

7. if the request was filed by a parent, the degree of cooperation and support the parent has provided and will provide if the student is reinstated, including, but not limited to, the parent's receptiveness toward possible conditions placed on the reinstatement. Such conditions may, as an example, include a written agreement by the student and/or a parent who filed the reinstatement request to:
 - a. abide by a behavior contract which may involve the student, his/her parents, and an outside agency;
 - b. participate in an anger management program or other counseling activities;
 - c. cooperate in processing and discussing periodic progress reviews;
 - d. meet other conditions deemed appropriate by the Committee;
 - e. accept the consequences for not fulfilling the agreed-upon conditions.

The Committee may also allow the parent, adult student, or emancipated minor to propose conditions as part of the request for reinstatement.

- E. In the event a student who has been permanently expelled from another school or public or Academy requests admission to this Academy, the Academy Board shall, in making its decision, rely upon the recommendation of the Director and the ESP.
- F. The Academy Board may:
 1. set aside the expulsion and reinstate the student with or without any limiting conditions;
 2. reduce the expulsion to a suspension or expulsion of 180 days or less with any conditions the Academy Board deems advisable under the circumstances;
 3. affirm the expulsion.
- G. The Academy Board shall make its decision no later than the next regular Board meeting following the Committee's submission of its recommendations. The Academy Board's decision shall be final and not subject to appeal.

Section 10. Student Non-Discrimination, Sexual Harassment, Harassment and Anti-Retaliation.

The Academy is committed to maintaining an education and work environment free from all forms of unlawful discrimination, sexual harassment, harassment and retaliation. No member of the Academy community shall be excluded from participation in, denied the benefits of, or subjected to discrimination, in any Academy operations, programs, and activities. The Academy shall not discriminate on the basis of race, color, national origin, sex, including sexual orientation or sexual identity, age, religion, height, weight, marital or family status, disability, military status, genetic information, or any other legally protected category, in its programs and activities, including

employment. Sexual harassment is a form of sex discrimination, and is likewise not permitted with respect to students or staff.

All allegations of unlawful discrimination, sexual harassment, harassment and/or retaliation shall be investigated by the Academy Board, or the ESP, in accordance with the administrative guidelines. The Academy and the ESP shall take prompt, remedial action where unlawful discrimination, sexual harassment, harassment and/or retaliation is substantiated. Individuals found to have engaged in unlawful discrimination, sexual harassment, harassment and/or retaliation in any Academy building or on Academy premises, or at Academy sponsored activities or events shall be subject to removal/suspension from the Academy, and if employed by the ESP any other appropriate action determined by the ESP.

Sexual Harassment

Sexual harassment is a form of sex discrimination, and shall likewise not be permitted with respect to students or employees of the Academy, if any, and the staff of an ESP or third party vendor assigned to work at or on behalf of the Academy. Sexual harassment is defined as unwelcome conduct of a sexual nature, requests for sexual favors, and other verbal, nonverbal, graphic, or physical conduct of a sexual nature, when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or status in a class, or academic standing.
2. Submission or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual.
3. Such conduct is sufficiently severe, persistent or pervasive such that it has the purpose or effect of interfering with an individual's work or educational performance; or of creating an intimidating, hostile, or offensive work or learning; or of interfering with one's ability to participate in or benefit from a class or educational program or activity.

Sexual harassment may involve the behavior of a person of either gender against a person of the same or opposite gender.

Prohibited acts that constitute sexual harassment may take various forms, including, but not limited to:

1. Unwelcome sexual propositions, invitations, solicitation, and flirtations.
2. Unwanted physical and/or sexual contact whether or not they involve physical touching.
3. Threats or insinuations that a person's employment, wages, academic grade, promotion, classroom work or assignments, academic status, participation in athletics or extra-curricular programs or events, or other conditions of employment or education may be adversely affected by not submitting to sexual advances.

4. Unwelcome verbal expressions of a sexual nature, including graphic sexual comments about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading comments, jokes or innuendoes; unwelcome suggestive or insulting sounds, whistles, telephone calls or similar conduct.
5. Sexually suggestive objects, pictures, videotapes, digital or audio recordings or literature, placed in the work or educational environment.
6. Unwelcome and inappropriate touching, patting, pinching or obscene gestures.
7. A pattern of conduct which has sexual overtones that is intended to create or has the effect of creating discomfort, humiliation, or a hostile education or work environment.
8. Remarks about an individual's sexual activities/history or remarks about one's sexual activities or history.

Not all behavior of a sexual nature constitutes unlawful sexual harassment. Sex-based or gender-based conduct must be sufficiently severe, persistent and pervasive such that it adversely affects, limits, or denies an individual's employment or education, or such that it creates a hostile or abusive employment or educational environment.

Other Violations

The Academy shall take immediate steps to remove or suspend an individual(s) from the Academy who engages in any of the following prohibited acts:

1. Retaliates against a person who has made a report or filed a complaint alleging unlawful discrimination, sexual harassment or other unlawful harassment, or who has participated as a witness in an investigation of a claim or complaint alleging same.
2. Files a malicious or knowingly false report or complaint of unlawful discrimination, sexual harassment or other unlawful harassment.
3. Disregards, or fails to adequately investigate or delays investigations of unlawful discrimination, sexual harassment or other unlawful harassment, when the individual has responsibility for reporting and/or investigating unlawful discrimination, sexual harassment or unlawful harassment.

The Academy and the ESP shall comply with all applicable federal and state civil rights statutes, including, without limitation: Title VI and Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendment of 1972, Sections 503 and 504 of the Rehabilitation Act of 1973, Titles II and III of the Americans with Disabilities Act, Michigan's Elliott-Larsen Civil Rights Act, Michigan's Persons with Disabilities Act, and the Individuals with Disabilities Education Act.

The ESP shall designate not less than two (2) (one male and one female) compliance officers per school building, responsible for coordinating the Academy's compliance with applicable state, federal and local laws, rules and regulations, and for investigating reports of discrimination or harassment. The ESP shall ensure that all required notices under the civil rights laws or other laws, as required, are provided to all students and ESP staff members.

A student who believes he or she has been or is the victim of discrimination, sexual harassment, harassment and/or retaliation should immediately report the situation to a teacher, counselor, social worker, building principal or assistant principal or the ESP. A staff member who observes, has knowledge of, or learns that a student has been or is the victim of discrimination or harassment shall immediately report the situation to the Director or Assistant Director or ESP. Complaints against the Director should be filed with the ESP. Complaints against the ESP School should be filed with the Academy Board President.

A student reporting an incident(s) of discrimination, sexual harassment, harassment or retaliation shall not suffer any form of reprisal from the Academy.

The ESP shall develop and implement administrative guidelines to enforce this policy. The Academy Board hereby designates the following compliance officers:

Section 11. Title IX Grievance Procedure.

If any person believes that the Academy, staff member, third party vendor or other third party have not adequately implemented the requirements of Title IX of the Education Amendment of 1972, they may file a complaint/grievance with the Academy's Title IX Coordinator. In addition, if any person believes that any student, staff member, third party vendor or other third party has engaged in discrimination on the basis of sex, including sexual and/or gender-based harassment, they may file a complaint/grievance with the Academy's Title IX Coordinator.

Sex discrimination may include, but is not limited to:

- A. Sexual and/or gender-based harassment;
- B. Failure to provide equal opportunity in athletics and other Academy programs and activities;
- C. Discrimination based on pregnancy.

Sexual harassment is also prohibited under Title IX. Sexual harassment is defined as unwelcome conduct of a sexual nature. It includes unwelcome sexual advances, request for sexual favors, sexual assault (including rape), and any other verbal, nonverbal, or physical conduct of a sexual nature. Title IX also prohibits gender-based harassment, which includes acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping.

An individual(s) who has a complaint/grievance under Title IX and wishes to file a complaint/grievance shall provide the Academy's Title IX Coordinator with a signed, written statement alleging specific violations of Title IX. The written statement must include the individual(s) full name, address and telephone number, signed by the individual(s) and submitted to the Academy's Title IX Coordinator.

If the individual(s) filing the complaint/grievance alleges that the Title IX Coordinator has engaged in discrimination on the basis of sex, the individual(s) filing the complaint/grievance must provide the documentation requested to the Second Title IX Coordinator.

The Second Title IX Coordinator shall fulfill the role and follow the procedures required of the Title IX Coordinator below.

1. The Academy's Title IX Coordinator shall meet with the individual(s) within five (5) school days receipt of the written statement.
2. During the meeting, the individual(s) may present witnesses and any other evidence to support their complaint/grievance. The Title IX Coordinator shall investigate the complaint/grievance which investigation shall include, but is not limited to: interviews of relevant individuals identified by the individual(s) or subsequent witnesses, review of any and all documentation, video, digital, audio recordings, text, email and social media messages, photographs and any other physical evidence related to the alleged sex discrimination/sexual harassment.
3. The Title IX Coordinator shall notify the individual(s), who submitted the complaint/grievance, in writing, within ten (10) school days of the initial meeting with the individual(s). The Title IX Coordinator's written response shall address the outcome of the investigation and include any corrective action recommended or taken to prevent the reoccurrence of the alleged discrimination or remedy the effects of same.
4. A signed statement of appeal of the Title IX Coordinator's written response may be submitted to the Director within ten (10) business days after the individual(s) receipt of the Title IX Coordinator's written response to the complaint/grievance. The Title IX Coordinator and the Director may not be the same person. The Director shall meet with all parties involved, conduct an additional investigation of the facts and circumstances surrounding the complaint/grievance, as needed, and issue a final determination in writing within ten (10) business days of receipt of the appeal.
5. The Title IX Coordinator and the Director shall each maintain all written responses, transcripts, video, audio and digital recordings, text, emails, and social media message sand photographs from the initial investigation and any subsequent investigative information obtained by the Head of School as a result of the appeal.
6. The Academy Board reserves the right to appoint a Hearing Officer to conduct an a hearing of an appeal in lieu of the Director deciding the appeal. The Academy Board has fifteen (150 business days from the date the appeal is submitted to the Head of School to appoint a Hearing Officer to hear the appeal. The Hearing Officer shall conduct the hearing within ten (10) business days of receipt of the appeal. The Hearing Officer shall allow the complainant/grievant and Administration to present witnesses, documentary evidence, video, digital and audio recordings, text, emails and social media messages, photographs or the like, and any other relevant evidence for the

Hearing Officer's consideration. Each party may be represented by an attorney or other representative at the party's expense. The Hearing Officer shall have ten (10) business days after the close of the hearing to prepare written findings and issue a determination, which determination shall be final.

This grievance procedure is not a prerequisite to an aggrieved individual from filing a complaint with the Office for Civil Rights. The individual(s) may file a complaint with the Office for Civil Rights at the address below, at any time before or during the Academy's grievance procedure:

Office for Civil Rights
United States Department of Education
1350 Euclid Avenue
Suite 325
Cleveland, Ohio 44115

Retaliation against any individual who files a complaint/grievance or participates in the grievance process by the Academy is prohibited.

Section 12. Grievance Procedure for Violation of Section 504 of the Rehabilitation Act and Title II of the Americans with Disabilities Act.

Section 504 of the Rehabilitation Act of 1973 ("Section 504") and Title II of the Americans with Disabilities Act ("ADA") prohibit discrimination against students with a disability and retaliation. These federal laws also prohibits staff, other students and third party vendors, including, but not limited to, before and after school care program provider(s) from engaging in discriminatory and/or retaliatory behavior based on an individual's disability. Discrimination and/or retaliation against a student with a disability in any Academy program or activity is strictly prohibited.

If any individual believes that the Academy, staff member or third party vendor, including, but not limited to, a before and after school care program, or any Academy program or activity has discriminated against a student based on the student's disability or retaliated against a student who has filed a claim of disability discrimination, the individual may file a grievance with the Academy's Section 504 Coordinator.

A written statement of the complaint/grievance, signed by the complainant and any other party or parties to the complaint/grievance shall be submitted to the Academy's Section 504 Coordinator listed above. The complaint/grievance shall contain specific information of the allegations, the full name, address and telephone number.

If the individual(s) filing the complaint/grievance alleges that the Section 504 Coordinator has engaged in discrimination on the basis of a disability, the individual(s) filing the complaint/grievance must provide the documentation requested.

The Second Section 504 Coordinator shall fulfill the role and follow the procedures required of the Section 504 Coordinator below.

1. The Academy's Section 504 Coordinator shall meet with the individual(s) within five (5) school days receipt of the written statement.
2. During the meeting, the individual(s) may present witnesses and any other evidence to support their complaint/grievance. The Section 504 Coordinator shall investigate the complaint/grievance which shall include, but is not limited to: interviews of relevant individuals, review of any documentation, text, email social media messages, video, digital and audio recordings and any other physical evidence related to the alleged discrimination.
3. The Section 504 Coordinator shall notify the individual(s) who submitted the complaint/grievance, in writing, within ten (10) school days of the initial meeting with the individual(s). The Section 504 Coordinator's written response shall address the outcome of the investigation and include any corrective action recommended or taken to prevent the reoccurrence of the alleged discrimination or remedy the effects of same.
4. A signed statement of appeal of the Section 504 Coordinator's written response may be submitted to the Director within ten (10) business days after the individual(s) receipt of the Section 504 Coordinator's written response to the complaint/grievance. The Section 504 Coordinator and the Director may not be the same person. The Director shall meet with all parties involved, conduct an additional investigation of the facts and circumstances surrounding the complaint/grievance, as needed, and issue a final determination in writing within ten (10) business days of receipt of the appeal.
5. The Section 504 Coordinator and the Director shall each maintain all written responses, decisions, transcripts, video, digital and audio recordings, text, email and social media messages, and photographs of the initial investigation, if any, and any subsequent investigative information obtained by the Director as a result of the appeal.
6. The Academy Board reserves the right to appoint an independent Hearing Officer to conduct a hearing of an appeal in lieu of the Director deciding the appeal. The Academy Board has fifteen (15) business days from the date the appeal is submitted to the Head of School to appoint the Hearing Officer. The Hearing Officer shall conduct the hearing within ten (10) business days of being appointed by the Academy Board to hear the appeal. The Hearing Officer shall allow the complainant/grievant and Administration to present witnesses, documentary evidence, and any other relevant information for the Hearing Officer's consideration. Each party may be represented by an attorney or other representative at the party's expense. The Hearing Officer shall have five (5) business days after the close of the hearing to prepare written findings and issue a determination, which determination shall be final.

This complaint/grievance procedure is not a prerequisite to an aggrieved individual from filing a complaint with the Office for Civil Rights. The individual(s) may file a complaint with the Office for Civil Rights at the address below, at any time before or during the Academy's grievance procedure:

Office for Civil Rights
United States Department of Education
1350 Euclid Avenue
Suite 325
Cleveland, Ohio 44115

Retaliation against any individual who files a complaint or participates in the grievance process is prohibited.

Section 13. Bullying.

It is the policy of the Academy to provide a safe and nurturing environment for all of its students. Appropriate behavior, treating others with civility and respect, and refusing to tolerate harassment or bullying is expected of students, administrators, faculty, staff, parents, visitors, and volunteers.

Bullying and Cyberbullying are Prohibited

Bullying and cyberbullying of a student, whether by other students, staff, visitors, Board members, parents, guests, contractors, vendors, and volunteers, is prohibited. All students are protected under this Policy, and bullying and cyberbullying are prohibited without regard to their subject matter or motivating animus.

Definitions

"**Bullying**" means any written, verbal, or physical act, or any electronic communication, but not limited to, cyberbullying, that is intended or that a reasonable person would know is likely to harm one (1) or more students either directly or indirectly by doing any of the following:

- A. Substantially interfering with educational opportunities, benefits, or programs of one (1) or more students.
- B. Adversely affecting the ability of a pupil to participate in or benefit from the Academy's educational programs or activities by placing the student in reasonable fear of physical harm or by causing substantial emotional distress.
- C. Having an actual and substantial detrimental effect on a student's physical or mental health.
- D. Causing substantial disruption in, or substantial interference with, the orderly operation of the Academy.

"**Cyberbullying**" means any electronic communication that is intended or that a reasonable person would know is likely to harm one (1) or more students either directly or indirectly by doing any of the following:

- A. Substantially interfering with educational opportunities, benefits, or programs of one (1) or more students.
- B. Adversely affecting the ability of a student to participate in or benefit from the Academy's educational programs or activities by placing the student in reasonable fear of physical harm or by causing substantial emotional distress.
- C. Having an actual and substantial detrimental effect on a student's physical or mental health.
- D. Causing substantial disruption in, or substantial interference with, the orderly operation of the Academy.

Since "bullying" also includes "cyberbullying", any reference in this Policy to "bullying" shall also be deemed to refer to "cyberbullying."

Bullying and cyberbullying are prohibited at school [Academy]. "At school" is defined as on Academy premises, at Academy-sponsored activities or events, in an Academy-related vehicle, or using a telecommunications access device or a telecommunications service provider if the telecommunications access device or telecommunications service provider is owned by or under the control of the Academy. "Telecommunications access device" and "telecommunications service provider" mean those terms as defined in MCL §750.219a.

Bullying and cyberbullying that does not occur "at school" [Academy], as defined above, but that causes a substantial disruption to the educational environment, may be subject to disciplinary action in accordance with this Policy and applicable law.

Reporting and Investigating Reports of Bullying

Every student is encouraged to promptly report any situation that he or she believes to be bullying behavior directed toward himself/herself or another student, to a teacher, a counselor, the Director, or Assistant Director or Athletic Director. Staff members shall report any reports made by students or situations that they believe to be bullying behavior directed toward a student to the Director. Complaints against the Director shall be reported to the ESP. Complaints against the ESP shall be reported to the Academy Board President.

Under State law, a school employee, school volunteer, student, or parent or guardian who promptly reports in good faith an act of bullying to the appropriate school official designated in this Policy and who makes this report in compliance with the procedures set forth in this Policy is immune from a cause of action for damages arising out of the reporting itself or any failure to remedy the reported incident. This immunity does not apply to a school official who is responsible for implementing this Policy or for remedying the bullying, when acting in that capacity.

Retaliation or false accusation against a target of bullying, a witness, or another person with information about an act of bullying is prohibited. Suspected retaliation should be reported in the same manner as suspected bullying behavior. Making intentionally false accusations of bullying is likewise prohibited. Retaliation and making intentionally false accusations of bullying may result in disciplinary action up to and including expulsion.

All complaints about bullying that may violate this Policy shall be promptly investigated and documented. The Director or the ESP is responsible for the investigation. If the investigation results in a finding that bullying has occurred, prompt and appropriate disciplinary action shall be taken up to and including expulsion for students, up to and including discharge for ESP employees, and up to and including exclusion from school property for parents, guests, volunteers, and contractors. Individuals may also be referred to law enforcement officials.

Where the investigation results in a finding that bullying has occurred, both the parent or legal guardian of a victim of bullying and the parent or legal guardian of a perpetrator of the bullying shall be notified promptly in writing. In addition, ESP staff or other third party designated by the Academy Board investigating the alleged bullying may notify parents of the victim or perpetrator of bullying sooner than the conclusion of the investigation if circumstances dictate such earlier notification.

The Academy shall document any prohibited incident that is reported and shall document all verified incidents of bullying and the resulting consequences, including the required notification of parents or guardians and any discipline and referrals.

The ESP is the school official responsible for ensuring that this policy is implemented.

Confidentiality

The Academy shall comply with all applicable laws regarding confidentiality of personally identifiable information from education records. In addition, the identity of an individual who reports an act of bullying or cyberbullying shall be and remain confidential to the extent provided by law. The Director or the Director's designee shall ensure that the name of an individual who reports an act of bullying or cyberbullying is withheld from the alleged perpetrator and the perpetrator's parent(s), legal guardian(s) and representative(s), and is redacted from any report of bullying or cyberbullying that is publicly disclosed, to the extent provided by law.

Notification

This policy shall be annually circulated to parents and students, and shall be posted on the Academy website.

Reporting

As required by State statute, the ESP shall provide a report of all verified incidents of bullying and other required information to the Michigan Department of Education on an annual basis, according to the form and procedures established by the Department.

As required by State statute, the Academy's procedures with respect to bullying are contained within this policy, and thus, no administrative guidelines accompany this policy.

Section 14. Use of Seclusion or Restraint.

Pursuant to Public Act 395 of 2016, MCL §380.1307a, the Academy Board directs the ESP to adopt as an administrative guideline a policy, applicable to all administrators, staff and contractors who work at or on behalf of the Academy, that is consistent with the policy issued by the Michigan Department of Education in connection with the requirements of Public Acts 394 through 402 of 2016, MCL §380.1307, *et seq.*, regarding restrictions on the use of seclusion and restraint in public schools. This policy shall accomplish the following objectives:

- A. Promote the care, safety, welfare and security of the Academy community and the dignity of each pupil.
- B. Encourage the use of proactive, effective, evidence-and research-based 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 pupils.
- C. Ensure that seclusion and physical restraint are used only as a last resort in an emergency situation and are subject to diligent assessment, monitoring, documentation and reporting by trained personnel.

Legal References: MCL §380.1307a

Section 15. Search and Seizure.

The Academy Board has delegated to Academy administration, the responsibility of safeguarding the safety and well-being of the students in the Academy. In the discharge of this responsibility, Academy administration may search Academy property such as lockers used by students or the person or property, including vehicles, of a student, in accordance with the following policy.

School Property

Lockers and desks used by students remain at all times the property of the Academy. Where locks are provided for such places, students may lock them against incursion by other students, but in no such places shall students have an expectation of privacy as to prevent examination by a school official. Academy administrators may search student lockers and desks at any time and for any reason.

Student Person and Possessions