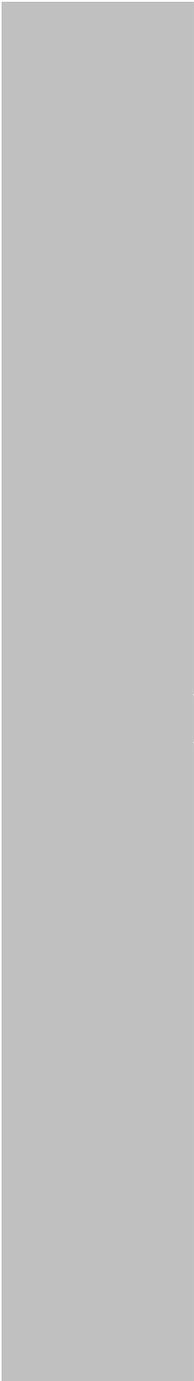


**KPS**  
Kalamazoo Public Schools

*Every child, every opportunity, every time*

# STUDENT CODE OF CONDUCT



2020-2021
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# Kalamazoo Public Schools

## Student Code of Conduct

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# **Kalamazoo Public Schools**

## **Student Code of Conduct**

### **District Beliefs, Expectations & Responsibilities**

The Kalamazoo Public School District believes that all students can learn when provided with appropriate instruction and an environment that is safe and orderly. To create such an educational setting requires a comprehensive program of instruction, written and consistently enforced standards of discipline, and the cooperative efforts of students, parents/guardians, school staff and the community. In order to develop and maintain a positive educational setting, discipline standards should balance the need for consistency and uniformity with the need for discretionary authority, and should offer alternatives. The Kalamazoo Public Schools' Student Code of Conduct is based on the following beliefs:

1. Discipline is a natural element of educational and personal development.
2. Positive behaviors are encouraged through appropriate reinforcement and/or corrective measures.
3. The rights and welfare of the individual as well as the entire school population will be protected.
4. The Student Code of Conduct should lead to a clear understanding of behavioral expectations and consequences for unacceptable behavior.
5. The school will strive to achieve a balance between the rights of students and the need for order and safety for the entire school population.

### **Student, Staff and Parent/Guardian Expectations & Responsibilities**

The State of Michigan recognizes the need for orderly conduct in the schools and, therefore, has given school districts the right to discipline students when deemed necessary. The following sections are excerpts from Michigan General School Laws and are included here as legal basis for the Kalamazoo Public Schools' Student Code of Conduct.

#### **Michigan School Code, Section 1261**

“Every school board shall have the general care and custody of the schools and property of the district and make and enforce suitable regulations for the general management of the schools and the preservation of the property of the district.”

#### **Michigan School Code, Section 1311**

“The school board, or the school district superintendent, a school building principal, or another school district official if designated by the school board, may authorize or order the suspension or expulsion from school of a pupil who commits criminal sexual conduct against another pupil enrolled in the same school district or a pupil guilty of gross misdemeanor or persistent disobedience if, in the judgment of the school board or its designee, as applicable, the interest of the school is served by the authorization or order. If there is reasonable cause to believe that the pupil has a disability, and the school district has not evaluated the pupil in accordance with rules of the superintendent of public instruction to determine if the pupil is a student with a disability, the pupil shall be evaluated immediately by the intermediate school district of which the school district is constituent in accordance with Section 1711.”

## **Kalamazoo Public Schools District Policy – 3.2**

### **Non-discrimination Statement**

Kalamazoo Public Schools welcomes all students and staff of any religion, race, color, national origin, age, sex, pregnancy, gender identification, height, weight, familial status, marital status, sexual orientation, and disability.

The District will not tolerate or condone any act of bias or discrimination toward any person on the basis of religion, race, color, national origin, age, sex, pregnancy, gender identification, height weight, familial status, marital status, sexual orientation, and disability in any of its activities, hiring practices, programs or services.

### **Incident Appeal Procedure**

Should you feel any discipline action taken by the district has violated this non-discrimination statement in any way, or is inappropriate, you are invited to use the following appeal process:

Step 1: If appropriate, meet with the classroom teacher for resolution. It is the teacher's responsibility to notify the building administrator of this appeal.

Step 2: If the matter is unresolved and/or you don't feel satisfied with the proposed resolution, you may further this appeal by requesting an investigation by the building administrator.

Step 3: If you still feel the matter is not resolved, contact the Director of Elementary/Secondary Education or Teaching and Learning Services by calling (269) 337-0190 to continue the appeal and investigation.

If after steps 1-3 the outcome of your concern is consistent and you desire to appeal at a higher level, please complete an Investigation Appeals form. Upon review, a Student Services administrator will reach out to you via U.S. mail within 15 working days with a resolution.

All requests for appeal will be thoroughly investigated and appropriate documentation will be reviewed to resolve the matter. Matters that remain of concern may require outside investigation

## **Kalamazoo Public Schools District Policy – 4.2**

The district will strive to ensure a safe, orderly, welcoming and healthy learning environment for all students, parents/guardians, staff and community members.

## **Kalamazoo Public Schools District Policy – 5.2**

The district will not tolerate or condone any act of bias or discrimination toward any person based on religion, race, color, national origin, age, height, weight, gender, familial status, marital status, sexual orientation or disability in any of its activities, programs or services.

The following list contains student expectations as a guideline. While it is difficult to list all of the qualities of a good citizen, it is important that students devote all of their energies toward realizing their potential. Students should avail themselves to all the school has to offer in programs, activities and services.

1. Students should attend school on a regular basis and be prompt in arriving at school and to assigned classes.
2. Students should understand and adhere to all school policies and rules and be willing to accept the responsibilities that go along with their rights and privileges.
3. Students should respect the worth and dignity of each individual and respect the rights of fellow students.
4. Students should respect the rights and responsibilities of all staff members as they perform their duties.
5. Students should observe a code of conduct towards all citizens by the use of proper language, etiquette and appearance.
6. Students should exercise proper use and care of school facilities.

These expectations apply to any time a student is on school property or involved with school-related activities of any nature, in other locations.

The school administration and staff are committed to the principle of fair and equal treatment of all students within the school, as well as uniform and equal enforcement of all school policies. They acknowledge their responsibility to help students develop and maintain appropriate school behavior. They also accept the responsibility to communicate with parents/guardians, as well as students, at the earliest possible occasion, when problems occur.

Parents/guardians can best support the school experience by preparing their student(s) emotionally and socially and by teaching them to be receptive to learning and discipline. Parents/guardians should know school requirements and procedures and be willing to meet with appropriate school personnel to help resolve problems. Through cooperative relationships among students, school staff and parents/guardians, the school experience for all students can be meaningful, stimulating and produce lifelong benefits.

The school is a community and the rules and regulations of a school are the laws for that community. All those enjoying the rights of citizenship in the school community must also accept the responsibilities of citizenship. A basic responsibility of those who enjoy the rights of citizenship is to respect the laws of the community. Students, as members of the community, enjoy the rights of citizenship and must accept the responsibilities of citizenship.

## **Code Infractions**

The Student Code of Conduct does not discuss school district attendance policies and/or the requirement for credit and graduation. Rather, this code covers only the most obvious and serious types of misconduct. Neither the infractions, nor the consequences for code infractions which follow, are to be construed as an all-inclusive list or as a limitation upon the authority of school officials to deal appropriately with violations of the rules and regulations of an individual school building, or other types of conduct which interfere with the proper functioning of the educational process and/or the health and safety of students, staff and the community.

The sections that follow detail the infractions as well as the *possible range of consequences* to the violations of the Student Code of Conduct. If a specific consequence is not stated for a violation of a particular rule, then reasonable disciplinary actions may be taken at the discretion of the administration. Actions may range from a verbal warning to a recommendation for expulsion

depending on the nature and severity of the offense, the prior behavior records for the student, the recommendation of school personnel and other relevant circumstances.

<b>Category I-General Misconduct</b> <i>Infractions</i>	
<b>Cafeteria violation</b>	Violating cafeteria rules including, throwing food, leaving lunch trays or litter on tables or the floor, cutting into the lunch line and taking food out of the cafeteria.
<b>Digital citizenship violation</b>	Students shall not use any Internet or other communication device for inappropriate websites, videos, music or social media.
<b>Disruptive school and classroom behavior</b>	The act of creating or promoting behavior that disrupts the learning process. Examples of disruptive behavior include such actions as excessive talking and throwing objects.
<b>Distribution of unauthorized materials</b>	The act of distributing unauthorized materials on school property without the permission of the principal.
<b>Electronic usage</b>	Electronic communication devices are not allowed during instructional time or passing time. Such items may only be used before classes begin in the morning, after the student's last class, or at the discretion of school personnel.
<b>Forgery</b>	The act of fraudulently using, in writing, the name of another person, or falsifying times, dates, or other information on school forms (i.e. hall passes).
<b>Inappropriate dress</b>	The act of dressing in ways contrary to recognized standards of propriety. Students may not dress in a manner that is dangerous to health or safety, which interferes with learning or shows a lack of respect for others. This includes the wearing of clothing that contains profanity, sexual, racial, or degrading phrases.
<b>Inappropriate physical contact or horseplay</b>	Physical contact that is unwanted or consensual, and/ or inappropriate (non-serious).
<b>Loitering</b>	The act of prowling or loitering on foot, in a motor vehicle or in any other manner in and around any school facility.
<b>Plagiarism/cheating</b>	The act of copying the work of authors or other students on assignments, exams and/or projects without prior permission and/or acknowledgement. Cheating will result in the loss of credit for the assignment, test, project, etc. and may result in a disciplinary referral.
<b>Potentially harmful behavior to oneself or others</b>	Engaging in any activities that might potentially threaten the health or safety of oneself or others.
<b>Profanity/obscenity</b>	The act of using obscene or profane language in verbal or written form or in pictures and caricatures, or making obscene gestures while on any school property or during any school activity.
<b>Refusing to follow school and classroom rules</b>	Refusal to do assigned work or follow established procedures.
<b>Unauthorized areas</b>	

The act of being physically present in or congregating in areas which are off limits to students or not designated on student's schedule.

**Any other offenses not specifically listed, which are similar to the above violations, may be subject to classification as Category II Infractions by school authorities.**

### **Category I-General Misconduct Consequences**

*In addition to discussing violations with students at the time of infractions and making contacts with parents/guardians when appropriate, teachers and/or other Kalamazoo Public School staff members are expected to resolve Category I violations by utilizing one or more of the following disciplinary consequences listed under Level A Options. Level B Options are to be applied in the event that the applications of Level A consequences do not produce desired behavioral change.*

#### **Elementary & Secondary Disciplinary Options**

##### **Level A Options**

***Verbal Reprimand*** – The teacher or staff member may issue a verbal reprimand to a student that identifies the behavior in question and a request to stop the behavior. Consequences for continuation of the behavior may be mentioned.

***Teacher-Student Conference*** – The teacher or staff member may discuss the problem with the student, indicate that which is expected and discuss possible consequences of continued misbehavior. Evidence should be recorded to indicate that the conference did take place.

***Parent/Guardian Contact or Conference*** – The teacher or staff member may contact the parent/guardian and discuss the problem. This conference should be positive, indicating a genuine concern for the student and being realistic about the problems the student is experiencing. The contact/conference with parents/guardians must be documented with dates and nature of the discussion.

***Restorative Plan*** – This may include a plan that is written or spoken, and teaches or reteaches behavioral expectations. Plan should be appropriate to the misconduct.

***Restorative Practices*** – Restorative practices are defined as ways of thinking and responding to conflict and problems that involve all participants determining what took place and how to create a logical and balanced resolution aligned with the rules of the law. Examples include family group conferencing, victim-offender mediation, classroom peace circles, therapeutic/resource strategies such as mental health care, anger management, and behavior coaching.

***Detention*** – Students may be detained during school hours, after school, or required to report before school if parents/guardians have been contacted. If there has not been telephone contact or personal communication with parents/guardians, a twenty-four hour notice must be given to parents/guardians to schedule a detention period.

**Transportation home after serving detention is the responsibility of the parents/guardians.**

***Individual Plan*** – Staff members may develop an individual plan to assist a student with academics or behavior.

**Withdrawal of Privileges** – Identifiable classroom and/or school privileges may be withdrawn as an appropriate consequence of student misbehavior.

**Referral to School Support Services** – A referral may be made to the school’s core team (building team, pre-assessment team) or other support personnel (CMH, Gryphon Place, Peer Mediation, RTC, local counselors/therapists) for the purpose of developing appropriate interventions and plans to help resolve a behavioral problem.

**Restitution or Repair** – A student may be asked to engage in restorative action to repair items and/or relationships.

**Temporary Classroom Reassignment** – The student may be sent to another classroom for a period of time.

**Written Warning** – The student and parent/guardian may be notified in writing of misconduct and given consequences for future violations.

**Confiscation**- Items that cause a distraction to the learning environment may be confiscated.

### **Level B Options**

**Administrative Disciplinary Response** – A referral for administrative assistance may be written for Category I violations if a staff member has utilized one or more of the Level A consequences and the problem still persists. There also may be some circumstances of disruptive or inappropriate behavior on first occurrence that should be referred to the administrator for disciplinary consequences. Administrators may use disciplinary options available to teachers for Category I violations and/or assign students to an alternative education classroom for a designated period of time.

**Administrative Suspension** – There may be incidents or circumstances when the administrator believes that a student’s behavior is so disruptive and inappropriate that the school would be better served by the suspension of the student or assignment to an in-school suspension instead of utilizing Level A consequences. The student may be suspended (see suspension description under Category II or Category II Disciplinary Consequences) for up to three (3) days for flagrant and/or continuous violations under Category I. Repeated violations in Category I may result in disciplinary action appropriate for Category II. Although there is no rebuttable presumption against an out-of-school suspension of one (1) to ten (10) school days, the administration must consider the mitigating factors in section 1310d of the Michigan Revised School Code, MCL 380.1310d. These factors include: 1) the pupil’s age; 2) the pupil’s disciplinary history; 3) whether the pupil is a pupil with a disability; 4) the seriousness of the violation or behavior; 5) whether the violation or behavior of the pupil threatened the safety of any pupil or staff member; 6) whether restorative practices will be used to address the violation or behavior; and 7) whether a lesser intervention would address the violation or behavior committed by the pupil.

### **Category II-Serious Misconduct Infractions**

#### **Being on school property or attending a school activity during suspension**

No student is permitted to be on school property or attend a school activity while under suspension. This includes all school district buildings and grounds, any school activity or school bus.

**Bullying and cyberbullying**

Bullying and cyberbullying are prohibited. Bullying is defined within MCL §380.1310b. Bullying is 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:

1. Substantially interfering with education opportunities, benefits, or programs of one or more students.
2. Adversely affecting the ability of a student to participate in or benefit from the school district's or public school's educational programs or activities by placing the student in reasonable fear of physical harm or by causing substantial emotional distress.
3. Having an actual and substantial detrimental effect on a student's physical or mental health.
4. Causing substantial disruption in, or substantial 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 elements listed above (1-4).

Bullying and cyberbullying that does not occur at school, may be subject to disciplinary action if it causes a substantial disruption to the educational environment.

**Defiance of school personnel**

Deliberately and/or repeatedly refusing to follow appropriate and reasonable requests by school staff and school authorized personnel.

**Failure to accept assigned consequences**

The act of non-compliance with a consequence assigned by an administrator or staff member for violating a school rule.

**Fighting**

The act of hitting, punching, kicking and/or having physical contact in an aggressive manner with another person.

**Forgery**

The act of changing grades or falsifying other school district records.

**Gambling**

Playing any game of chance or skill for anything of value. Students are not to bring gambling objects like cards or dice to school unless they are used for approved activities. Previous authorization must be given before these items are to be brought to school.

**Harassment**

The use of profanity, degrading racial or ethnic words, insults, intimidation, or name calling.

**Hazing**

Hazing means any intentional, knowing, or reckless act by a person that is directed against an individual and that the person knew or should have known endangers the physical health or safety of the individual, and that is done for the purpose of pledging, being initiated into, participating in, or maintaining membership in any organization.

**Inappropriate physical contact**

The act of touching others inappropriately unwanted, and/or harmful nature.

**Inappropriate sexual comments/gestures**

The act of touching others or oneself in a sexual manner or making sexually inappropriate remarks or gestures to another person.

<p><b>Inciting others to break school rules</b> The act of talking or provoking another student into doing something that is against school rules.</p>
<p><b>Intentional damage, destruction of property</b> The act of intentionally damaging property belonging to the school, staff, school visitors or students. In addition to the appropriate disciplinary response, parents/guardians will be responsible to replace damaged or lost property belonging to the school, staff, school visitors or other students.</p>
<p><b>Interference with school staff</b> The intentional act by a student to prevent a staff member from completing his/her supervisory responsibilities. An example would include a student who refuses to get out of the way when a staff member is trying to respond to a disturbance.</p>
<p><b>Intimidation</b> Intimidating another person to create fear or concern for personal safety. Intimidation with the means to carry out such threats may also be classified as assault under Category III.</p>
<p><b>Leaving classroom or building</b> The act of walking out of the classroom or the school building without permission and/or without a designated plan associated therewith.</p>
<p><b>Participating in disruptive gatherings</b> The act of gathering with students in a school building or on school grounds for the purpose of, or having the effect of, disrupting normal school activities.</p>
<p><b>Refusing to identify oneself</b> The act of refusing to give a correct name when asked by a school staff member or school authorized person.</p>
<p><b>Refusing to report to the office</b> Failure to report to the office of the principal or assistant principal or designated area as directed by a staff member.</p>
<p><b>Repeated disruptive behavior</b> Continuing to commit inappropriate acts after being warned and/or reprimanded for the same or similar misconduct.</p>
<p><b>Tobacco usage and possession</b> Smoking or chewing any tobacco product, use of vapor/E-cigarette type products.</p>
<p><b>Visiting other schools</b> The act of visiting other schools during school hours without proper authorization.</p>
<p><b>Weapons and “look-alike/replica/toys”</b> Possession, use, sale, or distribution of a replica weapon, including BB guns, knives under three (3) inches, or “look-alike” weapons.</p>
<p><b>Any other offenses not specifically listed, which are similar to the above violations, may be subject to classification as Category II Infractions by school authorities.</b></p>
<p style="text-align: center;"><b>Category II-Serious Misconduct Consequences</b></p>
<p><i>A parent/guardian contact or conference with the teacher and/or administrator/ or designee is required at a time convenient for all parties involved for all Category II disciplinary actions. School officials are expected to resolve Category II violations by utilizing one or more of the following disciplinary consequences.</i></p>

**Suspension** – Suspension from school for one (1) to three (3) days may be used as a disciplinary option. An in-school suspension option may be utilized as part or all of a suspension assignment. The length of a suspension shall be determined by the gravity of the offense, the circumstances under which it took place and the limits established in the Code. An appropriate meeting or contact with the student will be held prior to any suspension and parents/guardians shall be notified of all suspensions. Students who are suspended are to remain off all school properties and are ineligible to attend any school activities until reinstatement. A parent/guardian conference or contact should be held with the school administration during the period of suspension.

**Students who have been suspended in excess of ten (10) consecutive or cumulative school days in a given school year will be referred to the school building core team (building team, pre-assessment team, or student assistance team). The core team (or equivalent group) shall be responsible for developing, implementing and monitoring an alternative educational plan for the student in cooperation with parents/guardians, building administration and staff and appropriate community agencies/resources.**

**Alternative education room assignment** --Assignment to an alternative education room in conjunction with out-of-school suspension may be used as a disciplinary consequence.

**Parent/guardian contacts or conferences** --

Additional parent/guardian contacts and/or conferences at school may be considered as part of a disciplinary response.

**Saturday detention** – Assignment to Saturday detention session(s) at a school site under the supervision of school staff may be employed as a disciplinary consequence

**Referral to school support services** – At any time a referral may be made to the school’s core team (building team, pre-assessment team, student assistance team) for the purpose of developing appropriate interventions and plans to help resolve a behavioral problem. The team may assist in planning for the student’s return and future success at school after serving a suspension. A referral may also be made to community-based agencies for additional intervention and/or assistance.

Staff members may develop individual plans for students or initiate small group instruction to address student achievement and behaviors. This may include a contract or social skills training.

**NOTE:** Although behaviors are categorized into three (3) classifications, repeated or extreme violations in Category II may result in disciplinary action appropriate for Category III.

Confiscation of item, warning, and possible suspension, exclusion, or expulsion recommendation. Public Safety may be notified if appropriate. Parent/guardian contact shall be made.

**Any other offenses not specifically listed, which are similar to the above violations, may be subject to classification as Category II Infractions by school authorities.**

**Category III-Illegal Conduct  
Infractions**

**Arson**

The act of willful and malicious burning or attempting to burn any building, part of any building or any property of the school district. Any student involved with a school-related arson will be reported to law enforcement officials.

**Assault**

Threatening or doing physical harm to any person, student or staff member. Threatening to bring a weapon to school or threatening to use any weapon against students, district staff members or other persons. Serious cases of assault will be reported to law enforcement officials.

**Battery**

The act of physically touching another person with the intent to do injury. This includes any physical attack on a student or staff member. Serious cases of battery will be reported to law enforcement officials.

**Bomb threats or false fire alarms**

Making a report of a fire or bomb when neither exists. Any student making a bomb threat or a false fire alarm will be reported to law enforcement officials.

**Criminal Sexual Conduct (CSC)**

CSC is sexual contact or sexual penetration with another person. It is defined by Michigan law under Michigan Act 328 of 1931. CSC includes but is not limited to the following:

- (1) *the victim is under 16 years old;*
- (2) *the person committing the act is 5 or more years older than the victim;*
- (3) *the victim is incapacitated, mentally incapable, or physically helpless;*
- (4) *force or threats are made;*
- (5) *a weapon is used; and/or*
- (6) *the person committing the act is in a position of authority.*

CSC will be reported to law enforcement officials.

Acts of inappropriate sexual conduct or displays of affection, such as kissing or long embraces of a personal nature, are not permitted. This may include acts of “sexting.” Subject to mitigating factors in section 1310d of the Michigan Revised School Code, if a pupil pleads to, is convicted of, or is adjudicated for criminal sexual conduct against another pupil enrolled in the same school district, the school board, or the designee of the school board on behalf of the school board, shall expel the pupil from the school district permanently.

**Cyber crimes**

Any crime committed with the use of a computer, computer network, cell phone, or other electronic device that may involve stalking, threatening, possession or making of child sexual materials, or pornography.

**Explosives or fireworks**

Possession, use, sale or distribution of explosives, fireworks, smoke bombs or other substances that create disorder. In certain cases regarding the possession/use of explosives, law enforcement officials will be contacted.

**Extortion**

Forcing a person to give up money or anything of value as the result of threats, intimidation or force. Any student who extorts money or valuable property from another person will be reported to law enforcement officials.

**Failure to stop fighting**

Failure to stop fighting at the direction of school personnel.

**Illegal substances**

Possession, possession with intent to sell, transfer, furnish or deliver, attempt or imply to furnish or deliver, sell, use or appear under the influence of illegal substances, alcoholic beverages, narcotics, hallucinogens, amphetamines, barbiturates, marijuana, marijuana products, controlled substances, designer drugs or mood/behavior-altering

<p>chemicals or drugs during times when students are subject to authority of the school. Any use or possession of illegal substances will be reported to law enforcement officials.</p> <p>Inappropriate or illegal use of over-the-counter or prescription medication is also prohibited.</p>
<p><b>Impeding investigation</b></p> <p>Failure to comply with staff conducting an investigation of any code of conduct infraction with the intent to conceal evidence, obstruct or provide false information to authorities.</p>
<p><b>Inciting others to break the law or commit a violent act</b></p> <p>Provoking another student to break any school rule listed in Category III.</p>
<p><b>Possession of a non-school related object which has the potential to be utilized as a weapon</b></p> <p>There are many objects that carry significant potential for use as a weapon. Examples of such objects are razors, razor knives, box cutters, mace and pepper gas. Although these objects are not illegal per se, they are considered dangerous, and, therefore, they do not belong in any school setting except as authorized as part of an instructional program.</p>
<p><b>Riot</b></p> <p>It is unlawful and constitutes the crime of riot for five or more persons, acting in concert, to wrongfully engage in violent conduct and, thereby, intentionally or ruthlessly cause or create a serious risk of causing public terror or alarm.</p>
<p><b>Stalking</b></p> <p>Engaging in behavior that includes at least two separate intentional acts that involve repeated or continued harassment of a victim and result in contact that is unwelcomed by the victim and causes the victim to feel harassed, intimidated, or frightened. This could be unwanted mail, e-mail, phone calls, confrontation, objects, or social media.</p>
<p><b>Theft or possession of stolen property (Larceny)</b></p> <p>Taking the property of the school or another person without permission, or possession of property known to be stolen. Law enforcement officials will be contacted in theft cases involving property valued at \$200 or more.</p>
<p><b>Using an object as a weapon</b></p> <p>Using an object, such as a pencil, a chair, scissors, chains, etc., as a weapon while attempting or inflicting bodily harm.</p>
<p><b>Vandalism</b></p> <p>Intentionally damaging school property or property belonging to students, district staff members or other persons. In addition to application of the appropriate disciplinary action, parents/guardians of students who violate this standard will be responsible to pay for or replace damaged or lost property. Law enforcement officials will be contacted in vandalism cases involving property valued at \$200 or more.</p>
<p><b>Violating the state riot act</b></p> <p>The act of participation in or contributing to a riot situation. Persons participating in a riot situation will be reported to law enforcement officials.</p>
<p><b>Weapon</b></p> <p>Possession, use, sale or distribution of a weapon or firearm. Any possession, use, sale or distribution of a weapon or firearm will be reported to law enforcement officials.</p> <p><i>The term weapon includes: firearms, bombs, silencers, knives with blades over three (3) inches, double-edged non-folding stabbing instruments, a switchblade, brass knuckles, a blackjack, slingshot, billy club, bludgeon, metallic knuckles, sand club, sand bag, a taser or stun gun, or any other article carried or possessed for use as a</i></p>

*weapon such as a tire iron, or baseball bat carried for purposes of assault or defense. The term "firearm" means (a) any weapon (including a starter gun) that will, or is designed to, or may readily be converted to expel a projectile by the action of an explosive; (b) the frame or receiver of any such weapon; (c) any firearm muffler or firearm silencer; or (d) any destructive device.*

**Students who are excluded or expelled are to remain off all school properties and are ineligible to attend any school activities until reinstated.**

**Any other offenses not specifically listed, which are similar to the above violations, may be subject to classification as Category III Infractions by school authorities.**

**Category III-Illegal Conduct  
Consequences**

*A parent/guardian conference with the teacher and/or administrator/or designee is required at a time convenient for all parties involved for all Category III disciplinary actions. School officials are expected to resolve Category III violations by utilizing one or more of the following disciplinary consequences.*

**Suspension** – Removal of a student from school by a school administrator for a period of up to ten (10) days for persistent disobedience or for violations of the Student Code of Conduct may be assigned as a disciplinary consequence. An in-school suspension option may be utilized as part or all of the suspension period depending on the nature of the misbehavior. The length of a suspension shall be determined by the gravity of the offense, the circumstances under which it took place and the limits established in the Code. An appropriate meeting or contact with the student will be held prior to any suspension and parents/guardians shall be notified of all suspensions. Students who are suspended are to remain off all school properties and are ineligible to attend any school activities until reinstatement. A parent/guardian conference or contact should be held with the school administration during the period of suspension. Although there is no rebuttable presumption against an out-of-school suspension of one (1) to ten (10) school days, the administration must consider the mitigating factors in section 1310d of the Michigan Revised School Code, MCL 380.1310d. These factors include: 1) the pupil's age; 2) the pupil's disciplinary history; 3) whether the pupil is a pupil with a disability; 4) the seriousness of the violation or behavior; 5) whether the violation or behavior of the pupil threatened the safety of any pupil or staff member; 6) whether restorative practices will be used to address the violation or behavior; and 7) whether a lesser intervention would address the violation or behavior committed by the pupil.

**Students suspended in excess of ten (10) consecutive or cumulative school days in a given school year will be referred to the school building core team (building team, pre-assessment team, or student assistance team). The core team (or equivalent group) shall be responsible for developing, implementing and monitoring an alternative educational plan for the student in cooperation with parents/guardians, building administration and staff and appropriate community agencies/resources.**

**Alternative school placement** – Assignment of a student to an alternative site or recommendation for placement at another educational program which is deemed appropriate may be employed as a component of a behavioral improvement plan.

**Juvenile court petition** – A petition to the Kalamazoo County Juvenile Court, or other appropriate external agency, to initiate disciplinary actions may be made to respond to extreme and/or repeated student behavioral problems.

**Exclusion** – Removal of a student from school for 11 but fewer than 180 days with the right to be readmitted following the exclusion period on evidence of satisfactory elimination of the cause for exclusion may be used as a disciplinary response. Exclusion requires the recommendation of the principal and superintendent and formal action by the Board of Education or the board’s designee. Parents/guardians of a student recommended for exclusion shall be notified of this proposed action and be granted a due process review prior to action by the Board. The superintendent or designee shall notify the parents/guardians of the decision of the Board.

**Expulsion** – Removal of a student from attendance at any school or educational program of the Kalamazoo Public Schools may be employed as a disciplinary response. Expulsion requires the recommendation of the principal and superintendent and formal action by the Board of Education or the board’s designee. Parents/guardians of a student recommended for expulsion shall be notified of this proposed action and be granted a due process review prior to action by the Board. The superintendent or designee shall notify the parents/guardians of an affected student of the decision of the board. If a student is excluded or expelled, the district shall include this information on the individual’s permanent record.

**Permanent expulsion** - Mandatory removal from school at a minimum of one hundred eighty (180) days with no opportunity for return unless otherwise approved by the Board of Education.

**Restorative principles -**

Before a student may be suspended, expelled or permanently expelled, the district administrators making the disciplinary decision shall consider each of the following factors:

- (i) the student’s age;
- (ii) the student’s disciplinary history;
- (iii) documentation of any known disability of the student;
- (iv) the seriousness of the violation or behavior committed by the student;
- (v) documentation if the violation or behavior committed by the student threatened the safety of any student or staff member;
- (vi) a determination of whether restorative practices should be used to address the violation or behavior committed by the student; and
- (vii) documentation of consideration if a lesser intervention would properly address the violation or behavior committed by the student

Except in the case of possession of a firearm, in exercising the administration’s discretion to impose an exclusion of longer than ten (10) days or an expulsion, there is a rebuttable presumption that the exclusion of longer than ten (10) days or the expulsion is not justified unless the administration can demonstrate that it considered each of the above seven (7) factors from section 1310d (1) of the Michigan Revised School Code, MLC 380.1310d(1).

**Illegal substances and disciplinary procedures**

Student use, possession or delivery of illegal substances is prohibited at school or at any school-approved activity on or off the school property. This applies to all students regardless

of age. Offenders will be referred to appropriate personnel for disciplinary action. Law enforcement officials also shall be contacted to take whatever action necessary in cases related to the use, possession, or delivery of illegal substances. In the event of an illegal substance violation by a student (**if the quantity of illegal substances or alcohol is not sufficient for sale and/or delivery, or no sale and/or distributions are involved**) the following progressive disciplinary steps will be used.

***First illegal substance violation*** – After confirmation of the violation, the student will be referred to the school core team (building team, pre-assessment team, student assistance team, etc.), suspended for five (5) school days and/or serve in-house suspension, and attend a counseling session for evaluation.

***Second illegal substance violation*** – After confirmation of the violation, the student will be suspended for ten (10) school days and/or serve in-house suspension. Evidence, in writing to the principal or designee, of receiving an assessment, treatment and counseling from a recognized community agency or professional person knowledgeable in chemical or alcohol abuse treatment must also be submitted.

***Third illegal substance violation*** – After confirmation of the violation, the student will be suspended for ten (10) school days and during that time, the principal will forward a recommendation for expulsion to the superintendent of schools or designee. After a period of one year, if the student can prove successful completion of a licensed treatment program, he/she may petition the superintendent or designee for probationary reinstatement to school.

#### **Sale of illegal substances**

Michigan law prohibits the possession, use or delivery of illegal substances. An illegal substance is generally defined as an illegal or unauthorized prescription drug or narcotic, and includes marijuana, marijuana products, LSD, various amphetamines, barbiturates quaaludes, heroin, cocaine, etc. Possession and/or use or delivery of alcoholic beverages by underage persons also is considered to be possession/use of an illegal substance. School administrators who uncover or come into contact with suspected illegal substances shall seize and turn over such substances to local law enforcement agencies immediately or as soon as possible.

Full cooperation will be sought with the police agency having jurisdiction and the prosecutor's office. All reports of illegal substance violations made by the police or the prosecutor's office will be confidential.

**Students found to be in possession of alcohol or illegal substances considered sufficient for intent to sell or distribute, or the actual sale of alcohol/illegal substances, will be suspended from school for up to ten (10) days and recommended to the Board of Education for exclusion for the balance of the semester or school or expulsion from school attendance on a permanent basis.**

Penalties for possession/use of illegal substances are cumulative throughout a student's education tenure with the Kalamazoo Public Schools. A violation in one (1) school year will be noted should another violation occur that same school year or in another school year.

#### **Mandatory expulsions for firearm -**

In compliance with Section 1311 of the Michigan School Code, a student who is in possession of a firearm in a school building or on school grounds shall be suspended from school, and

recommendation will be made to the Board of Education or the board's designee that the student be permanently expelled. Formal action by the Board of Education will be preceded by a due process hearing that will include appropriate school authorities, the student, and his/her parent(s)/guardian(s).

### **Possession and/or use of weapons**

In order to create a safe, weapons-free environment where students are safe and free to concentrate on learning, a student's use or possession of a dangerous weapon or use of an object as a weapon is prohibited at school or at any school approved activity on or off school property. This applies to all students regardless of age as described by state law.

Students in possession of a weapon or other dangerous object or students who use an object as a weapon while in attendance at school or a school activity or while en route to or from school on a school bus will be suspended from school. School authorities shall report the finding to the student's parent or legal guardian and the local law enforcement agency. Formal action by the Board of Education will be preceded by a due process hearing which will include appropriate school authorities, the student and his/her parents/guardians. In accordance with District policies, state and federal laws, the District will consider mitigating factors prior to making any recommendation. A determination that a student violated the District's Weapon Free School Zone policy will result in an expulsion unless the student establishes, in a clear and convincing manner, at least one of the following:

1. That the object or instrument possessed by the student was not possessed for use as a weapon or for direct or indirect delivery to another person for use as a weapon;
2. The weapon was not knowingly possessed by the student;
3. The student did not know or have reason to know that the object or the instrument possessed by the student constituted a weapon or dangerous weapon; or,
4. That the weapon was possessed by the student at the suggestion, request or direction of, or with the express permission of, school or police authorities.

Students in possession of a firearm will be permanently expelled unless the student establishes, in a clear and convincing manner, one of the above four factors.

### **Appeal**

As designated by Kalamazoo Public School Policy 5.7, all decisions made by the superintendent to suspend, exclude or expel a student may be appealed to the Board of Education. The appeal must be in writing and received within 3 business days from the time the parent received notification from the school. The written appeal is sent to the President of the Board of Education with a copy to the superintendent. The Board will respond to the appeal.

**Students who are excluded or expelled are to remain off all school properties and are ineligible to attend any school activities until reinstated.**

**Any other offenses not specifically listed, which are similar to the above violations, may be subject to classification as Category III Infractions by school authorities.**

### **Related Topics for All Students**

Other items and/or topics which relate to the Kalamazoo Public Schools' Student Code of Conduct are as

follows:

### **Bus Behavior**

All school rules and regulations apply when students are under the jurisdiction of the school. This includes all student transportation activities (to and from school, field trips, after-school activities and all other school-sponsored events).

### **Contact with Law Enforcement Officials**

Law enforcement officials will be contacted by the school administration. They may investigate and pursue legal actions related to serious forms of misconduct. The following Category III violations must be reported to appropriate law enforcement agencies:

- Arson
- Assault, battery, hitting or injuring a staff member
- Criminal Sexual Conduct
- Extortion
- Making a bomb threat or false fire alarm
- Possession and/or use of explosives or weapons (guns, knives, razor blades, brass knuckles, chains) or any other item that may be used as a weapon
- Sale and/or possession of alcohol or illegal substances
- Stolen property or vandalism valued at over \$200.00

### **Reasonable Force Guidelines**

Use of seclusion and physical restraint against students is governed by the Michigan Revised School Code, including Sections 1307 to 1307h, MCL 380.1307 to 380.1307h; by the policy and guidance issued by the Michigan Department of Education, and by policies issued by the Board of Education for Kalamazoo Public Schools. These legal requirements, policies and practices are designed to accomplish the following objectives: promote the care, safety, welfare and security of the school community and the dignity of each student; encourage the use of proactive, effective, evidenced and researched-base strategies and best practices to reduce the occurrence of challenging behaviors; eliminate the use of seclusion and restraint and increase meaningful instructional time for all students; and ensure that seclusion and physical restraint are used as a last resort in an emergency situation.

### **Student Searches**

To maintain an orderly educational environment and to protect the health and safety of students and school staff members, Kalamazoo Public Schools retains control over lockers and desks and reserves the right to inspect them at any time without notice or student consent. School personnel possess the authority to search a student and/or his or her effects, including a motor vehicle, whenever there is reasonable suspicion that the student may be in possession of harmful, illegal, contraband, or unauthorized materials. As used in this code, the term “unauthorized” means any item dangerous to the health or safety of students or school personnel, or disruptive of any lawful function, mission, or process of the school, or any item described as unauthorized in school rules available beforehand to the student.

***Personal Searches*** – A student’s person and/or personal effects (purse, book bag, etc.) may be searched whenever a school authority has reasonable suspicion that the student is in possession of illegal or unauthorized materials. If a hands-on search of a student’s person is conducted, it will be conducted in private by a school official of the same sex and with an adult witness present.

If the school official has reasonable suspicion that the student has on his or her person an item imminently dangerous to the student or to others, a more intrusive search of the student’s person may be conducted. Such a search may only be conducted in private by a school official of the same sex, with an adult witness of the same sex present, and only upon prior approval of the

superintendent or his/her designee, unless the health or safety of students will be endangered by the delay which might be caused by following these procedures.

***Locker Searches*** – Student lockers are school property and remain at all times under the control of the school; however, students are expected to assume full responsibility for the security of their lockers.

Periodic general inspections of lockers may be conducted by school authorities for any reason, at any time, without notice, without student consent and without a search warrant.

***Vehicle Searches*** – Students are permitted to park motor vehicles on school premises as a matter of privilege. The school retains authority to conduct routine patrols of student parking lots and inspections of student motor vehicles on school property. The interiors of student vehicles may be inspected whenever a school authority has any reason to believe that illegal or unauthorized materials are contained inside. Such patrols and inspections may be conducted without notice, without student consent and without a search warrant.

***Seizure of Illegal Materials*** – If a properly conducted search yields illegal or contraband materials, such finding shall be turned over to proper legal authorities for ultimate disposition.

#### KALAMAZOO PUBLIC SCHOOLS

### **Title IX Statement and Grievance Procedure**

#### **Title IX Statement**

Title IX prohibits discrimination on the basis of sex, including sexual harassment, in any program, service or activity, including but not limited to, educational programs or activities, such as, extracurricular activities, student services, academic counseling, discipline, classroom assignment, grading, athletics, and transportation, operated by Kalamazoo Public Schools (“District”), including admission to these programs and activities. Title IX also prohibits sex discrimination in employment.

The District encourages anyone within the school community who believes a Title IX violation may have occurred to report their concerns to a District Title IX Coordinator who are identified below.

If the Title IX violation potentially involves students, the report should be made to the Director of Student Services:

Nkenge A. Bergan  
Director of Student Services/Title IX Coordinator  
1220 Howard Street  
Kalamazoo, MI 49008  
(269) 337-0161  
[berganna@kalamazoopublicschools.net](mailto:berganna@kalamazoopublicschools.net)

If a Title IX violation potentially involves an adult either as the complainant or the responding party or involves employment related discrimination, sexual harassment, or assault on the basis of sex, then the report should be made to the Assistant Superintendent of Human Resources:

Sheila Dorsey-Smith

### ***Definitions***

“Complainant” means the person who is alleged to be the victim of conduct that could constitute sexual harassment.

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

“Third parties” include, but are not limited to, guests and/or visitors on District property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors or contractors doing business with or seeking to do business with the Board and other individuals who come into contact with students or employees at school-related events/activities (whether on or off District property).

“Sexual Harassment” is defined as conduct on the basis of sex that satisfies one or more of the following:

- An employee of the District conditioning the provision of an aid, benefit, or service of the District on an individual’s participation in unwelcome sexual conduct (i.e., quid pro quo sexual harassment);
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive that it effectively denies a person equal access to the District’s education programs or activities; or
- Sexual assault (as defined in the Cleary Act, 20 U.S.C. 1092(f)(6)(a)(v)), dating violence, domestic violence or stalking (as defined in the Violence Against Women Act, 34 U.S.C.12291).

“Formal Complaint” is defined as a document filed by the Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that the District investigate the allegation of sexual harassment.

### **Grievance Procedures**

These Grievance Procedures are intended to treat Complainants and Respondents equitably by providing remedies to a Complainant if a Respondent is found responsible, and by following the proscribed grievance process before imposing discipline on a Respondent. The Grievance Procedure seeks to ensure objective evaluation of all relevant evidence, including inculpatory and exculpatory evidence. Individuals involved in the Grievance Procedures – including Title IX Coordinators, investigators, decision-makers, facilitators of informal resolution efforts and those involved in the appeal process – must be trained and not have any bias or conflict of interest.

### ***Reporting***

Any student or District employee who believes that he or she has been subjected to sexual harassment by a student, board member, staff, vendor, volunteer, contractor, or other person doing business with the District, should immediately report the behavior or communication to a District employee or the Title IX Coordinator.

All District employees are expected to promptly report actual knowledge of sexual harassment they observe or hear about to a Title IX Coordinator.

Reports can be made orally or in writing and should be as specific as possible. The person making the report should identify the alleged victim/Complainant, perpetrator(s)/Respondent(s) and witness(es), and describe in detail what occurred, including date(s), time(s) and location(s). Upon receipt of a report, the Title IX Coordinator must promptly contact the Complainant to discuss the availability of supportive measures, consider the Complainant's wishes with respect to supportive measures, inform the Complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the Complainant the process for filing a formal complaint.

A Formal Complaint must be filed by a Complainant prior to the District proceeding with an investigation under its Title IX Grievance Procedure. A Title IX Coordinator may sign a formal complaint, with or without the Complainant's consent. A formal complaint may be filed by a Complainant in person, by mail or electronic mail.

Any incidents of sexual harassment that come to the District's attention through means other than a formal complaint will be promptly addressed by the Title IX Coordinator. Supportive measures will be considered and offered to both parties and the Title IX Coordinator shall provide information to the Complainant about how to file a formal complaint, or if the Title IX Coordinator chooses, he or she can file a formal complaint to begin the Grievance Procedure.

The complainant has the right to simultaneously file a criminal, administrative, or civil complaint. The complainant's decision to file criminal charges or another complaint does not diminish the District's obligation to investigate a complaint made by the complainant to the District.

### ***Mandatory and Discretionary Dismissals***

The District must dismiss a complaint:

- That does not describe the conduct that meets the definition of sexual harassment;
- That alleges sexual harassment that did not occur in the school's educational program or activity; or
- That alleges the sexual harassment did not occur in the United States at all.

The District may dismiss a complaint as a Title IX complaint:

- If the Complainant notifies the Title IX Coordinator in writing that the Complainant wishes to withdraw the formal complaint or some of its allegations;
- If the Respondent is no longer enrolled or employed by the District; or
- If specific circumstances prevent the District from gathering evidence sufficient to reach a determination about the allegations.

If the District dismisses a complaint, or any allegations, pursuant to the above, it will send a written notice of dismissal and the reason(s) to the parties. Both parties have the right to appeal the District's dismissal as described in more detail below under "Right to Appeal." The District may still address allegations as required under the Michigan Revised School Code or under the District's Student Code of Conduct.

### **Examples of Title IX Violations:**

Title IX protects students from harassment or discrimination on the basis of sex during educational or extracurricular programs and activities, whether they take place at school or elsewhere. Sex discrimination usually involves unequal treatment on the basis of sex and can be perpetrated by students, staff members or

employees, volunteers, vendors, contractors or visitors to the school. Title IX protects employees from sex discrimination, sexual harassment or sexual assault.

Sexual harassment is unwelcome verbal or physical conduct of a sexual nature that is sufficiently severe, persistent or objectively offensive that it effectively denies a person equal access to the District's education programs and activities. Sexual harassment may include, but is not limited to, the following:

- Unwelcome sexual advances;
- Unwelcome sexual verbal expressions, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; unwelcome sexually degrading language, jokes or innuendoes; unwelcome sexually degrading language or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls, text messages or email;
- Requests for sexual favors and other verbal, nonverbal or physical conduct of a sexual nature;
- Verbal harassment or abuse;
- Pressure to engage in sexual activity;
- Repeated remarks with sexual implications;
- Unwelcome touching; and/or
- Suggesting or demanding sexual involvement, accompanied by implied or explicit threats.

In the case of employees, sexual harassment includes any unwelcome verbal or physical conduct of a sexual nature that is sufficiently severe, persistent, or pervasive that creates a hostile work environment or adversely affects the employee's working conditions.

Conduct is considered unwelcome if the person did not request or invite it and/or regards the conduct as undesirable or offensive.

Sexual violence refers to physical sexual activity perpetrated against a person's will or where a person is incapable of giving consent (e.g., due to the student's age or use of drugs or alcohol, or because an intellectual or other disability prevents the student from having the capacity to give consent). Sexual violence includes, but is not limited to, conduct that is criminal in nature, such as rape, sexual assault, dating violence and sexually motivated stalking.

Gender-based harassment is unwelcome conduct based on a person's actual or perceived sex, sexual orientation or sexual identity. It includes slurs, taunts, stereotypes or name-calling, as well as gender-motivated physical threats, attacks or other hateful conduct based on a person's sex or failure to conform to sex stereotypes.

### **Informal Resolution Process**

If appropriate as determined by the Title IX Coordinator, the complaining party and the respondent may voluntarily agree in writing to participate in an informal resolution process that does not involve a full investigation and determination. Prior to the informal resolution process commencing, both parties will receive written notice of the charges and allegations and will be advised of their option to engage in a formal resolution process. The complainant will not be required to resolve the problem directly with the respondent, and either party has the right to end the informal process at any time and begin the formal process for investigating the complaint. The District reserves the right to prohibit the informal resolution process for complaints involving an employee and a student. The informal process should be completed on or before thirty (30) days after the complaint is filed.

### **Formal Resolution Process**

If the parties choose not to engage in the informal resolution process or choose to stop the informal resolution process at any time, the District will conduct a prompt and full investigation into any formal Title

IX complaint. An investigation will afford both the Complainant and the Respondent a full and fair opportunity to be heard, submit documentation and evidence supporting or rebutting the allegation(s), and identify witnesses. All parties involved in the investigation will be provided with a copy of these Title IX Grievance Procedures.

When the District begins the investigation, written notice will be provided to the parties containing:

- A copy of the District's Policy and Grievance Procedure under Title IX;
- Whether there is an opportunity to engage in informal resolution;
- The actual allegations and facts that would constitute sexual harassment;
- A statement that the Respondent is presumed innocent;
- A statement that the parties are entitled to an advisor of their choice;
- A statement that the parties can request to inspect and review certain evidence; and
- Information regarding the Code of Conduct and false statements.

Investigations may be conducted by the appropriate Title IX Coordinator or designee, such as a building administrator or other administrator, who has been trained in Title IX procedures and does not have a conflict of interest or bias towards either party. The District reserves the right to obtain or consult with a third-party investigator or resource at any time during the Grievance Procedures.

Prior to and during the investigation process, the Title IX Coordinator or designee will meet independently with the Complainant and the Respondent and discuss any supportive measures to be implemented before or during the investigation.

### ***Retaliation Prohibited***

At the beginning of the investigation, the Title IX Coordinator or investigator will explain that Title IX includes protections against retaliation and that the District will take steps to prevent retaliation and that the District will strongly react to any retaliatory actions, including any acts of retaliatory harassment, should they occur. No student, parent/guardian, employee, or member of the public shall be retaliated against for filing a complaint or participating in the investigation of the complaint. Any person can report a claim of retaliation verbally or in writing to a Title IX Coordinator or school building principal (who in turn will report the complaint of retaliation to the Title IX Coordinator). Should the District receive a retaliation complaint, the District will promptly investigate and take all necessary steps within its control to stop any confirmed retaliatory acts/behavior.

### ***Respondent Presumed Innocent***

During an investigation, the Respondent is presumed to be innocent.

### ***Investigation Procedure***

Investigations must begin promptly, proceed impartially, and treat all parties equitably. This includes providing both parties an opportunity to present witnesses and other evidence. The investigation will be concluded within thirty (30) calendar days but no more than sixty (60) days after a formal complaint is filed, unless there is good cause to continue the investigation beyond sixty (60) days (e.g. law enforcement activities, absence of a party or witness, absence of a party's advisor of choice or the need to provide language assistance or accommodations of disabilities).

### ***Supportive Measures***

Upon request of a party, or on its own initiative, the District may implement supportive measures prior to or during the investigation of a formal complaint. Supportive measures are free, individualized services

designed to restore or preserve equal access to education, protect safety, or deter sexual harassment. Supportive measures support a student and are not punitive or disciplinary with respect to another student. They do not unreasonably burden any other person.

A party can submit requests for supportive measures, either verbally or in writing, to the investigator and/or to the Title IX Coordinator. (The investigator will notify the Title IX Coordinator of any request for supportive measures and the Title IX Coordinator will be responsible to implement supportive measures). Supportive measures include, but are not limited to, counseling, extensions of time, modifications of work or class schedules, appropriate emotional and/or academic support, restrictions on contact between the parties, leaves of absences, and increased monitoring and support. In fairly assessing the need for either party to receive interim measures, the District will not rely on fixed rules or any assumptions that favor one party over another. Supportive measures will be made available to both parties, as appropriate. In imposing supportive measures, the Title IX Coordinator or designee will make every effort to avoid depriving any student of his/her education. The District will take steps to ensure that any supportive measure minimizes the burden on the parties, and that the Title IX Coordinator or designee will communicate with the parties to ensure any supportive measures are necessary and effective based on the parties' needs.

### ***Determination of Investigation***

- The District shall take reasonable, timely, age-appropriate and effective corrective action based upon the situation and nature of the complaint. Appropriate corrective action may include classroom reassignment, increased staff supervision, counseling, academic support services, additional training for students and staff, and reporting procedures, safety plan, behavioral support plan and/or disciplinary action under the Student Code of Conduct or under the District's policies and procedures which include suspension up to permanent expulsion. Restorative practices will also be considered in any circumstance involving disciplinary action.
- The investigator's findings will be documented in a preliminary report and shared with the Complainant, Respondent and their advisors, if any. The parties will have at least ten (10) calendar days to review the preliminary report and submit a response in writing. Prior to finalizing the report, the investigator shall consider the parties' written responses to the preliminary report, if any. The investigation report is then finalized and forwarded to the decision-maker, the parties and their advisors, if any. The decision-maker cannot be the investigator, Title IX Coordinator or have any conflict of interest or bias with either party.
- The decision-maker, prior to any final decision, shall afford the parties an additional (10) calendar days to submit relevant, written questions to the opposing party or any witnesses. The decision-maker shall ask any relevant questions, record the response(s) and provide the responses to the parties (and their advisors, if any) prior to making a final determination. If the decision-maker deems a question irrelevant, he/she shall state in writing why the question is not relevant and provide the reason(s) to the parties (and advisors, if any) before the final decision is made.
- The decision-maker shall make the decision based on the preponderance of evidence standard.
- The decision-maker shall issue a written decision and deliver it simultaneously to both parties. The written decision must include:
  - The portion of the District's policies that was violated;
  - A description of the procedural steps that were taken by the school on the way to getting to the decision;
  - A findings of fact section;

- A section that draws conclusions after applying the facts to the portion of the District’s policy that applies;
- A statement and rationale for the ultimate determination of responsibility;
- Any disciplinary sanctions that the District will impose on the Respondent, and state whether the District will provide remedies to the Complainant;
- A statement and rationale for any remedies for the Complainant, addressing how those remedies will restore or preserve equal access; and
- A statement of the District’s procedures, a statement that the parties have a right to appeal the initial determination regarding responsibly and the permissible basis for the appeal.

***Right to Appeal***

Both parties shall be provided notice of right to appeal the final determination based on: (1) a procedural irregularity affected the outcome of the matter; (2) new evidence has been discovered that was not reasonably available at the time of the determination on responsibility or dismissal; or (3) a conflict of interest on the part of the Title IX Coordinator, an investigator who compiled evidence, or a decision-maker, and the conflict of interest affected the outcome.

If a party intends to file an appeal, they must submit the appeal in writing to the Superintendent no later than five (5) calendar days following the date of the final decision.

The opposing party shall be provided with a copy of the written appeal and given an opportunity to submit a response, which will be provided to the Superintendent.

The Superintendent or designee shall review the written appeal and any response and issue a written determination within ten (10) calendar days of the receipt of the appeal, which will be delivered to both parties.

The Superintendent’s decision shall be final.

***Training***

Individuals involved in the Grievance Procedure – Title IX Coordinator, investigators, decision-makers or facilitators of informal, voluntary resolution efforts must be trained.

The training materials cannot rely on sex stereotypes, must promote impartial investigations and adjudications and must be posted on the District’s website.

All other District employees shall be trained on how to identify and report sexual harassment.

***Privileges***

No information protected by a legal privilege, such as the attorney-client privilege or the doctor-patient privilege, can be used during an investigation unless the person holding that privilege has waived it.

Neither a party nor the District is allowed to seek, permit questions about, or allow the introduction of evidence that is protected by a recognized privilege.

***Changes to Grievance Procedure***

The District reserves the right to change, modify, amend or repeal all or any part of these Grievance Procedures.

## **Guidelines for Bullying/Cyberbullying**

The District strictly prohibits the bullying/cyberbullying of a district pupil, and also prohibits the retaliation or false accusation against a target of bullying, a witness, or another person with reliable information about an act of bullying. All students are protected under this policy; bullying is prohibited at school regardless of its subject matter or motivating animus.

The District will not tolerate or condone any act of bullying, cyberbullying, regardless of the motive, including, but not limited to, bias or discrimination toward any person on the basis of religion, race, color, national origin, age, sex, pregnancy, gender identification, height, weight, familial status, marital status, sexual orientation, disability, and/or any other distinguishing characteristic or association with another person who has, or is perceived to have, any distinguishing characteristic.

Bullying/cyberbullying is prohibited “at school,” meaning on school premises, at school-sponsored activities or events, on a school bus or related vehicle, at official bus stops, or on a telecommunications access device or service provider owned by or under the school’s control. “Telecommunications access device” and “telecommunications service provider” means those terms as defined in Section 219a of the Penal Code (MCL§750.219a). Bullying/cyberbullying that does not occur at school, including “cyber-bullying,” may be subject to disciplinary action if it causes a substantial disruption to the educational environment.

Normally, bullying/cyberbullying will be treated as a Category II offense, but depending on the severity of the circumstances, bullying may be treated as a Category III offense.

If a student suspects or has been a witness to bullying or cyberbullying, he/she should report the incident to a staff member.

## **Guidelines for Students with Disabilities**

In compliance with federal and state laws, students with a documented disability (Individual Educational Plan or Section 504 Plan) have specialized procedures that must be followed in the case of the student violating the Student Code of Conduct. All students are given due process rights relative to student discipline under Section 380.1311 of the Michigan School Code. The Individuals with Disabilities Educational Act (IDEA) requires a Manifestation Determination Review (MDR) by the Individual Educational Planning Team (IEPT) immediately, if possible, but in no case later than ten school days after the date on which the decision to take disciplinary action is made. The IEPT must conduct the MDR in a meeting to determine if the behavior requiring disciplinary measures of the student is a part of his/her disability.

During the MDR, relevant information must be considered including evaluations and diagnostic results of the student, observations of the student and the student’s IEP or 504 Plan and placement. If the team determines that the behavior of drugs or weapons or serious bodily harm is a part of the student’s disability, then the school district may seek relief from a hearing officer to remove the student from school for up to 45 school days. The IEPT must take immediate steps to ensure an interim alternative educational setting that will continue the student’s progress toward the IEP goals.

If it is determined in the MDR that the student’s behavior subject to discipline is not a part of his/her disability, then the case is forwarded to Student Services for the disciplinary procedures applicable to students without disabilities except for continued services as a part of the student’s progress toward the IEP

goals.

An administrator from Student Services needs to be notified and consulted immediately on all cases regarding serious misconduct of the Student Code of Conduct by students with disabilities. This includes students with an IEP or Section 504 Plan.

If a parent or guardian requests a hearing regarding disciplinary actions for drugs or weapons to challenge the interim alternative educational setting and/or the manifestation determination, the student shall remain in the interim alternative educational setting for up to 45 school days as assigned. At the end of the period of removal, the student returns to the placement in effect prior to the interim alternative setting unless otherwise specified on the IEP.

### **Short-term Suspension**

- Students may be suspended for one (1) to ten (10) days upon a violation of the Student Code of Conduct.
- There is no change of educational status.
- A parent/guardian contact is required prior to or as soon as possible after the issuance of the suspension for a student with an IEP or 504 Plan.

### **Long-term Suspension**

- Any time a student with an IEP accumulates more than 10 days of suspension in a school year, a new IEPT meeting must be held.
- In the event of a student with an IEP being excluded or expelled, the goals from the IEP must be followed.
- In consultation with Student Services, the IEPT must develop a plan to meet the goals of the IEP during the interim alternate placement.
- The IEPT must develop or review as appropriate, a behavior intervention plan. A functional behavioral assessment must be conducted or reviewed as soon as practicable and presented at the IEPT when a student has accumulated the 11<sup>th</sup> day of suspensions in a school year.

### **Violation of Drug or Illegal Substance Use or Possession, Weapons or Firearms**

- A student may be placed in an interim alternative educational setting determined by an IEPT/MDR meeting for up to forty-five (45) school days.
- Penalties for possession/use of illegal substances, weapons or firearms are cumulative throughout the student's educational tenure with the Kalamazoo Public Schools and are applicable to the school calendar year (August – July).

### **Emergency Suspension**

An emergency situation exists when there is a substantial chance of injury to the student or others.

- A suspension for not more than ten (10) days from the incident may be given.
- An IEPT meeting must be convened within ten (10) days after the short-term suspension begins.
- Long-term suspension procedures must be completed within ten (10) school days.

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