Northville Public Schools
Northville, Michigan

BOARD POLICY

STUDENT CODE OF CONDUCT

ARTICLE I - STUDENT DISCIPLINE

A. Preamble

In accordance with the provisions of law, the Board of Education has set forth in this Student Code of Conduct 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 construed 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.

The Student Code of Conduct does not cover the District's attendance and tardiness procedures, the District's requirements for credit and graduation, or the District's authority to regulate the participation of students in extracurricular, co-curricular and athletic activities. (See the Extra-Curricular, Co-Curricular and Athletic Student Code of Conduct Policy #2134) A decision to expel or suspend a student from participating in extracurricular and athletic events is solely within the discretion of the Superintendent of Schools or his/her designee.

Each prohibited act listed in the Student Code of Conduct sets forth the discipline that may be imposed for a violation. The discipline for violating some prohibited acts ranges from administrative intervention to expulsion; for other prohibited acts, the penalty ranges from suspension to expulsion; and**,** for violation of the most serious prohibited acts, the penalty is expulsion. In cases where the stated penalty is not expulsion**,** but is set forth in terms of a range, the actual penalty imposed will depend upon the nature and severity of the offense, the age of the student, the student's prior behavioral records, the recommendation of school personnel, the particular facts involved, and all other circumstances deemed relevant. The District will also consider restorative practices as an addition or alternative to discipline.

In accordance with the Board's authority under law, a student violating any of the prohibited acts listed below shall be deemed to be guilty of a gross misdemeanor and will be disciplined. Some Student Code of Conduct violations are also criminal violations. As a result, a student accused of a violation of the Student Code of Conduct may be referred to law enforcement in conjunction with other disciplinary procedures.

The prohibited acts and penalties listed in this Student Code of Conduct are applicable when a student:

1. engages in a prohibited act on any premises owned, leased or used by the District**;**

2. engages in a prohibited act in a motor vehicle owned or leased by the District or being used for a school business-related purpose;

3. engages in a prohibited act at a school-related activity, function or event;

4. engages in a prohibited act en route to or from school or a school-related activity, function or event;

5. engages in a prohibited act involving another student who is en route to or from school or a school-related activity, function or event;

6. engages in a prohibited act that has a sufficient nexus to or with the District, District personnel or students or District property, such as a prohibited act that: has its inception in school; is school connected or adversely affects, interferes with, or endangers the good order of the school system; or**,** impacts the proper functioning of the educational process or the health or safety of students.

7. has engaged in off-campus conduct that may legally require the District to consider such acts, such as criminal sexual conduct or cyberbullying.

8. engages in a prohibited act as part of online or distance learning provided by the District.

Consistent with the Family Educational Rights and Privacy Act (FERPA) and the related information contained in the Districts' Annual Notifications, the District is limited by law in what information can be disclosed regarding the educational records of another student, including matters pertaining to student conduct and discipline.

B. Definitions of Discipline

1. Administrative Intervention

Disciplinary action that does not result in out-of-school suspension. For example, administrative intervention includes but is not limited to measures such as: restorative practices, the removal of a student from a class period; a reprimand; detention and/or work assignment before or after school; additional classroom assignments; revocation of the privilege of attending non-classroom school functions, activities, and/or events.

2. Suspension

Exclusion of a student from school for fewer than 60 school days or exclusion of a student which terminates upon the fulfillment of a specific set of conditions. Suspension refers to both in-school and out of school suspension.

3. Expulsion

The permanent exclusion of the student from the school system.

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

1. The student's age;
2. The student's disciplinary history;
3. Whether the student is disabled within the meaning of IDEA or ADA/Section 504;
4. The seriousness of the student's misconduct or behavior;
5. Whether the student's misconduct or behavior threatened the safety of any pupil or staff member;
6. Whether restorative practices will be used to address the student's misconduct or behavior; and,
7. 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 out-of-school suspensions and expulsion (short-term or long-term), the School District administrator implementing the suspension, shall consider and document consideration of the seven factors listed above on a form approved by the Superintendent.

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 similar manner, depending on the circumstances as a whole in the sole discretion of the School District administrator assigned to handle the misconduct or behavior or the Board of Education (if the Board of Education is handling the misconduct or behavior). 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.

C. Prohibited Acts

1. Failure to Cooperate

A student shall not refuse to cooperate with District personnel investigating a possible violation of this Code of Conduct and/or building rules, and no student shall make false statements or give false evidence to District personnel. A student shall not refuse to testify or otherwise cooperate with District personnel in any disciplinary proceeding.

Penalty - administrative intervention to permanent expulsion.

2. False Allegations

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

Penalty - administrative intervention to permanent expulsion.

3. Failure to Report

A student shall not fail to report to an administrator or teacher a fact or condition that may threaten the health, safety or welfare of District personnel, guests, students or property. Regardless of any reports made to an outside source or hotline, students are expected to report such information to an administrator.

Penalty – administrative intervention to permanent expulsion**.**

4. Failure to Comply With Directions of School Personnel

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

Penalty - administrative intervention to permanent expulsion.

5. Dress

A student shall not dress or groom in a manner which, in the judgment of a building administrator, is unsafe to the student or others or causes a disruption to the educational process.

Penalty - administrative intervention to permanent expulsion.

6. Trespass, Loitering

A student shall not be on school property or in a school building except at times and for purposes authorized by the administration to participate in the educational process of the District and/or attend school related functions**,** nor shall a student loiter in building hallways, classrooms, bathrooms, etc.

Penalty - administrative intervention to permanent expulsion.

7. Electronic Devices

A student may possess an electronic communication and/or media device at school subject to the following criteria, consistent with Bring Your Own Device provisions of the Acceptable Use policy:

* If used for personal, non-educational purposes, it may only be in use within designated areas and during designated times of the school day.

* If for an educational purpose, the device may be used within the classroom at the discretion of the teacher or administration.

* The device may not be used in a manner that enables cheating or academic dishonesty.

* Such devices shall not be used to capture images, video or audio at school without the consent of the individuals being recorded.

* The use of such devices at school may not negatively impact or compromise another student's educational opportunity.

The administration may confiscate such devices in cases that the student(s) are not complying with the criteria above.

Penalty –administrative intervention to permanent expulsion.

8. Falsification Of Records

A student shall not falsify information on District forms or records or cause them to be altered.

Penalty - administrative intervention to permanent expulsion.

9. Academic Honesty

Northville Public Schools is committed to advancing the pursuit of intellectual excellence and to maintaining the highest standards and expectations for academic integrity among all students. Academic integrity means honesty and responsibility in scholarship. Students and faculty alike must obey rules of honest scholarship, which means that all academic work should result from an individual's own efforts.

Therefore, 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, structure, idea, and/or thought of another and represent it as one's own original work.

Violations of academic integrity go beyond plagiarism (using a person's work, concepts, designs, data, ideas, research, or documentation, without giving proper credit to the source) to also include lying, cheating, using or providing unauthorized materials in preparation for an assignment / project / exam / test / quiz, or using or providing unauthorized materials during an exam/test/quiz, and other acts, such as the theft or falsification of records and files.

Violations of Academic Honesty (examples include, but are not limited to, the following):

- Looking at someone else's work, or knowingly allowing someone else to look at one's work during an exam, test, or quiz
- Using any kind of "cheat notes" during an exam, test, or quiz

- Copying any work assigned to be done independently or letting others copy one's work (It is the responsibility of the individual teacher to clarify expectations about homework and projects with their classes, preferably in writing on their course syllabi.)
- Having unauthorized access to, or using, stolen exams, tests, or quizzes
- Providing or selling exam, test, quiz or assignment information to other students
- Using any electronic device to give, receive or copy information before, during, or after an assignment, exam, test, or quiz
- Collaborating on an exam, test, quiz or assignment with any other person without prior approval from the teacher
- Lying about attendance or ability to complete assignments and/or assessments
- Claiming credit for work in a group project when work was done by others
- Attempting to misrepresent the authorship of student work, i.e., having someone else complete the work or using someone else's prior work
- Copying or closely paraphrasing sentences, phrases, or passages from a source without proper citation while writing a paper or doing research
- Using the views, opinions, or insights of others without proper acknowledgement
- Fabricating or altering laboratory data
- Accessing and/or using copyrighted test bank questions or any materials designed for instructors' use only
- Alteration or falsification, or attempted alteration/falsification, of records (e.g., transcripts)
- Theft, or attempted theft, of records or testing materials (exams/tests/quizzes)

Consequences for Violations

The District considers violations of academic honesty to be serious offenses and has therefore instituted a range of consequences to be considered based on the facts of each situation, and the age/grade or developmental level of the student. The consequences apply on a schoolwide and districtwide basis, i.e., a violation in one class may follow a student to a different class within the school, and a violation at one school may follow a student to another school within the District/Program. Additionally, violations of academic honesty are cumulative for all the years a student is enrolled in the Northville Public School District.

First Offense

- The student may have a reduction in grade/credit (up to, and including, an "E" grade/"0" credit) on the assignment, exam, test, or quiz to failure of the course based upon the severity of violation.

- The teacher will confer with the student and contact the parent/guardian by phone to review the academic honesty violation within one school day of becoming aware of the incident.
- The teacher will submit an Office Discipline Referral, with appropriate documentation, to an administrator who will meet with the student, and document the incident and any follow-up action in MiStar.
- The student may be barred from participation or having a leadership role in a club, scholarship group, student government, athletic team, or other extracurricular activity for up to a period of one year from date of the violation.

- Disciplinary actions may include but are not limited to, a warning and a signed student/parental Academic Integrity form that acknowledges the violation/penalty, and indicates an understanding of further consequences for any subsequent offenses.

Second Offense

Consequences applied from the First Offense and one or more of the following, with consideration given to the age and developmental understanding at the time of the first offense:

- A conference will be held with an administrator, parent/guardian, teacher, counselor, and student, with the incident and follow-up action documented in MiStar.
- The student may be given an "E" for the quarter grading period in which the incident occurred.
- The student may be suspended from school, regardless of any recommendation of expulsion.
- Student records/transcript may indicate a pattern of academic honesty violations.

Third/Continuing Offenses

Consequences applied in the First and Second Offenses and one or more of the following:

- A conference will be held with an administrator, parent/guardian, teacher, counselor, and student, with the incident and follow-up action documented in MiStar.
- The student may lose credit in the class with a grade of "E."
- The student will be suspended from school, regardless of any recommendation of expulsion.
- Student records/transcript may indicate a pattern of academic honesty violations

Note: For any violation, including the first, the penalty ranges from administrative intervention to permanent expulsion.

10. Copyrighted Material

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

Penalty - administrative intervention to permanent expulsion.

11. Improper Use of Technology

A student shall not violate the District's Acceptable Use Policy or "acceptable practices" student contract for the use of computers, electronic information resources, or other technologies (e.g., use of the Internet, use of networks operated by the School District, etc.), nor shall the student violate the verbal or written directions of School District personnel regarding the acceptable use of computers and other technologies.

Penalty - administrative intervention to permanent expulsion.

12. Unauthorized Use of School Equipment

A student shall not use District property (e.g., fax machines, copiers, computer equipment, laboratory equipment, athletic supplies, etc.), in any unauthorized, dangerous, or illegal fashion.

Penalty - administrative intervention to permanent expulsion.

13. Misconduct Prior to Enrollment

To protect the health and safety of students and employees and to prevent threatened disruption to the educational process, an otherwise eligible resident student may be disciplined on the basis of:

- a prior act of misconduct committed outside of school hours and/or off school premises when the student was not enrolled in the Northville Public Schools;
- a prior act constituting a gross misdemeanor and other acts of misconduct while the student was enrolled in another school district;
- if the act of gross misdemeanor or other misconduct would constitute a sufficient basis for suspension or expulsion had it occurred while the student was attending the Northville Public Schools.

In accordance with Administrative Procedures the District has ensured, to the extent practical, that students, upon enrollment, have not committed an act of gross misdemeanor, or other misconduct, prior to attending the Northville Public Schools. Gross misdemeanor or misconduct represents a threat to the health and safety of students and/or employees and/or threatens disruption to the educational process.

At the time of enrollment, a student, parent(s) or guardian shall not give false or incomplete information, or fail to disclose information, relative to a student's prior act of gross misdemeanor, or other misconduct. A violation will result in disciplinary proceedings being initiated against the student.

Penalty – administrative intervention to permanent expulsion.

14. Suspended or Expelled Student On School Property Or Attending School Activities

A suspended or expelled student who enters onto school property without the permission of a building administrator shall be deemed to be trespassing. Suspended or expelled students may not attend school activities at any site without permission of a building administrator.

Penalty - administrative intervention to permanent expulsion.

15. Smoking/Tobacco/Vaporizers

A student shall not smoke, chew or otherwise use tobacco. A student shall not, have in his/her possession or under his/her control, or attempt to possess, tobacco

in any form, nor any device or paraphernalia of any kind that may be used for smoking. The use / possession of e-cigarettes and/or vaporizers are likewise prohibited on school grounds and at school sponsored events.

Penalty - administrative intervention to permanent expulsion.

16. Alcohol

A student shall not sell, use, possess, attempt to possess, deliver, or be under any degree of influence (legal intoxication not required) of any alcoholic beverages.

Penalty – administrative intervention to permanent expulsion.

17. Inhalants/Chemical Substances

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

Penalty – administrative intervention to permanent expulsion.

18. Drugs, Narcotic Drugs And Counterfeit Substances

A student shall not manufacture, sell, possess, attempt to possess, use, deliver or transfer, or be under the influence (legal intoxication not required) of any drugs, narcotic drugs, marijuana, hallucinogen, stimulants, steroids, depressants or other controlled substances, or counterfeit substance, or a controlled substance analogue intended for human consumption, as defined in Article VII of the Public Health Code, being MCL 333.7101.et seq, or as defined in other Michigan or federal statute. If Article VII of the Public Health Code, being MCL 333.7101, et seq, is amended or repealed, then the definition of a drug, narcotic drug, controlled substance or counterfeit substance or a controlled substance analogue shall be as defined under then existing state or federal law.

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 nor shall a student use, possess, or attempt to possess, these substances, or related paraphernalia, except according to the law or District policy/procedure.

A student shall not sell or represent a legal substance as an illegal or controlled substance or sell, manufacture, possess, use, deliver or transfer "designer" drugs.

Penalty – administrative intervention to permanent expulsion.

19. Gambling

A student will not engage or attempt to engage in gambling activities. Any attempt to initiate or join in a gambling activity will result in administrative action.

Penalty – administrative intervention to permanent expulsion.

20. Improper Communication

A student shall not make or possess threatening, annoying, nuisance, vulgar and/or obscene communications; verbally, in writing, electronically (including social media,) or by gestures, to District personnel**,** guest teachers and student teachers, Board of Education members, chaperones, volunteers**,** other students or visitors to the school building. Note: Any threats that include references to bodily harm should be reviewed under Verbal Threats (21.)

Sexting

Sexting is illegal and may result in felony charges under Michigan law.
Sexting is prohibited when conducted using school property or when it occurs on school grounds or at school-sponsored events or activities. In addition, sexting that occurs off school grounds or outside of school-sponsored activities, but nonetheless results in a disruption to the school environment, is prohibited.

Sexting occurs when individuals forward, send, use, share, view, or possess a sexually explicit image of themselves or their peers via text messaging, email, social networking websites, and other electronic means.

Penalty - administrative intervention to permanent expulsion.

21. Verbal Threats

A student shall not verbally threaten District personnel (including guest teachers and student teachers), students, volunteers, chaperones or other persons. As referenced in policy 2133, a verbal threat is words, writing or behavior that, in the judgment of the building administrator, would put a reasonable person in fear of imminent injury to persons or property.

Penalty – administrative intervention to permanent expulsion.

22. Indecency

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

Penalty - administrative intervention to permanent expulsion.

23. 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, disturbance, or obstruction of any District function, activity or event, nor shall he or she 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, but it must be remembered that any conduct that causes disruption or is likely to result in disruption, or interferes with the education process, is forbidden.

- Occupying any school building, school grounds, or a part thereof, without the permission of an administrator or teacher;

- Blocking normal pedestrian or vehicle traffic, the entrances or exits of any school building or corridor or room, without the permission of a school building staff member;

- Preventing, attempting to prevent, or interfering with the convening or continued functioning of any class, activity, meeting or assembly;

- Instigating or participating in a disturbance, or causing a disturbance that 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.

Penalty - administrative intervention to permanent expulsion.

24. Gang Insignia/Activity

A student shall not wear or possess any clothing, jewelry, symbol or other object that may reasonably be perceived by District personnel or other students as evidence of membership in or affiliation with any gang**.** A student shall not commit any act, verbal or non-verbal (gestures, handshakes, etc.), that may reasonably be perceived by District personnel or other students 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 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 purposes or activities include the commission of illegal acts or violations of this Code of Conduct, District rules or policies, or whose purpose or activities cause disruption, or is likely to cause disruption, to the educational process.

Penalty - administrative intervention to permanent expulsion.

25. Hazing

A student shall not engage in the hazing of another student whether or not the student being hazed, or his/her parent(s) or guardian, have given consent.

“Hazing” means an intentional, knowing, or reckless act by a person acting alone or acting with others that is directed against an individual and that the person knew or should have known endangers the physical health or safety, or unreasonably

endangers the emotional well-being of the individual, and that is done for the purpose of pledging, being initiated into, affiliating with, participating in, holding office in, or maintaining membership in any organization, group, club or team. Hazing includes any of the following that is done for such a purpose:

i) Physical brutality, such as whipping, beating, striking, branding, electronic shocking, placing of a harmful substance on the body, or similar activity.

ii) Physical activity, such as sleep deprivation, exposure to the elements, confinement in a small space, or calisthenics, that subjects the other person to an unreasonable risk of harm or that adversely affects the physical health or safety of the individual.

iii) Activity involving consumption of a food, liquid, alcoholic beverage, liquor, drug, or other substance that subjects the individual to an unreasonable risk of harm or that adversely affects the physical health or safety of the individual.

iv) Activity that induces, causes, or requires an individual to perform a duty or task that involves the commission of a crime or an act of hazing.

Hazing does not include normal and customarily accepted activities (such as proper exercises and training) which are part of an athletic, physical education, military training, or similar program sanctioned by the School District.

Penalty - administrative intervention to permanent expulsion.

26. Discriminatory Harassment

A student shall not engage in unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct relating to a person's sex, sexual orientation, gender identity, race, color, national origin, religion, height, weight, marital status, or disability (e.g. sexual or racial comments, threats or insults, unwanted sexual touching, etc.). (See also Prohibited Act number 34 for Criminal Sexual Conduct.)

Penalty - administrative intervention to permanent expulsion.

27. Threats and Intimidation of Witnesses

A student shall not coerce, intimidate, or threaten any person who is participating in an investigation or disciplinary proceedings conducted under the Student Code of Conduct, nor shall a student take any action that is designed to coerce, intimidate, or threaten the person.

Penalty - suspension to permanent expulsion.

28. Coercion, Extortion Or Blackmail

A student shall not commit or attempt to commit extortion, coercion, or blackmail. A student shall not secure, or attempt to secure, money or other items of value from an unwilling person, nor shall a student, by threats and/or violence, force another person to perform an unwilling act.

Penalty – administrative intervention to permanent expulsion.

29. Bullying

Bullying, including cyberbullying, toward a student, whether by other students, staff or third parties, including Board members, parents, guests, contractors, vendors, and volunteers, is strictly prohibited and will not be tolerated. All students are protected under this policy, and all bullying is equally prohibited, regardless of its subject matter or motivating animus. This prohibition extends to physical, verbal, and psychological abuse, including hazing, gestures, comments, threats, or actions to a student, which cause or threaten to cause bodily harm, reasonable fear for personal safety, or personal degradation.

"Bullying" under this policy 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 students either directly or indirectly by doing any of the following:

i) Substantially interfering with education opportunities, benefits, or programs of 1 or more students;
ii) Adversely affecting the ability of a student to participate in or benefit from the District's educational programs or activities by placing the 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 material or substantial disruption in, or substantial interference with, the learning environment for one or more students, and/or interference with the orderly operation of the school.

"Cyberbullying" means any electronic communication that is intended or that a reasonable person would know is likely to harm one or more pupils either directly or indirectly by doing any of the four items listed above.

The prohibition against bullying, including cyberbullying**,** applies to all activities in the District, including activities in a classroom, elsewhere on school premises, on a school bus or other school-related vehicle, or at a school-sponsored activity or event whether or not it is held on school premises. This policy also applies to conduct using a telecommunications access device or telecommunications service provider that occurs off school premises if the telecommunications access device or the telecommunications service provider is owned by or under the control of the District. Misconduct occurring outside of school may also be disciplined if it interferes with the school environment.

All administrators, Board members, faculty, staff, and volunteers are expected to demonstrate appropriate behavior, treat others with civility and respect, and refuse to tolerate harassment or bullying in order to provide positive examples for student behavior.

Any student who believes he or she has been or is the victim of bullying should immediately report the situation to a teacher, counselor, social worker, the building principal or assistant principal, or the Superintendent. Any staff member who observes, has knowledge of, or learns that a student has been or is the victim of bullying, including cyberbullying must immediately report the situation to the building principal or assistant principal, or the Superintendent. Complaints against the building principal should be filed with the Superintendent. Complaints against the Superintendent should be filed with the Board President. Complaints may be made anonymously and the identity of an individual reporting an act of bullying, including cyberbullying or aggressive behavior may remain confidential.

Upon receipt of a complaint of bullying the District shall conduct a prompt and documented investigation. The building principal or his or her designee will be responsible for conducting and documenting the investigation. If the investigation finds an instance of bullying, including cyberbullying, has occurred, it will result in prompt and appropriate remedial action. This may include administrative intervention up to and including expulsion for students, up to discharge for employees, exclusion for parents, guests, volunteers, and contractors, and removal from any official position and/or a request to resign for Board members. Individuals may also be referred to law enforcement officials. The administration 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.

Upon the conclusion of the investigation, the parent or legal guardian of a victim of bullying, including cyberbullying, and the parent or legal guardian of the perpetrator of such action, shall be notified of the findings of the investigation, and as appropriate, that remedial action has been taken. These notifications will be the responsibility of the individual conducting the investigation.

Retaliation or making a false accusation against a target of bullying, a witness, or another person with reliable information about an act of bullying, including cyberbullying, or against any person who reports or complains, is thought to have reported or complained, or otherwise participates in an investigation or inquiry concerning allegations of bullying, including cyberbullying, is strictly prohibited and will not be tolerated. Such conduct shall be considered a serious violation of Board policy, independent of whether a complaint of bullying, including cyberbullying, is substantiated. Such suspected retaliation or false statements should be reported in the same manner as bullying or aggressive behavior. Making intentionally false reports about bullying, including cyberbullying, is similarly strictly prohibited and will not be tolerated. Retaliation and filing intentionally false reports may result in disciplinary action, including administrative intervention up to and including expulsion.

On an annual basis, the Superintendent and or designee shall report all verified incidents of bullying, including cyberbullying, and the resulting consequences, including discipline and referrals, to the Board of Education.

It shall be the responsibility of all school officials, including teachers, counselors, social workers, building principals and assistant principals, and the Superintendent, to ensure that this policy is implemented.

This policy shall be publicized annually in the Student Code of Conduct, and shall be distributed to students and their parents or legal guardians at the beginning of each academic year. This policy shall also be available for review on the District's website at www.northvilleschools.org

Penalty – administrative intervention to permanent expulsion.

30. Physical Aggression/Fighting

A student shall not display physical aggression towards another student, teacher, guest teacher, student teacher, volunteers or other persons through acts which include, but are not limited to pushing, kicking, hitting, pinching and punching.

Penalty – administrative intervention to permanent expulsion.

31. Assault And/Or Battery on Another Person

A student shall not physically assault, cause, or behave in such a way as to cause or threaten to cause physical injury to a District personnel (including guest teachers and student teachers), students, volunteers, chaperones or other persons (e.g., fighting).

Penalty - suspension to expulsion. For any physical assault of a school employee or a person engaged as a volunteer or contractor by the school board, by a student in grades 6-12, a mandatory expulsion may apply.

32. Vandalism

A student shall not intentionally cause or attempt to cause damage to school property or the property of another person.

Penalty – administrative intervention to permanent expulsion.

33. Theft / Possession of Property

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

Penalty – administrative intervention to permanent expulsion.

34. Criminal Sexual Conduct

A student shall not commit criminal sexual conduct. Criminal sexual conduct means a violation of §§ 520b, 520c, 520d, 520e, or 520g of Act No. 328 of the Public Acts of 1931, being §§ 750.520b, 750.520c, 750.520d, 750.520e, and 750.520g of the Michigan Compiled Laws.

Penalty – administrative intervention to permanent expulsion. If committed in a school building or on school grounds, the penalty shall be expulsion.

35. 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.

Penalty – administrative intervention to permanent expulsion.

36. False Alarms

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

Penalty – administrative intervention to permanent expulsion.

37. Fire/Explosion

A student shall not burn, or attempt to burn, any school building, structure or property; or intentionally set, or attempt to set, a fire on school property; or cause, or attempt to cause, an explosion. (See also Prohibited Act number 37 for Arson.)

Penalty – administrative intervention to permanent expulsion.

38. Fireworks, Explosives, Chemical Substances

A student shall not possess, attempt to 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. (See also Prohibited Act number 41 for Firearms & Other Destructive Devices)

Penalty – administrative intervention to permanent expulsion.

39. Arson

A student shall not commit arson. Arson means a felony violation of Chapter 10 of the Michigan Penal Code, Act No. 328 of the Public Acts of 1931, being §§ 750.71 to 750.80 of the Michigan Compiled Laws.

Penalty – administrative intervention to permanent expulsion. If committed in a school building or on school grounds, the penalty shall be expulsion.

40. Look-A-Like Weapons

A student shall not possess, attempt to 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.).

Penalty - administrative intervention to suspension.

41. Personal Protection Devices

A student shall not possess, attempt to 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.

Penalty – administrative intervention to permanent expulsion.

42. Dangerous Weapons

A student shall not possess, attempt to possess, handle, use or transmit a weapon or any object or instrument that can be considered or used as a weapon or is capable of inflicting bodily injury.

Penalty - administrative intervention to permanent expulsion.

A student shall not possess, attempt to possess, handle or transmit a dagger, dirk, stiletto, or knife with a blade 3" or over in length; pocketknife opened by a mechanical device; iron bar; and/or brass knuckles in a weapons free school zone.

A "weapons free school zone" is any building, playing field, or property used for school purposes to impart instruction to children or used for functions and events sponsored by a school, and any vehicle used by a school to transport students to or from school property.

Penalty – expulsion. The District may also consider the penalty of suspension in accordance with relevant law and the District's Administrative Procedures.

43. Firearms and Other Destructive Devices

A student shall not possess, attempt to possess, handle, use or transmit a firearm, including a BB gun or pellet gun, or other destructive device. The term "firearm" means any weapon or starter gun designed to, or which can be converted to, expel a projectile by the act of an explosive; the frame or receiver of such weapon; or any firearm silencer or other destructive device. A destructive device includes any explosive, incendiary, or poison gas (i) bomb, (ii) grenade, (iii) rocket having a propellant charge of more than 4 ounces, (iv) missile having explosive or incendiary charge of more than 1/4 ounce, (v) mine, or (vi) any similar device. Destructive device also includes any type of weapon by whatever name known which will, or can be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than 1/2" in diameter; and any combination of parts either designed or intended for use in converting any device into any destructive device described above.

Penalty – administrative intervention to permanent expulsion.

44. 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.

Penalty - administrative intervention to permanent expulsion.

45. Closed Campus – Lunch Hour

Students in grades 6-12 are to remain in school throughout the school day, including the lunch period, unless otherwise authorized by the Administration.

Penalty – administrative intervention to suspension

46. General Misconduct

Incidences of general misconduct that do not otherwise fall under or meet the criteria of other prohibited acts in the Student Code of Conduct may result in disciplinary actions at the discretion of the building administrator.

Penalty – administrative intervention to suspension

ARTICLE II - DUE PROCESS PROCEDURE

A. Introduction To The Rules Of Due Process

The following due process procedures only govern the suspension or the expulsion of a student from the District's regular educational program. Discipline in the form of administrative intervention is solely within the discretion of the building principal or his/her designee, and is not subject to the procedures of due process as provided in this Student Code of Conduct.

If a student charged with violation of this Code of Conduct has been returned to the regular school program pending a decision by either the building administrator, hearing officer, Superintendent, or the Board of Education, then such action of reinstatement shall not limit or prejudice the District's right to suspend or expel the student following a decision by the building administrator, hearing officer, Superintendent or 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 a building administrator.

B. Suspension Of Ten School Days Or Less

As a general rule prior to any suspension of the student, the building administrator shall investigate the alleged violation of the Student Code of Conduct and provide the student with the following due process:

a. The administrator shall inform the student of the charges against him/her and provide an explanation of the evidence the administrator possesses.

b. The student shall be provided an opportunity to explain to the administrator his/her version of the facts.

The administration will document consideration of each of seven individual factors listed in Article I, Section B if any short-term suspension is to involve out-of-school-suspension.

If a student's presence in school poses an immediate danger to persons or property or an ongoing threat or disruption to the educational process, the building administrator may immediately suspend the student; but the next school day, the student shall be provided with his/her due process rights as set forth in subparagraphs a. and b. above.

If after providing the student with his/her due process rights, the administrator determines that the student has engaged in a prohibited act under this Student Code of Conduct, then he/she may impose a disciplinary penalty of a suspension not to exceed ten (10) school days.

The building administrator, or his/her designee, shall directly inform (in person or by phone) the student's parent of the suspension, including an explanation of the reasons and conditions of the suspension. A district "Student Suspension Notice" is to be completed, with copies going to the parent and the student's file.

C. <u>Suspension For Eleven Or More School Days And Expulsion</u>

1. If, after his/her investigation, the building administrator decides that a suspension for eleven or more school days or expulsion is warranted, the student and the parent(s) or guardian shall be notified**,** in writing, of:

a. the charges against the student;

b. the recommended disciplinary action;

c. the fact that a hearing will be held before an impartial school employee (i.e., hearing officer);

d. the time**,** place, location and procedures to be followed at the hearing;

e. the right to appeal any adverse decision of the hearing officer if the hearing officer recommends expulsion.

The written notice will also document the building administrator's consideration of the individual factors listed in Article 1, Section B and consideration of restorative practices.

If the building administrator decides that the student's presence in school would present a danger to the student himself or to other students, school personnel or the educational process, then the student shall be suspended pending the decision of the hearing officer. If the student would not present a danger as described above, the student may be returned to school pending the decision of the hearing officer.

If the student is suspended pending a decision of the hearing officer, the Superintendent or designee shall appoint the hearing officer and schedule the hearing to commence within ten (10) school days following the initial suspension of the student. The time lines for commencement of the hearing may be extended upon the request of the administrator, student, parent(s) or guardian for cause approved by the hearing officer.

2. The hearing before a hearing officer will be held for the purpose of determining the truth or falsity of the charges against the student and, if the charges are true, a review of the building administrator's consideration of the individual factors listed in Article I, Section B and consideration of restorative practices, and the appropriate disciplinary measure unless:

> The student and/or his/her parent(s) or guardian(s) notify the school district that they waive their right to a hearing before a hearing officer. In such cases, the principal's recommended disciplinary penalty shall be imposed. Provided, however, if the recommended penalty is expulsion, the Board of Education will nevertheless make the final decision on expulsion, but the decision will be based upon information submitted to it by appropriate school officials;

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

3. The hearing officer's decision shall be given orally to the student and parent(s) or guardian not later than two (2) school days after the close of the hearing and a written decision shall be mailed not later than four (4) school days after the close of the hearing. These time lines, however, may be extended by the hearing officer due to extenuating circumstances.

If the hearing officer's decision imposes a suspension not longer in duration than the balance of the academic quarter / marking period, then the decision of the hearing officer shall be final and not subject to further appeal. If the hearing officer's decision recommends a suspension extending beyond the balance of the academic quarter / marking period, or recommends expulsion, the student and/or his/her parent(s) or guardian may appeal the hearing officer's decision to the Board of Education.

4. If an appeal of the hearing officer's expulsion decision is going to be made to the Board of Education, the student and/or his/her parent(s) or guardian must file the appeal in writing with the Superintendent within five (5) calendar days (excluding weekends) following receipt of the hearing officer's written decision.

If the hearing officer's decision recommends expulsion and a timely appeal is not made, the Board of Education will nevertheless make the final decision on expulsion, but the decision will be based upon information submitted to it by appropriate school officials.

Upon receipt of a timely appeal by the student and/or his/her parent(s) or guardian, the Superintendent or his/her designee shall notify the student and parent(s) or guardian of the time, place, location and procedures to be followed at the Board of Education meeting. The Superintendent or his/her designee shall determine, based upon the record and decision of the hearing officer, whether the student should be suspended pending the decision of the Board of Education.

Upon a timely appeal, the Board of Education shall consider the decision and record made before the hearing officer and shall provide for a meeting to take place for the purpose of allowing the administration and the student, parent(s) or guardian to present oral argument in support of, or in opposition to, the hearing officer's decision. The Board of Education may permit the administration or student, parent(s) or guardian to introduce in the appeal meeting newly discovered material evidence that could not, with reasonable diligence, have been discovered and presented at the hearing before the hearing officer.

The Board, no later than at its next regular public meeting following the meeting with the student, parent(s) or guardian, shall make a decision and shall, not later than seven (7) business days following the public meeting, mail to the student, parent(s) or guardian a written notice of the decision.

ARTICLE III - MISCELLANEOUS PROVISIONS

A. Voluntary Agreements Of Discipline

At any time during the disciplinary proceedings, the Superintendent or his/her designee may enter into a written contract with the student and/or his/her parent(s) or guardian setting forth the parties' agreement in settlement of the disciplinary charges. In such cases, the written agreement shall be final and binding and may not be later challenged by the Superintendent or his/her designee or the student and/or his/her parent(s) or guardian.

B. Disabled/Handicapped Students

Although disabled students are covered by the provisions of this Student Code of Conduct, the time limitations set forth in the due process procedures may be temporarily suspended or enlarged by the District to assure compliance with federal and state laws governing the discipline of disabled students.

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