs in its responses to allegations of harassment because of an actual or perceived Protected Classification. Harassment because of an actual or perceived Protected Classification may occur in many forms. It may be verbal or physical, and it may be targeted at one recipient or multiple. Also, it may be blatant, or it may be covert. Harassment because of an actual or perceived Protected Classification, regardless of its form, may result in harm to the direct target as well as reverberate to other students, stakeholders, and the community at large. When evaluating these incidents, the District should recognize the importance of both the impact and intent of the parties involved and shall provide the appropriate resources to repair any harm inflicted on the direct recipient(s) and the BHS community to restore a learning environment that is safe for all.

This document is intended to be consistent with established Board of Education Bylaws and Policies, District Administrative Regulations, and this Student Code of Conduct. **This document does not replace or otherwise serve to amend such established resources.** This document is intended as a resource to remind the District, school personnel, and students of the importance of our actions and their impacts. Even where intentions are neutral or good, the impact of behavior may not be. If the impact of conduct is harmful, the District, school personnel, and students should seek to repair the harm and restore a safe learning environment for all. To do so, the District should consider, consistent with its legal obligations, restorative discipline and practices, where appropriate, which focuses on repairing the harm done to people rather than merely punishing offenders.

Definitions

The terms which follow are defined for purposes of understanding and clarity. These definitions are not intended to modify District standards as articulated in established governance documents.

“**Compliance Officer**” refers specifically to the Title IX Coordinator for issues related to students and staff. The current Title IX Coordinators are the Director of Elementary Education and the Director of Secondary Education.

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Director of Secondary Education
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Kimberly Hempton
Director of Elementary Education
248.341.6315 | khempton@bloomfield.org

“**Direct Target**” means the individual(s) who are alleged to have experienced acts in violation of District policies. A target includes, but is not limited to, a family, group, or individual.

“**Discrimination**” means an action based in whole or in part on a student’s actual or perceived Protected

Classification that is so severe or pervasive that it:

- Affects the student's ability to benefit from an education program or activity;
- Creates an intimidating, threatening, or hostile educational environment;
- Has the effect of substantially or unreasonably interfering with a student's academic performance; or,
- Otherwise adversely affects the student's educational opportunities.

"District Personnel" includes members of the Board of Education, staff, agents, volunteers, contractors, or persons subject to the supervision and control of the District.

"Designated School Administrator(s)" for purposes of this resource are (1) an employee or building administrator in the school the student attends; (2) the Superintendent or other District-level employee; and/or (3) the current Title IX Coordinator(s).

"Harassment" occurs when a target is subjected to unwelcome conduct related to a Protected Category and can result in a hostile environment. The harassment must be objectively offensive to the target and to a reasonable person under the same circumstances. Harassment is sufficiently severe, pervasive, or persistent so as to interfere with or limit an individual's ability to participate in or benefit from the services, activities, or opportunities offered by the District. Harassment may be verbal and physical harassment. It may include, but is not limited to, racial epithets, threats of violence, symbols, images, or objects that express animus on the basis of Protected Classifications.

"Hate Incident" or **"Hate Conduct"** is an act or attempted act, either criminal or noncriminal, that constitutes an expression of hostility, bias, or bigotry against a person, property, or institution because of the Direct Target's actual or perceived Protected Classification. Hate incidents may include, but are not limited to, using insults, taunts, and slurs, distributing or posting hate group literature or posters, defacing, removing, or destroying posted materials or announcements, or sending insulting or threatening messages by phone, email, websites, or any other electronic or written communication.

"Online Discrimination" is defined as denigrating or excluding individuals or groups on the basis of race through the use of symbols, voice, video, images, text, and graphic representations. Incidents reported from a BHS building or office that may warrant disciplinary action, may include but are not limited to the use of racial epithets, threats of violence, display of hateful symbols or imagery, overtly or covertly racist "jokes."

"Restorative Practices" and **"Restorative Justice"** are defined by the Michigan Revised School Code § 380.1310c and are part of an emerging social science that studies how to strengthen relationships between individuals as well as social connections within communities. Under Michigan law and in a discipline setting, "Restorative Practices means practices that emphasize repairing the harm to the Direct Target and the school community caused by a student's misconduct."

"Reporter" is the individual who reported an alleged hate incident. The Reporter is not necessarily the Direct Target of the conduct. Multiple people may report the same incident, in which case, they are all deemed Reporters. Retaliation against a Reporter alleging harassment or discrimination, or who participates as a witness in an investigation, should be strictly prohibited and will not be tolerated.

"Support Person(s)" are individuals or multiple individuals who will be available to both witnesses and Direct Targets throughout the reporting process. Support Persons should be chosen by witnesses and Direct Targets. Ideally, Support Persons should not be closely affiliated with the accused person. The Compliance Officer may not be officially designated as a Support Person but should offer consistent support to witnesses and Direct Targets.

Reporting Recommendations

1. Any student who believes that they have been a victim of harassment or discrimination, whether in-person or online, based on an actual or perceived Protected Classification by a student, teacher, administrator, or other school personnel of the District is **strongly encouraged to immediately** report the acts to the Designated School Administrator(s). Students and/or Reporters may bring a Support Person throughout any portion of the reporting process.
2. Any teacher, administrator, or other District Personnel who receives notice that a student has or may have been the victim of harassment based on an actual or perceived Protected Classification is expected to report the acts to the Designated School Administrator(s).
3. Any person with knowledge or belief that a student has or may have been the victim of harassment based on an actual or perceived Protected Classification is **strongly encouraged to immediately** report the acts to the Designated School Administrator(s).
4. If a Reporter is reporting the conduct of a Designated School Administrator, the report should be made directly to the Superintendent and Assistant Superintendent of Human Resources.
5. The District encourages the Reporter to use the Incidents of Hate and Bias Report Form. This form is available on the BHS website and is posted as a scannable QR code on flyers around BHS buildings. The Designated School Administrator will receive all reports submitted through this form.
6. Oral reports are considered complaints as well, and Designated School Administrators may request, but may not insist, upon a written Complaint.

Preventative Measures

Preventative measures are indispensable to providing a place where all students are welcome and have a safe learning environment. The District is committed to regularly assessing its climate with an eye towards preventing hate related incidents and the resulting harm before it occurs. As part of its preventative plans, the following shall apply:

- a. The District has identified staff responsible to serve as the Title IX Coordinator and Director of Instructional Equity (see "Compliance Officer") and will maintain systematic processes to respond to reported hate incidents and/or crimes. The District intends to inform students in the event the person(s) in these positions change via student emails.
- b. The District intends to communicate effectively so that District Personnel, students, and families are informed of District policies requiring mutual respect, acceptance, and a safe learning environment.
- c. The District may appoint a Designated School Administrator to assess the training needs for the District's staff and students in connection with dissemination, comprehension, and compliance with its Policies and Procedures related to hate-motivated conduct and incidents.
- d. The Designated School Administrator may arrange for training as deemed necessary to ensure staff and students are familiar with and able to identify indicators of hate-motivated conduct and understand their individual responsibilities and obligations to respond, intervene, and report such conduct.

District Personnel

District Personnel should help foster and enforce a culture where hate, disrespect, and intimidation based on an actual or a perceived Protected Classification has no place in BHS.

- a. District Personnel share a responsibility for modeling appropriate behavior and creating a safe learning environment where bias and hate incidents will not be tolerated.
- b. District Personnel should recognize the indicators of such conduct and effectively take steps to intervene immediately when such conduct occurs.
- c. Any District Personnel who receive notice that a student has or may have been the Direct Target of harassment based on a Protected Classification is expected to report the acts to a Designated School Administrator. Where the actual or perceived Protected Classification is sex-based discrimination or harassment, the report should be made to the Title IX Coordinator.

Designated School Administrator. If a Reporter is reporting the conduct of a Designated School Administrator, the report shall be made directly to the Superintendent and Assistant Superintendent of Human Resources.

- d. District personnel should guard against any action that could be considered retaliation against a Reporter, Direct Target, or anyone who is participating in the investigation of a hate incident.

Response to Hate Incidents

In the event of an alleged Hate Incident, the District is expected to:

- a. Intervene promptly to witness events, respond quickly to reported incidents, and take action to stop the conduct, prevent recurrence, and heal harm done to the Direct Target and BHS community, which may include but is not limited to, change of schedule.
- b. Ensure safety of the Direct Target and others affected by offering Restorative Practices as may be appropriate.
- c. Investigate the allegations, if deemed appropriate, in a thorough and impartial manner.
- d. Keep the Direct Target and accused person informed in general terms that protect the privacy and confidentiality of individuals as required/allowed by law of the outcomes.

If action is deemed appropriate after an investigation into an alleged Hate Incident, the District will act in accordance with state and federal laws. The District will consider the use of Restorative Practice and Restorative Justice in accordance with the Michigan Revised School Code. Any imposed discipline should be reasonably calculated to prevent recurrence of hate conduct.

Reprisal and Confidentiality

1. The District prohibits retaliation against a person who files a Complaint alleging discrimination or harassment based on an actual or perceived Protected Classification, or participates in an investigation into such a Complaint. Such retaliation is strictly prohibited.

2. The District prohibits retaliation against a witness or Support Person who participates in an investigation, and such retaliation is strictly prohibited.
3. Submission of a report made in good faith of harassment based on actual or perceived Protected Classifications will not affect the Reporter's grades, learning environment, or employment.
4. BHS will address any student, teacher, administrator, or school personnel who attempts to intimidate or harass a complainant whether prior to, during, or following investigation.
5. BHS recognizes that all Parties involved have strong interests in maintaining the confidentiality of the incident, investigation, and related information. The privacy of all Parties involved will be maintained to the extent permitted by law.
6. The results of BHS's investigation will be delivered to the Direct Target and accused party in accordance with state and federal law regarding data or record privacy and will remain consistent with the privacy rights of all parties involved.
7. A student alleging harassment on the basis of sex 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

Student Responsibilities

1. Students share in the responsibility for creating a safe learning environment by treating others with mutual respect and acceptance. Students should be sensitive to how others might perceive or be impacted by their actions and words.
2. Students shall not engage in or contribute to hate-motivated conduct.
3. Students who witness or are a Direct Target of hate conduct are strongly encouraged to report such conduct as soon as possible to (1) an employee or building administrator of the school the student attends, (2) the Superintendent and/or other District-level employee, and/or (3) the Title IX Coordinator.
4. Students shall not engage in or encourage retaliatory behavior, including but not limited to, asking someone else to take retaliatory actions on their behalf.
5. Students who are the Direct Target of hate conduct that does not involve sexual violence or District Personnel may have the option to pursue an informal or formal complaint procedure based on the student's comfort level and preference. An informal complaint procedure is NOT required prior to the formal procedure.

Incidents of Sexual Violence. A complaint alleging sexual violence will only be addressed through the formal complaint procedure to protect those involved and in compliance with state and federal requirements.

Incidents Involving School Personnel. A complaint alleging hate-motivated conduct by District Personnel will only be addressed through the formal complaint procedure.

Inconsistency with Law, Board Policy, or Administrative Regulation

This Student Code of Conduct is intended to be consistent with Michigan law the Policies of the Board of Education and Administrative Regulations promulgated by the Superintendent. If there are any inconsistencies, they should be resolved with the understanding Michigan law supersedes both the Policies of the Board of Education and Administrative Regulations, and Board Policy supersedes Administrative Regulations.