ROYAL OAK SCHOOLS
A COMMUNITY OF EXCELLENCE

800 Devillen, Royal Oak, MI 48073
www.royaloakschools.org

REGULAR MEETING
April 9, 2026 at 6:30 PM - District Main Conference Room
800 Devillen
Royal Oak, Michigan 48073

AGENDA

1. OPENING / CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. STANDING APPROVAL ITEMS

3.1. Acceptance of Agenda

3.2. Approval of Minutes 2

ROYAL OAK SCHOOLS
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BOARD OF EDUCATION
REGULAR MEETING

March 12, 2026, at 6:30 PM - District Main Conference Room
800 Devillen
Royal Oak, Michigan 48073

MINUTES

PRESENT: President Tim Ciechorski; Vice President Erika Alexander; Secretary Maryanne VanHaitsma; Treasurer Michelle Cook; Trustee Deb Anderson; Trustee Lauren Jasinski; Trustee Matt Wickey; and Student Representatives Leilani Hamilton and Grace Hatton.

ALSO PRESENT: Superintendent John Tafelski; Executive Director of Finance & Operations Kathy Abela; Deputy Superintendent of Curriculum & Instruction Joe Youanes; Executive Director of Staff & Students Services Patrick Wolynski; Executive Assistant to the Superintendent & Board of Education Jennifer Perkins.

ABSENT: None

1. OPENING / CALL TO ORDER — Mr. Ciechorski called the meeting to order at 6:32 p.m.

2. PLEDGE OF ALLEGIANCE — The pledge was recited.
   A statement was read regarding the tragedy at Temple Israel.

3. STANDING APPROVAL ITEMS

   3.1. Acceptance of Agenda
   President Ciechorski called for any additions or deletions. Seeing no objections the agenda was approved by consensus.

   3.2. Approval of Minutes

   Moved by: Mrs. VanHaitsma — Seconded by: Mrs. Anderson

   Resolved that the Royal Oak Schools Board of Education approves the following minutes:

   January 6, 2026, Bond Workshop
   February 5, 2026, Special Meeting (F&F)
   February 12, 2026, Regular Meeting

   7 in favor/0 opposed/0 abstentions. The motion passed.

3.3. Donations

Molly Bascom-Keller, Principal at Northwood, was present to speak on this agenda item.

Moved by: Mrs. Cook Seconded by: Mr. Wickey

Resolved that the Royal Oak Schools Board of Education gratefully accepts the following donation as presented:
From Rachel Schostak and her family—a bench at Northwood in memory of her mother, Dayle Prinstein, a long-time Royal Oak Schools Employee. The cost is over the Board's threshold of $1,000.

7 in favor/0 opposed/0 abstentions. The motion passed.

4. PROCLAMATIONS

4.1. Proclamation: Women's History Month

Moved by: Mrs. Alexander Seconded by: Ms. Jasinski

Whereas American women of every race, class, and ethnic background have made historic contributions to the growth and strength of our Nation in countless recorded and unrecorded ways;

Whereas American women have played and continue to play a critical economic, cultural, and social role in every sphere of the life of the Nation by constituting a significant portion of the labor force working inside and outside the home;

Whereas American women have played a unique role throughout the history of the Nation by providing the majority of the volunteer labor force of the Nation;

Whereas American women were particularly important in the establishment of early charitable, philanthropic, and cultural institutions in our Nation;

Whereas American women of every race, class, and ethnic background served as early leaders at the forefront of every major progressive social change movement;

Whereas American women have served our country courageously in the military;

Whereas American women have been leaders, not only in securing their own rights to suffrage and equal opportunity, but also in the abolitionist movement, the emancipation movement, the industrial labor movement, the civil rights movement, and other movements, especially the peace movement, which created a more fair and just society for all; and

Whereas, despite these contributions, the role of American women in history has been consistently overlooked and undervalued in the literature, teaching and study of American history:

Therefore, be it proclaimed that the Royal Oak Schools Board of Education designates March 2026 as "Women's History Month" in Royal Oak Schools.

7 in favor/0 opposed/0 abstentions. The motion passed.

4.2. Proclamation: Civic Learning Week (March 9–13, 2026)

Moved by: Ms. Jasinski Seconded by: Mrs. Alexander

Whereas, our nation's longstanding and ongoing audacious experiment in self-governance requires a populace with an understanding of the nation's laws and government; the skills for discussion and working together across differences; and a widespread commitment to the civic strength of our communities; and

Whereas, civic education is vital to sustaining and strengthening constitutional democracy in the United States of America; and

Whereas, the practice of democracy must be taught and learned anew by each generation; and

Whereas, schools play a central role in building the civic strength of our populace and nation; and

Whereas, Civic Learning Week seeks to unite our community and highlight the importance of civic knowledge, skills, and dispositions that provide the foundation for an informed and engaged populace; and

Therefore, be it proclaimed that the Royal Oak Schools Board of Education designates the second week of March 2026 as "Civic Learning Week" in Royal Oak Schools.

7 in favor/0 opposed/0 abstentions. The motion passed.

5. PUBLIC COMMENT FOR ITEMS ON THE AGENDA There were none.

6. RECOGNITIONS / PRESENTATIONS / REPORTS

6.1. Diversity, Equity and Inclusion

Ashley Phillips provided a March DEI update which included the following:

- 2026 African American Read-In Wrap-Up
- Bridges to Belonging
- Neurodiversity in Education
- Reading Tour
- Royal Oak Middle School Math Program Highlight
- Upcoming Events & Activities
- 2026 Journeys Wrap-Up & Special Guests

Brittany Rhodes from Black Girl MATHgic and teacher Lindsey Potterack, presented the math program that is being used at ROMS. Drs. Tafelski and Youanes proposed this program be added to the elementary level and asked for a meeting.

6.1.1. ROMS Journeys Team

- Program overview, reflections and takeaways from this year's Journeys series.
- Odysseys Program

Jen James, manager of the Journeys Program; Samantha Ellis, ROMS counselor; Sarah Bockhausen, ROMS history teacher all spoke about the Journeys program. ROMS student, Isabella Avalon-Ponce, spoke about her experience with the program.

6.2. Presentation of Royal Oak High School basketball players

The Royal Oak Ravens Varsity Boys Basketball coach, Adam Banchiu, introduced five student players and assistant coach, Joey Zanetti, for recognition.

6.3. Student Representatives to the Board

Ms. Hamilton spoke about:

- Spring break
- PSAT testing
- Personal Projects

Ms. Hatton spoke about:

- Swim team and boys & girls basketball accolades
- Class selections for next year
- Personal Projects

7. COMMUNICATIONS

Mrs. VanHaitsma, BOE Secretary, reported the following communications:

- Jennifer Baum
- Phoebe Navin
- Sarah Brennan
- Al Carter
- Laura Sayen
- Tina Steinmetz
- Ashley Morel
- Marissa Shramski
- Gabby Foucher
- Carrie Hribar
- Lisa Carpenter
- Jodi Whittle

8. *CONSENT AGENDA *(Personnel / Instruction / Business)*
Consent Agenda items approved at this time.

8.1. *Payment of Expenses

Resolved that the Royal Oak Schools Board of Education hereby approves expenditures as processed in the amount of $8,758,196.60, for the period of January 1, 2026, through January 31, 2026.

8.2. Field Trip – Robotics/STEM students to Houston, Texas

Resolved, that the Royal Oak Schools Board of Education approves the request from the

Robotics/STEM team to attend a competition in Houston, Texas from April 28, 2026, to May 3, 2026.

9. MATTERS FOR DISCUSSION / ACTION

9.1. Superintendent Report

9.1.1. Updates and Remarks

Dr. Tafelski spoke about the following topics:

- Recognition of Jennifer Knipper and her new title of Director of Instruction and Student Services
- Recognition of Javien Johnson's Honorable Mention win in the national C-SPAN StudentCam documentary competition
- MTSS program recognition

9.2. Curriculum & Instruction

9.2.1. Churchill Tech Renovations Board Resolution

Dr. Youanes outlined technology renovations scheduled to be done at the Royal Oak Education Center.

Moved by: Mr. Wickey Seconded by: Mrs. VanHaitsma

Resolved that the Royal Oak Schools Board of Education authorizes the Superintendent to finalize and sign a contract with VSC, Inc., in the amount of $170,303.00 for the Royal Oak Education Center Technology Renovations. Additionally, 10% contingency to address any unforeseen conditions.

7 in favor/0 opposed/0 abstentions. The motion passed.

9.2.2. Staff and Student Device Refresh Board Resolution

Dr. Youanes outlined the plan for new computer purchases and use of existing devices.

Moved by: Mrs. Cook Seconded by: Mr. Wickey

Resolved that the Royal Oak Schools Board of Education authorizes the Superintendent to finalize the purchase from People Driven Technology, in the amount of $303,964.00 for purchase of annual Staff and Student Device refresh. This pricing is based off of the REMC SAVE cooperative contract.

7 in favor/0 opposed/0 abstentions. The motion passed.

9.3. Finance/Facilities and Bond

9.3.1. 2025-26 General Fund Budget Amendment #2

Mrs. Abela explained the second amendment to the 2025-26 General Fund.

Moved by: Mr. Wickey Seconded by: Mrs. Alexander

Be it resolved that the 2025-26 General Fund Budget Amendment #2 be amended as presented in the board packet.

7 in favor/0 opposed/0 abstentions. The motion passed.

9.3.2. ROMS & ROHS Gym A/C Installation Contract Award

Mrs. Abela presented information regarding the installation of air conditioning units at ROHS & ROMS.

Moved by: Mrs. Alexander Seconded by: Mr. Wickey

Resolved that the Royal Oak Schools Board of Education authorizes the Superintendent to finalize and sign a contract with CSM Mechanical, LLC in the amount of $915,680 for Royal Oak High School and Royal Oak Middle School Gymnasium Cooling installation. Additionally, 10% contingency to address any unforeseen conditions.

7 in favor/0 opposed/0 abstentions. The motion passed.

9.4. Staff and Student Services

Mr. Wolynski gave an enrollment and staffing update.

9.4.1. Personnel Changes

Moved by: Mrs. Cook Seconded by: Ms. Jasinski

Resolved, the Royal Oak Schools Board of Education approves the regular personnel changes as presented in the board packet.

7 in favor/0 opposed/0 abstentions. The motion passed.

10. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA There were none.

11. BOARD COMMENTS / LIAISON REPORT

Liaison Reports:

- Communications—Mr. Wickey gave an overview of the meeting which included the following topics:
  - Migration to ParentSquare
  - Open Houses
  - Kindergarten Signing Day
  - Bond communications
  - ROMS 100th Anniversary
- Curriculum Advisory Committee— Mrs. Cook gave an overview of the meeting which included the following topics:
  - Changes in science curriculum at ROHS
  - Implementation of new ELA curriculum

    - MYP & DP programs
- Arts & Preservation—Mrs. Anderson spoke about the planning for the 100 year celebration at ROMS

Board Comments:

- Mrs. Anderson asked if Dr. Tafelski would be visiting the elementary schools.
- Mrs. Cook asked when the bond information be on the website; Ms. Jones gave an update.
- Mrs. VanHaitsma listed the teachers of the year, gave kudos to the food service team, and commended the high school students on their recent art work.

12. ADJOURNMENT (approval by consensus)

President Ciechorski called for adjournment of the meeting at 8:19 p.m. Approved by consensus.

Respectfully submitted,

Maryanne VanHaitsma
Secretary, Board of Education

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BOARD OF EDUCATION
SPECIAL MEETING
March 5, 2026 at 6:00 PM - District Main Conference Room
800 Devillen
Royal Oak, Michigan 48073

MINUTES

PRESENT: President Tim Ciechorski; Vice President Erika Alexander; Secretary Maryanne VanHaitsma; Treasurer Michelle Cook; Trustee Lauren Jasinski; Trustee Deb Anderson; Trustee Matt Wickey; Dr. John Tafelski Superintendent; Executive Director of Finance & Operations Kathy Abela; Executive Director of Curriculum & Instruction Dr. Joe Youanes; Technology Director Stephen Melchor; Operations Manager Jeff Synowiec; Owner's Representatives Michelle Kerns and Mark Paulus; Student Representatives Haneen Avada, Aiden Brock and Cameron Balis; Finance Administrative Assistant Annemarie Carlisle

ALSO PRESENT: TMP Representatives Kristy Lach, Melanie Hall, John Castelana and Gail Allevato; IDS Representatives Shawn Tyburski and Bill Canfield; Barton Malow Representative Stephanie Hachey; Bond Committee members Kerry Derminer and Jennifer Kowalkowski

Welcome and Introduction — Mr. Ciechorski called the meeting to order at 6:02 pm.

Public Comment — There were none.

Technology and Curriculum

Churchill Technology Renovations
Stephen Melchor and Shawn Tyburski reviewed the bid results for technology renovations for the Churchill project. This will be included in the March 12 Board Meeting for approval.

Device Refresh (Sinking Fund)
Stephen Melchor discussed the device refresh for staff and students entering 6th and 9th grade. Upon approval at the March 12 Board meeting, the order will be placed prior to April 1 to take advantage of cost savings.

Firewall (erate / sinking fund)
Stephen Melchor stated that this topic will be discussed next month after Oakland Schools completes the bid review.

BSSF

Three Year Plan
Michelle Kerns provided an update on the spreadsheet.

ROMS / ROHS Gym air conditioning installation
Mark Paulus shared the bid results with CSM Mechanical as the low bidder. A resolution will be presented at next week's Board Meeting.

Bond Projects

Bond Steering Committee Presentation

Kerry Derminer (ROEA President) and Jennifer Kowalkowski (Community Member) highlighted the many hours invested in the committee's comprehensive process from Discovery to Exploration and presented the committee's Recommendation.

Operations

Jeff Synowiec provided a brief update.

Finance

General Fund Amendment #2

Kathy Abela discussed the minimal changes to Amendment #2. It was also noted that all 2025/26 grants have been reconciled.

Sustainability

Joe Youanes shared that 27 districts, including Royal Oak, were awarded funds from Michigan's Clean Bus Energy Grant. The grant will make it possible to purchase a maximum of 10 electric buses.

New Business / Board Member Considerations

- John Tafelski discussed potential methods to discuss the bond and millage with the community, i.e. informal Board member coffee hour, Soup with the Super, etc. Board Members cannot represent their individual opinion in any positional capacity.
- A potential ad hoc committee was discussed regarding preliminary expansion for busing athletics and field trips.
- A meeting is scheduled for Tuesday, April 7 at 6:30 pm to discuss goals for the Enhancement Millage.

Next Meeting: Thursday, May 7, 2026 at 6:00 pm

Adjournment Mr. Ciechorski adjourned the meeting at 8:42 pm.

Respectfully submitted,

Deborah Anderson
Secretary, Board of Education

4. PROCLAMATIONS

4.1. Board Proclamation: National Arab American Heritage Month

4.2. Board Proclamation: Autism Acceptance Month

5. PUBLIC COMMENT FOR ITEMS ON THE AGENDA

6. RECOGNITIONS / PRESENTATIONS / REPORTS

6.1. Special Bond Presentation

6.2. Presentation of the 2025–26 Teachers of the Year and Support Person of the Year
Presenter: Pat Wolynski

6.3. Break for Photos

6.4. Diversity, Equity and Inclusion
Presenter: Ashley Phillips

6.5. Student Representatives to the Board
Presenter: Leilani Hamilton and Grace Hatton

7. COMMUNICATIONS
Presenter: Board of Education Secretary

8. *CONSENT AGENDA *(Personnel / Instruction / Business)*

8.1. *Payment of Expenses 12

WIRE TRANSFERS

3/1/2026 - 3/31/2026

DATE	PAYROLL LIABILITIES	TRANSFERS	DESCRIPTION
3/2/2026	10,563.84		MEA 2/27/26
3/2/2026	683.90		SUPP PAY 2/27/26
3/13/2026	1,550,199.20		
3/27/2026	1,536,225.81		
3/2/2026		237.96	MERCH SERV FEES
3/6/2026		681,009.26	ORS
3/11/2026		12.67	CLOVER GO FEES
3/12/2026		2,520.00	EDUSTAFF ACA
3/13/2026		128,891.30	EDUSTAFF
3/13/2026		1,577.20	DETROIT TAXES
3/13/2026		434.51	DTE
3/18/2026		768,777.30	MESSA
3/19/2026		526,540.10	UAAL
3/23/2026		562,059.43	ORS
3/24/2026		12,000.00	ARBITERPAY
3/25/2026		56,834.25	PURCH CARD
3/27/2026		117,944.85	EDUSTAFF
TOTAL	3,097,672.75	2,858,838.83	

TOTAL TRANSFERS: $5,956,511.58

Check Register February 2026

Check Number	Check Date	Vendor ID	Vendor Name	Check Amount
00226321	3/5/2026	007104	AMCOMM TELECOMMUNICATIONS INC	166,370.64
00226322	3/5/2026	403231	BUCKHEIM, ALEXANDER	100.00
00226323	3/5/2026	057870	CITY OF ROYAL OAK	6,003.05
00226324	3/5/2026	403698	CONSTELLATION NEWENERGY GAS DI	54,205.48
00226325	3/5/2026	001289	COREWELL HEALTH	4,267.00
00226326	3/5/2026	400725	DAIBESS, KATHLEEN	79.00
00226327	3/5/2026	403789	DEVIN, AMY	137.84
00226328	3/5/2026	404338	FIRST	438.00
00226329	3/5/2026	002939	HAVEN	7,500.00
00226330	3/5/2026	032430	HOWIE GLASS CO	307.00
00226331	3/5/2026	034320	J & T DISTRIBUTORS CORP	1,608.20
00226332	3/5/2026	402952	JOSTENS INC	1,679.15
00226333	3/5/2026	404556	LEAHY, CATHERINE	95.00
00226334	3/5/2026	402091	LEONARDS SYRUPS	312.00
00226335	3/5/2026	000696	MACAE MI ASSN OF COMM ADULT ED	50.00
00226336	3/5/2026	098397	MASSP	9,850.00
00226337	3/5/2026	402044	MIKO, KELLEY	23.20
00226338	3/5/2026	404226	MILLER, MIRANDA M	70.00
00226339	3/5/2026	050244	OAKLAND COUNTY TREASURER	3,536.62
00226340	3/5/2026	404317	SCREENVISION DIRECT INC	1,267.11
00226341	3/5/2026	404496	SEATON ATHLETICS LLC	4,764.00
00226342	3/5/2026	060714	SET-SEG	20,749.00
00226343	3/5/2026	404545	SHERIDAN, LAURA	42.76
00226344	3/5/2026	009129	STATE OF MICHIGAN HISTORICAL M	384.00
00226345	3/5/2026	004056	THE VARSITY SHOP	1,915.20
00226346	3/5/2026	404544	WILLIAMS, SALINA	398.76
00226347	3/5/2026	403195	WOODWARD STANDARD PRINT HOUSE	504.82
00226348	3/5/2026	009096	YMCA OF METRO DETROIT	1,375.00
00226349	3/9/2026	400535	ARC DOCUMENT SOLUTIONS INC	288.20
00226350	3/12/2026	403954	AMERICAN READING COMPANY INC	13,256.00
00226351	3/12/2026	404185	ARNION TRANSLATION SERVICES LL	114.00
00226352	3/12/2026	403153	BROWN, WILLIAM	150.00
00226353	3/12/2026	006136	BSN SPORTS LLC	5,000.90
00226354	3/12/2026	404284	CLEGHORN, CHELSEA	46.83
00226355	3/12/2026	015210	CONSUMERS ENERGY COMPANY	13,325.21
00226356	3/12/2026	402933	DAVIS, KATHERINE	92.50
00226357	3/12/2026	008160	DEMIRI, JANKA	110.16
00226358	3/12/2026	404077	DEROO, MEGAN	41.17
00226359	3/12/2026	018360	DTE ENERGY	1,030.63
00226360	3/12/2026	403057	ELLIS, SAMANTHA	249.10
00226361	3/12/2026	008242	FAR THERAPEUTIC ARTS AND RECRE	2,345.00
00226362	3/12/2026	404539	FORSTER, MARGAUX	224.80
00226363	3/12/2026	008661	GRAND BLANC PRINTING CO INC	4,994.50
00226364	3/12/2026	404559	HEIBEL, KYRA	9.78
00226365	3/12/2026	404552	JEREMY ZELLER	304.00
00226366	3/12/2026	402952	JOSTENS INC	1,891.95
00226367	3/12/2026	401393	LANGUAGELINE SERVICES INC	119.24
00226368	3/12/2026	404473	MANDARICH LAW GROUP LLP	229.00
00226369	3/12/2026	404226	MILLER, MIRANDA M	190.00
00226370	3/12/2026	404373	MY GREEN MICHIGAN	3,250.00

Check Number	Check Date	Vendor ID	Vendor Name	Check Amount
00226371	3/12/2026	400833	PROJECT LEAD THE WAY INC	4,800.00
00226372	3/12/2026	401981	REA, REBECCA	90.05
00226373	3/12/2026	403168	RED RIVER PRESS INC	1,250.00
00226374	3/12/2026	404317	SCREENVISION DIRECT INC	666.67
00226375	3/12/2026	403886	SPEEDWAY PREPAID CARD LLC	1,483.20
00226376	3/12/2026	404558	STICKEL, JESSICA	225.12
00226377	3/12/2026	004353	UNICEF	500.00
00226378	3/12/2026	403575	US COACHWAYS INC	2,472.38
00226379	3/12/2026	401625	VIKRAMAN, HARI	8.63
00226380	3/12/2026	010243	WALEGA, MELISSA	72.13
00226381	3/12/2026	403475	WINNING IMPRINTS AND CUSTOM TR	380.70
00226382	3/13/2026	008464	GONTINA, ANDREA	94.00
00226383	3/13/2026	403195	WOODWARD STANDARD PRINT HOUSE	2,806.00
00226384	3/19/2026	404525	ALL CITY MECHANICAL AND REFRIG	993.93
00226385	3/19/2026	001151	ARNOLD SALES COMPLETE JANITOR	933.60
00226386	3/19/2026	404562	AZUZ, VERA	129.00
00226387	3/19/2026	403153	BROWN, WILLIAM	411.87
00226388	3/19/2026	006136	BSN SPORTS LLC	1,882.51
00226389	3/19/2026	057870	CITY OF ROYAL OAK	2,532.70
00226390	3/19/2026	015210	CONSUMERS ENERGY COMPANY	5,112.24
00226391	3/19/2026	001289	COREWELL HEALTH	4,641.00
00226392	3/19/2026	010089	CUSTOMINK LLC	560.97
00226393	3/19/2026	096197	DRYDEN, MARCIE	57.02
00226394	3/19/2026	009859	EPIC SPORTS INC	156.32
00226395	3/19/2026	009022	FARMINGTON PUBLIC SCHOOL DISTR	250.00
00226396	3/19/2026	404206	KAISER STUDIO	100.00
00226397	3/19/2026	402091	LEONARDS SYRUPS	250.50
00226398	3/19/2026	002657	MASA - MICHIGAN ASSN OF SUPT A	1,096.31
00226399	3/19/2026	042809	MAXWELL MEDALS & AWARDS	88.00
00226400	3/19/2026	005893	MCCOURTS MUSICAL INSTRUMENTS	2,151.02
00226401	3/19/2026	401415	METROPOLITAN LIFE INS CO	756.00
00226402	3/19/2026	402044	MIKO, KELLEY	43.64
00226403	3/19/2026	404226	MILLER, MIRANDA M	3,105.50
00226404	3/19/2026	401848	POWERSCHOOL GROUP LLC	10,020.60
00226405	3/19/2026	404568	QUINN, CHRISTINA	96.00
00226406	3/19/2026	404496	SEATON ATHLETICS LLC	677.00
00226407	3/19/2026	403480	SIDETRACK BOOKSHOP	8,994.00
00226408	3/19/2026	096570	TROY SCHOOL DISTRICT	210.00
00226409	3/19/2026	068069	UNITED PARCEL SERVICE INC	25.50
00226410	3/19/2026	403195	WOODWARD STANDARD PRINT HOUSE	504.82
00226411	3/26/2026	008401	ACCO BRANDS USA LLC	50.00
00226412	3/26/2026	009627	BEISTLINE, ALESHA	41.76
00226413	3/26/2026	403153	BROWN, WILLIAM	548.41
00226414	3/26/2026	006136	BSN SPORTS LLC	2,680.06
00226415	3/26/2026	057870	CITY OF ROYAL OAK	7,592.85
00226416	3/26/2026	015210	CONSUMERS ENERGY COMPANY	10,775.58
00226417	3/26/2026	402933	DAVIS, KATHERINE	23.64
00226418	3/26/2026	403853	DONAVAN, MEAGAN	344.85
00226419	3/26/2026	018360	DTE ENERGY	31,722.23
00226420	3/26/2026	403904	ENGLE, DOUGLAS	950.00
00226421	3/26/2026	401164	EYSTER, LESLIE	200.00
00226422	3/26/2026	401626	HARRIS, GEORGETTE	406.65

Check Number	Check Date	Vendor ID	Vendor Name	Check Amount
00226423	3/26/2026	401353	HURON VALLEY SCHOOLS	175.00
00226424	3/26/2026	033607	INSTRUMENTALIST AWARDS LLC	94.00
00226425	3/26/2026	404563	LLOYD AND MCDANIEL PLC	278.05
00226426	3/26/2026	404473	MANDARICH LAW GROUP LLP	229.00
00226427	3/26/2026	404567	MICHIGAN DECA	4,137.95
00226428	3/26/2026	404520	MOBILE COMMUNICATIONS AMERICA	29,644.50
00226429	3/26/2026	401744	MOSELEY, JAMES SCOTT	450.00
00226430	3/26/2026	403654	NAVIN, DEBRA	96.00
00226431	3/26/2026	404560	PARK ATHLETIC SUPPLY CO	500.00
00226432	3/26/2026	403507	PIN FANATIC	366.96
00226433	3/26/2026	404207	ROCKET COPY PRINT SHIP INC	1,645.93
00226434	3/26/2026	404545	SHERIDAN, LAURA	24.72
00226435	3/26/2026	404460	SIDETRACK BOOKSHOP	1,499.00
00226436	3/26/2026	401670	SMITH, KRISTIN	41.99
00226437	3/26/2026	063926	STATE OF MICHIGAN DEPT LICENSI	293.55
00226438	3/26/2026	404570	STEINERS MEAT MARKET INC	699.50
00226439	3/26/2026	404561	STESLICKI, EMILY	10.44
00226440	3/26/2026	005341	THE HENRY FORD	1,116.00
00226441	3/26/2026	006697	VENETIAN CLUB OF MUTUAL AID	72.29
00226442	3/26/2026	006697	VENETIAN CLUB OF MUTUAL AID	4,794.91
00226443	3/26/2026	404325	VIVACITY TECH PBC	900.00
			Checks Issued	498,330.55
			Less VOIDS	-
			GRAND TOTAL	**498,330.55**

ROYAL OAK SCHOOLS

BILLS SUBMITTED FOR APPROVAL

03/31/26

BILLS PAID:	3/01/2026 - 3/31/2026	ACCOUNTS PAYABLE - GENERAL	$498,330.55
VENDOR EP:	3/01/2026 - 3/31/2026	ACCOUNTS PAYABLE - GENERAL	$1,320,419.21
WIRE TRANSFERS:	3/01/2026 - 3/31/2026	WIRE TRANSFERS:	$5,956,511.58
		TOTAL:	$7,775,261.34

GRAND TOTAL **$7,775,261.34**

Electronic Payment Register February 2026

Check Number	Check Date	Vendor ID	Vendor Name	Check Amount
00008441	3/5/2026	404258	ABM	258,660.33
00008442	3/5/2026	008312	ABSOPURE WATER COMPANY LLC	32.20
00008443	3/5/2026	402783	AMAZON.COM SERVICES LLC	7,529.21
00008444	3/5/2026	009058	APPLIED INNOVATION	5,656.95
00008445	3/5/2026	008100	BILLINGS LAWN EQUIPMENT	13.01
00008446	3/5/2026	006111	CEI MICHIGAN LLC	836.00
00008447	3/5/2026	403668	CHROMEBOOKPARTS.COM	309.90
00008448	3/5/2026	402509	CINTAS CORPORATION	2,330.95
00008449	3/5/2026	047628	CRISIS PREVENTION INSTITUTE IN	2,447.55
00008450	3/5/2026	007791	DISCOUNT SCHOOL SUPPLY	967.56
00008451	3/5/2026	007831	EVERWAY LLC	830.99
00008452	3/5/2026	003234	HEARTAED	2,393.00
00008453	3/5/2026	008250	INSTITUTE FOR MULTI SENSORY ED	640.90
00008454	3/5/2026	097413	J W PEPPER & SON INC	297.78
00008455	3/5/2026	402527	LEXIA LEARNING SYSTEMS LLC	11,184.00
00008456	3/5/2026	404107	MANOLIAS, MARIA	32.99
00008457	3/5/2026	093086	MILLAR, DARRIN	207.35
00008458	3/5/2026	050310	OAKLAND SCHOOLS	100.00
00008459	3/5/2026	008905	OAKLAND SCHOOLS PRODUCTION	1,562.09
00008460	3/5/2026	098586	PURCHASE POWER	1,560.22
00008461	3/5/2026	057719	ROSE PEST SOLUTIONS	1,097.00
00008462	3/5/2026	063680	STAPLES BUSINESS ADVANTAGE	148.25
00008463	3/5/2026	000535	VERIZON WIRELESS SERVICES LLC	1,964.35
00008464	3/5/2026	010212	WOLVERINE POWER SYSTEMS LLC	2,300.00
00008465	3/12/2026	402783	AMAZON.COM SERVICES LLC	15,223.95
00008466	3/12/2026	004606	APPLE INC	25.00
00008467	3/12/2026	009649	BARLAGE, AMY	66.41
00008468	3/12/2026	404046	BBC DISTRIBUTING LLC A BRADYPL	4,480.75
00008469	3/12/2026	401087	BEATTY, CAMERON	941.42
00008470	3/12/2026	008670	BLICK ART MATERIALS	190.66
00008471	3/12/2026	005349	BRINKER, MOLLY	48.72
00008472	3/12/2026	401498	BRUNNER AVENA, AMY	85.04
00008473	3/12/2026	400232	BURLINGTON ENGLISH INC	5,760.00
00008474	3/12/2026	004752	CENTRAL MICHIGAN PAPER CO	1,320.00
00008475	3/12/2026	402070	COLLINS AND BLAHA PC	1,610.00
00008476	3/12/2026	403039	CULPEPPER, SARAH	33.93
00008477	3/12/2026	403659	DAVIS, NICOLE	68.22
00008478	3/12/2026	404144	DURHAM SCHOOL SERVICES LP	169,061.61
00008479	3/12/2026	317649	FIRE DEFENSE EQUIPMENT CO INC	9,836.22
00008480	3/12/2026	024676	FLINN SCIENTIFIC INC	71.93
00008481	3/12/2026	006297	GFL ENVIRONMENTAL USA INC	50.00
00008482	3/12/2026	404088	GJONI, MIRANDA	91.35
00008483	3/12/2026	097413	J W PEPPER & SON INC	605.98
00008484	3/12/2026	009957	KRANTZ, KATHLEEN	71.34
00008485	3/12/2026	037467	KURTS KUSTOM PROMOTIONS LLC	1,466.20
00008486	3/12/2026	402025	MAGNER, KATELYN	32.19
00008487	3/12/2026	401522	MAHAR, DANIELLE	20.88
00008488	3/12/2026	317083	MANGUM, LINDA	59.23
00008489	3/12/2026	400547	MEI TOTAL ELEVATOR SOLUTIONS	1,548.75
00008490	3/12/2026	005896	MORGAN, SEAN	132.94

Check Number	Check Date	Vendor ID	Vendor Name	Check Amount
00008491	3/12/2026	402919	PALMERI, MELANIE	92.08
00008492	3/12/2026	404346	PERKINS, JENNIFER	24.07
00008493	3/12/2026	404089	RAMOLD, KRISTIN	11.96
00008494	3/12/2026	401992	ROSS, CHARLA	73.81
00008495	3/12/2026	403776	SCHWARB, AMY	71.20
00008496	3/12/2026	404288	SEC SHIELD LLC	77,686.00
00008497	3/12/2026	063680	STAPLES BUSINESS ADVANTAGE	1,608.31
00008498	3/12/2026	066775	THRUN LAW FIRM PC	13,210.00
00008499	3/12/2026	401349	VELOCITYEHS	6,976.46
00008500	3/12/2026	404433	WALKER, AMY	19.21
00008501	3/12/2026	010212	WOLVERINE POWER SYSTEMS LLC	1,275.00
00008502	3/12/2026	008022	ZAVISLAK, ANGELA	74.89
00008503	3/19/2026	033200	21ST CENTURY MEDIA NEWSPAPER L	1,022.00
00008504	3/19/2026	402783	AMAZON.COM SERVICES LLC	5,317.23
00008505	3/19/2026	403954	AMERICAN READING COMPANY INC	3,950.00
00008506	3/19/2026	004606	APPLE INC	250.00
00008507	3/19/2026	005850	AUDIO SENTRY CORP	9,391.20
00008508	3/19/2026	404046	BBC DISTRIBUTING LLC A BRADYPL	772.42
00008509	3/19/2026	008670	BLICK ART MATERIALS	499.84
00008510	3/19/2026	003671	BOYCE, KIMBERLY	89.90
00008511	3/19/2026	012150	CAROLINA BIOLOGICAL SUPPLY CO	346.13
00008512	3/19/2026	004752	CENTRAL MICHIGAN PAPER CO	2,689.00
00008513	3/19/2026	011538	CHARTWELLS DINING	205,511.78
00008514	3/19/2026	005652	DIHYDRO SERVICES INC	2,287.00
00008515	3/19/2026	404104	GALLAGHER BENEFIT SERVICES INC	6,000.00
00008516	3/19/2026	027845	GOPHER SPORT	1,336.82
00008517	3/19/2026	401394	INTEGRATED DESIGN SOLUTIONS LL	7,298.00
00008518	3/19/2026	097413	J W PEPPER & SON INC	832.08
00008519	3/19/2026	006576	LECOLE PLANNERS LLC	20,638.07
00008520	3/19/2026	003372	METRO DETROIT BUREAU	80.00
00008521	3/19/2026	050310	OAKLAND SCHOOLS	13,387.12
00008522	3/19/2026	403185	PEOPLE DRIVEN TECHNOLOGY INC	608.76
00008523	3/19/2026	003075	ROCHESTER 100 INC	512.40
00008524	3/19/2026	004599	ROSE, ALBIN	1,107.93
00008525	3/19/2026	059580	SCHOLASTIC MAGAZINES	3,513.81
00008526	3/19/2026	063680	STAPLES BUSINESS ADVANTAGE	80.32
00008527	3/19/2026	000761	TAYLOR, DEBORAH	23.93
00008528	3/19/2026	007880	TES THERAPY	6,053.75
00008529	3/19/2026	008818	TOLEDO PHYSICAL EDUCATION SUPP	63.99
00008530	3/19/2026	403738	TOSHIBA BUSINESS SOLUTIONS	1,514.61
00008531	3/26/2026	033200	21ST CENTURY MEDIA NEWSPAPER L	614.52
00008532	3/26/2026	404258	ABM	262,990.65
00008533	3/26/2026	008312	ABSOPURE WATER COMPANY LLC	58.65
00008534	3/26/2026	402783	AMAZON.COM SERVICES LLC	11,998.04
00008535	3/26/2026	004606	APPLE INC	3,240.00
00008536	3/26/2026	009058	APPLIED INNOVATION	94.19
00008537	3/26/2026	006848	AQUATIC SOURCE LLC	710.50
00008538	3/26/2026	005850	AUDIO SENTRY CORP	430.00
00008539	3/26/2026	008100	BILLINGS LAWN EQUIPMENT	74.73
00008540	3/26/2026	403433	BLUE LAKES CHARTERS AND TOURS	2,790.00
00008541	3/26/2026	404566	CADILLAC TRAVEL INC	3,787.20
00008542	3/26/2026	004752	CENTRAL MICHIGAN PAPER CO	3,960.00
00008543	3/26/2026	401251	CHAMBERS, KATHERINE	133.34
00008544	3/26/2026	009365	CLEAR RATE COMMUNICATIONS LLC	815.60

Check Number	Check Date	Vendor ID	Vendor Name	Check Amount
00008545	3/26/2026	404035	CMS ERM MICHIGAN LLC	58,575.63
00008546	3/26/2026	401440	CNS ELECTRIC CO	773.00
00008547	3/26/2026	403039	CULPEPPER, SARAH	20.00
00008548	3/26/2026	010272	DEARBORN NATIONAL LIFE INS CO	3,653.54
00008549	3/26/2026	005652	DIHYDRO SERVICES INC	2,287.00
00008550	3/26/2026	317649	FIRE DEFENSE EQUIPMENT CO INC	117.88
00008551	3/26/2026	403263	GLOWACKI, KATRINA	276.70
00008552	3/26/2026	097413	J W PEPPER & SON INC	140.00
00008553	3/26/2026	402021	JIMS SPORTSWEAR INC	1,121.00
00008554	3/26/2026	035229	JONES SCHOOL SUPPLY	23.98
00008555	3/26/2026	037818	LAKESHORE LEARNING MATERIALS L	21,401.76
00008556	3/26/2026	402621	LARKIN ENGINEERING LLC	9,362.00
00008557	3/26/2026	400547	MEI TOTAL ELEVATOR SOLUTIONS	619.50
00008558	3/26/2026	401700	MERRICK, GENNA	23.64
00008559	3/26/2026	093086	MILLAR, DARRIN	859.73
00008560	3/26/2026	048300	NATIONAL TIME AND SIGNAL CORP	1,292.80
00008561	3/26/2026	050310	OAKLAND SCHOOLS	465.00
00008562	3/26/2026	401748	PREMIER RELOCATIONS LLC	5,644.50
00008563	3/26/2026	403112	QUENCH USA INC	197.75
00008564	3/26/2026	004599	ROSE, ALBIN	27.84
00008565	3/26/2026	058421	RUNYAN POTTERY SUPPLY	760.92
00008566	3/26/2026	069450	SCHOOL SPECIALTY LLC	410.96
00008567	3/26/2026	063680	STAPLES BUSINESS ADVANTAGE	2,237.37
00008568	3/26/2026	404153	TERRAPIN	257.85
00008569	3/26/2026	403090	US OMNI AND TSACG COMPLIANCE S	379.76
00008570	3/26/2026	069830	VERNIER SOFTWARE & TECHNOLOGY	2,635.30
00008571	3/26/2026	005839	WORRY FREE LAWN CARE SNOW REMO	2,850.00
			Electronic Payments Issued	1,320,419.21
			Less VOIDS	-
			GRAND TOTAL	**1,320,419.21**

8.2. *Field Trip – Royal Oak High School students will travel to Atlanta, Georgia to compete in the DECA ICDC Competition 21

Royal Oak Schools
FIELD TRIP REQUEST FORM

Teacher/Advisor: Cheryl Turk

Date of Request: 03/16/2026

Destination: Georgia World Cngress Center

Address: 285 Andrew Young International Blvd NW

Atlanta, GA

Phone #: 248-435-8500

Requested date of field trip: 4/24/26

District lead for field trip: Cheryl Turk

Contact phone number while on field trip: 313-407-1470

Number of students: 3

Grade/Class: 10-11/Business

Names of District teachers attending: Cheryl Turk

Number of adult volunteer chaperons, excluding teachers, who will attend: 0

Time of departure: 04/24/2026 6:29 AM

Time of return: 04/29/2026 2:30 PM

Travel arrangements being used or requested are: (Check and complete appropriate section)

[ ] School bus transportation

Account Number to be billed: CTE

[ ] Private cars to be driven by adult drivers

[x] Other: Delta Airlines

This field trip is being paid for by: (Attach separate sheet if necessary)

[x] District [ ] Students [ ] Other

This field trip involves: (Check and complete appropriate section)

[x] Educational trip outside of the City of Royal Oak to: Atlanta, GA

[ ] Educational trip within the City of Royal Oak to:

Approximate miles one way: 737

Curriculum Objective: To compete in the DECA ICDC Competition and to attend leadership conferences to strengthen our DECA Chapter

Is this an Out of State/Out of Country trip? Yes

All out of State and out of the Country field trips require the approval of the Board of Education. 6 weeks lead time is needed for such approval.

I have planned this field trip in accordance with the Board of Education Field Trip Policy and Procedures.

Cheryl Turk

Superintendent **Date**

Signature of Teacher

Date of Board of Education Approval

Principal's Approval

Joe Youanes

Instruction Approval

Rev. 7/30/2024 REV J

Royal Oak Schools
FIELD TRIP POLICY

1. It is the belief of the school district that field trips can enhance the educational program and make it more meaningful to students. A field trip is defined as any approved trip involving students away from school property, including music and athletic trips. Such a trip is approved with the understanding that it is an extension of the curriculum or co-curricular program of the school district.

2. Teachers and appropriate school-related groups may organize field trips and related activities only after approval is received. Should field trips require the absence of children form school during the usual class hours, written request for authorization must be made to, and permission received from the building administrator. In the secondary schools, care will be taken in each building to see that students and teachers keep school-related absences to a reasonable minimum. A student may be determined to be ineligible for a particular field trip due to academic, attendance, or behavioral considerations.

   Authorization will be granted under the following conditions:

   A. All field trips will be funded (including transportation and substitute teacher costs) by a specific building or district budget and/or funds raised according to the Board adopted fund-raising policy, and/or charging a participation fee provided the student shall not be restricted from attending due to insufficient funds. Exceptions may be approved by the Superintendent or designee.
   B. Pupils shall not be required to participate and the participation of any pupil shall not be related to successful completion of any class nor affect the grade or marks received in that class.
   C. Alternate educational activities must be provided for students not participating.
   D. All staff participation shall be completely voluntary.
   E. Methods of transportation shall be acceptable to the pupil's parent or guardian. Private cars may be used, with permission form the parents or guardian of the transported pupil, under the following conditions:
      (1) The driver must be at least 21 years old and possess a valid river's license.
      (2) The vehicle must be covered by liability insurance including coverage of passengers.
      (3) The vehicle must be in safe operating condition.
      (4) The permission slip which parents must sign will contain a statement indicating that seat belts must be provided and worn by each passenger when private cars are used. Children under 12 years of age are not to ride in the front seat of a vehicle equipped with air bags.
      (5) The load limit for the vehicle will not be exceeded.
      (6) Driver/chaperones are not to use tobacco products in the presence of students.

3. Field trips or activities which are out of State or out of the country require the approval of the Board of Education.

4. The following order of priorities shall be used in budgeting and approving field trips and resolving conflicting trips:

   A. Established programs including district-wide and building programs which are curricular or co-curricular related.
   B. Curriculum enrichment.
   C. Invitational /public relations trip
   D. Recreational

5. The Superintendent or his/her designees may establish procedures to implement this policy including requirements for insurance coverage, protection for students while engaged in such trips or activities, requirements for chaperones ad all other matters related to this policy.

Revised 8/22

9. MATTERS FOR DISCUSSION / ACTION

9.1. Superintendent
Presenter: John Tafelski

9.1.1. First Reading of Revised/Replaced and/or Recommended Policies on Nondiscrimination24

ROYAL OAK SCHOOLS
A COMMUNITY OF EXCELLENCE

Book	Policy Manual
Section	For the Board 40-1 Nondiscrimination
Title	Vol. 40, No. 1 - Nondiscrimination - September 2025 Rescind NONDISCRIMINATION BASED ON GENETIC INFORMATION OF THE EMPLOYEE
Code	po1422.02
Status	
Adopted	September 13, 2012

Rescind Policy - Vol. 40, No. 1

~~1422.02 **NONDISCRIMINATION BASED ON GENETIC INFORMATION OF THE EMPLOYEE**~~

~~The Board of Education prohibits discrimination on the basis of genetic information in all aspects of employment, including hiring, firing, compensation, job assignments, promotions, layoffs, training, fringe benefits, or any other terms, conditions, or privileges of employment. The Board also does not limit, segregate, or classify employees in any way that would deprive or tend to deprive them of employment opportunities or otherwise adversely affect the status of an employee as an employee, based on genetic information. Harassment of a person because of his/her genetic information is also prohibited. Likewise, retaliation against an applicant or employee for engaging in protected activity is prohibited.~~

~~In accordance with the Genetic Information Nondiscrimination Act ("GINA"), the Board shall not request, require, or purchase genetic information of employees, their family members, or applicants for employment. Further, in compliance with this Act, employees are directed not to provide any genetic information, including the individual's family medical history, in response to necessary requests for medical information, with the exception that family medical history may be acquired as part of the certification process for FMLA leave when an employee is asking for leave to care for an immediate family member with a serious health condition. Applicants for employment are directed not to provide any genetic information, including the individual's family medical history, in response to requests for medical information as part of the District's application process.~~

~~**[ ]** The District recognizes that genetic information may be acquired through commercially and publicly available documents like newspapers, books, magazines, periodicals, television shows, or the Internet. The District prohibits, however, its employees from searching such sources with the intent of finding or obtaining genetic information or accessing sources from which they are likely to acquire genetic information.~~

~~"Genetic information," as defined by GINA, means information about: (a) an individual's genetic tests; (b) the genetic tests of that individual's family members; (c) the manifestation of disease or disorder in family members of the individual (i.e., family medical history); (d) an individual's request for, or receipt of, genetic services, or the participation in clinical research that includes genetic services by the individual or a family member of the individual; or (e) the genetic information of a fetus carried by an individual or a pregnant woman who is a family member of the individual and the genetic information of an embryo legally held by an individual or family member using assistive reproductive technology.~~

~~If the District either legally and/or inadvertently receives genetic information about an employee or applicant for employment from the employee, applicant for employment, or a medical provider, it shall be treated as a confidential medical record in accordance with law.~~

~~The Superintendent shall appoint a compliance officer who shall be responsible for overseeing the District's compliance with Federal regulations and promptly dealing with any inquiries or complaints. S/He shall also verify that proper notice of nondiscrimination for Title II of the Genetic Information Nondiscrimination Act of 2008 is provided to staff members and that all District requests for health-related information (e.g., to support an employee's request for reasonable accommodation under the ADA or a request for sick leave) is accompanied by a written warning that directs the employee or health care provider not to collect or provide genetic information.~~

~~The warning shall read as follows:~~

~~The Genetic Information Nondiscrimination Act of 2008 ("GINA") prohibits employers and other entities covered by GINA Title II, including the Board of Education, from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by law. To comply with this law, do not provide any genetic information when responding to this request for medical information (unless the request pertains to a request for FMLA leave for purposes of caring for an immediate family member with a serious health condition). "Genetic information," as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic test, the fact that an individual or an individual's family member sought or received genetic services or participated in clinical research that includes genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.~~

~~**[ ]** The District offers health services **( )** including a wellness program **[END OF OPTION]**. Participation in the services/program is voluntary. Genetic information (such as family medical history) may be obtained as part of an individual's participation in the service/program. If that occurs, individual genetic information may be provided to the individual receiving the services and to his/her health services providers, but only genetic information in aggregate form will be provided to the Board. **[END OF OPTIONAL SENTENCE]**~~

~~**© Neola 2011**~~

Legal

29 C.F.R. Part 1635

42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act

Last Modified by Wayne Wright on October 20, 2025

ROYAL OAK SCHOOLS
A COMMUNITY OF EXCELLENCE

Book	Policy Manual
Section	For the Board 40-1 Nondiscrimination
Title	Vol. 40, No. 1 - Nondiscrimination - September 2025 Replacement NONDISCRIMINATION, EQUAL EMPLOYMENT OPPORTUNITY, AND ANTI-HARASSMENT
Code	po1422
Status	1st Reading
Adopted	March 14, 2013
Last Revised	March 27, 2023
Last Reviewed	March 13, 2026

Replacement Policy - Vol. 40, No. 1

1422 - **NONDISCRIMINATION, EQUAL EMPLOYMENT OPPORTUNITY, AND ANTI-HARASSMENT**

The Board of Education does not discriminate on the basis of race, color, national origin, sex (including pregnancy, childbirth, and related medical conditions; sexual orientation; and gender identity), disability, age, religion, height, weight, marital or family status, military status, ancestry, genetic information, or any other legally protected category (collectively, Protected Classes) in its programs and activities, including employment opportunities.

The Board is committed to providing a work environment that is free from Prohibited Conduct, responding promptly and effectively when it has knowledge of conduct that reasonably may constitute Prohibited Conduct, and addressing Prohibited Conduct in its education programs or activities. This commitment applies to all District operations and this policy applies to Prohibited Conduct occurring within or as a part of the District's education programs and activities, whether on school property or at another location during an activity sponsored by the Board.

Persons who commit Prohibited Conduct are subject to the full range of disciplinary sanctions set forth in this policy.

The Board will provide persons who have experienced Prohibited Conduct with ongoing remedies as reasonably necessary to restore or preserve access to the District’s education programs or activities.

All school employees share responsibility for avoiding, discouraging, and reporting any form of Prohibited Conduct.

The Board will take immediate action to address the following prohibited acts:

A. Retaliating against a person who has made a report or filed a complaint alleging Prohibited Conduct, or has participated in the below-described grievance procedures.

B. Filing a malicious or knowingly false report or complaint of Prohibited Conduct.

C. Disregarding, failing to appropriately address, or delaying action to appropriately address allegations of Prohibited Conduct when responsibility for reporting and/or investigating such charges comprises part of one's administrative/supervisory duties.

Definitions:

Words used in this policy shall have those meanings defined herein; words not defined herein shall be construed according to their plain and ordinary meanings.

Bullying means: any unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by an adult, that is sufficiently severe or pervasive to create an intimidating, hostile, or offensive work environment; or unreasonably interfere with the individual's work performance or participation. It may involve: (a) threats; (b) intimidation; (c) stalking; (d) cyberstalking; (e) cyberbullying; (f) physical violence; (g) theft; (h) sexual, religious, or racial harassment; (i) public humiliation; or (j) destruction of property. Bullying rises to the level of unlawful harassment when one (1) or

more persons systematically and chronically inflict physical hurt or psychological distress on one (1) or more employees, and that bullying is based upon one (1) or more Protected Classes, that is, characteristics that are protected by Federal and/or State civil rights laws. Ordinary teasing, horseplay, arguments, and peer conflict do not constitute bullying for purposes of this policy.

Complainant means: an employee who is alleged to have been subjected to conduct that could constitute Prohibited Conduct; or a person, other than an employee, who is alleged to have been subjected to conduct that could constitute Prohibited Conduct and who was participating or attempting to participate in the District's education programs or activities at the time of the alleged Prohibited Conduct.

Complaint means: an oral or written request to the District that objectively can be understood as a request for the District to investigate and make a determination about alleged Prohibited Conduct.

Day(s): Unless expressly stated otherwise, the term "day" or "days" as used in this policy means business day(s) (i.e., days that the Board office is open for normal operating hours, Monday – Friday, excluding State-recognized holidays).

Disciplinary sanctions means: consequences imposed on a respondent following a determination that the respondent engaged in Prohibited Conduct.

Education programs or activities refer to: all the District's operations including, but not limited to, in-person and online/remote educational instruction, employment, extracurricular activities, athletics, performances, and community engagement and outreach programs. The term applies to all programs and activities operated by the Board on school grounds or on other property owned or occupied by the Board. It also includes events and circumstances that take place off school property/grounds but over which the District asserts disciplinary authority (e.g., at off-campus activities sponsored by the Board).

Exculpatory evidence means: evidence that is favorable to a respondent because it helps excuse, justify, or absolve a respondent of alleged wrongdoing and tends to establish that a respondent did not engage in Prohibited Conduct.

Genetic information means: information about: (a) an individual's genetic tests; (b) the genetic tests of that individual's family members; (c) the manifestation of disease or disorder in family members of the individual (i.e., family medical history); (d) an individual's request for, or receipt of, genetic services, or the participation in clinical research that includes genetic services by the individual or a family member of the individual; or (e) the genetic information of a fetus carried by an individual or a pregnant woman who is a family member of the individual and the genetic information of an embryo legally held by an individual or family member using assistive reproductive technology.

Harassment means: any threatening, insulting, or dehumanizing gesture, use of technology, or written, verbal, or physical conduct directed against an employee that (a) places the employee in reasonable fear of harm to their person or damage to their property; (b) has the effect of substantially interfering with the employee's work performance; or (c) has the effect of substantially disrupting the orderly operation of a school. Each of the following types of harassment involves unwelcome physical, verbal, or nonverbal conduct that is based upon an individual's protected characteristic(s) and has the purpose or effect of interfering with the individual's work performance or creating an intimidating, hostile, or offensive work environment.

A. **Age Harassment** means: harassment based on negative perceptions about older workers. It also includes harassment based on stereotypes about older workers, even if they are not motivated by animus, such as pressuring an older employee to transfer to a job that is less technology-focused because of the perception that older workers are not well-suited to such work or encouraging an older employee to retire.

B. **Disability Harassment** means: harassment based upon a person's disability and includes harassment based upon stereotypes about individuals with disabilities in general or about an individual's particular disability. It also includes harassment based on traits or characteristics linked to an individual's disability, such as how the person speaks, looks, or moves. For example, negative comments about an individual's speech patterns, movement, physical impairments, or defects/appearances, or the like. Disability-based harassment includes: (a) harassment because an individual requests or receives reasonable accommodation; (b) harassment because an individual is regarded as having an impairment, even if the individual does not have an actual disability, or a record of disability; (c) harassment because an individual has a record of a disability, even if the individual currently does not have a disability; and (d) harassment based on the disability of an individual with whom the employee is associated. Finally, disability-based harassment may occur where conduct is directed at or pertains to a person's genetic information.

C. **National Origin/Ancestry Harassment** means: harassment due to a person's (or their ancestor's) place of origin. Such harassing conduct can include ethnic slurs or epithets, derogatory comments about individuals of a particular nationality, and use of stereotypes about a person's national origin. Additionally, it can include harassment regarding traits or characteristics linked to an individual's national origin, such as physical characteristics, ethnic or cultural characteristics or customs (e.g., surnames, attire, or diet), or linguistic characteristics (e.g., a person's manner of speaking, non-English language accent, or a lack of fluency in English).

D. **Race/Color Harassment** means: unwelcome physical, verbal, or nonverbal conduct that is based upon an individual's race or color and has the purpose or effect of interfering with the individual's work performance; or creating an intimidating, hostile, or offensive work environment. Such harassment may occur where conduct is directed at the characteristics of a person's race or color, such as racial slurs, nicknames implying stereotypes, epithets, and/or negative references relative to racial customs.

E. **Religious (Creed) Harassment** means: harassment based on a person's surname, religion (including atheism or lack of religious belief), religious traditions and practices, or religious dress/clothing, and includes making offensive comments about the same. It also includes religious slurs or epithets, harassing conduct based on religious stereotypes, and harassment associated with a person's request for and/or receipt of religious accommodation. Religious harassment also involves explicitly or implicitly coercing an employee to engage in religious practices at work.

F. **Sexual Harassment** means (for purposes of this policy and consistent with Title VII of the Civil Rights Act of 1964): unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when: (a) submission to such conduct is made either implicitly or explicitly a term or condition of an individual's employment; (b) submission or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (c) such conduct has the purpose or effect of interfering with the individual's work performance; or creating an intimidating, hostile, or offensive working environment. Sexual harassment may involve the behavior of a person of any gender against a person of the same or another gender.

1. Sexual Harassment covered by Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities is not included in this policy. Allegations of such conduct shall be addressed solely by Policy 2266.

2. Prohibited acts that constitute sexual harassment under this policy may take a variety of forms. Examples of the kinds of conduct that may constitute sexual harassment include, but are not limited to:

    a. Conduct of a sexualized nature, such as unwanted conduct expressing sexual attraction or involving sexual activity (e.g., unwelcome sexual propositions, invitations, solicitations, and flirtations; unwanted physical and/or sexual contact, including unwelcome and inappropriate touching, patting, or pinching **(X)**; and obscene gestures **[END OF OPTION]**.

    b. Sexual attention or sexual coercion, such as demands or pressure for sexual favors (e.g., threats or insinuations that a person's employment, wages, or other conditions of employment may be adversely affected by not submitting to sexual advances; giving unwelcome personal gifts such as lingerie that suggest the desire for a romantic relationship; leering or staring at someone in a sexual way, such as staring at a person's breasts, buttocks, or groin).

    c. Rape, sexual assault, or other acts of sexual violence.

    d. Discussing or displaying visual depictions of sex acts or sexual remarks (e.g., unwelcome verbal expressions of a sexual nature, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, profanity, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls, texts, etc.; sexually suggestive objects, pictures, graffiti, videos, posters, audio recordings or literature placed in the work environment; asking or telling about sexual fantasies, sexual preferences, or sexual activities; speculations about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history).

    e. A consensual sexual relationship where such relationship leads to favoritism of a subordinate employee with whom the superior is sexually involved and where such favoritism adversely affects other employees or otherwise creates a hostile work environment.

    f. Verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping that does not involve conduct of a sexual nature.

    g. Non-sexual conduct based on sex, such as sex-based epithets; sexist comments (such as remarks that women do not belong in management or that men do not belong in the nursing profession); or facially sex-neutral offensive conduct motivated by sex (such as bullying directed toward employees of one sex).

    h. Harassment based on pregnancy, childbirth, or related medical condition, which may include issues pertaining to lactation, using or not using contraception, or deciding whether to have, or not to have, an abortion.

Not all behavior with sexual connotations constitutes unlawful sexual harassment. Sex-based or gender-based conduct must be objectively offensive (a reasonable person would find it hostile or abusive), subjectively offensive (the complainant actually perceived it as abusive), and either sufficiently severe (a single extremely serious incident) or pervasive (a pattern of behavior), such that it adversely affects, limits, or denies an individual's employment, or creates a hostile or abusive employment environment.

Inculpatory evidence means: evidence that links a respondent to alleged wrongdoing and tends to establish a respondent engaged in Prohibited Conduct (i.e., has culpability).

Military status means: a person's past, current, or future membership, service, or obligation in a uniformed service (e.g., Army, Marine Corps, Navy, Air Force, Space Force, Coast Guard, Public Health Service Commissioned Corps, and National Oceanic and Atmospheric Administration Commissioned Officer Corps). Service in the uniformed services also means the performance of duty, on a voluntary basis, or involuntary basis, in a uniformed service, under competent authority, and includes active duty, active duty for training, initial active duty for training, inactive duty for training, and full-time National Guard duty. It further includes the period of time for which a person is absent from employment for the purpose of an examination to determine the fitness of the person to perform any such duty as listed above.

Party means: a complainant or respondent.

Pregnancy, childbirth, or related medical conditions means:

A. "Pregnancy" and "childbirth" refer to the pregnancy or childbirth of a specific employee and include, but are not limited to, current pregnancy; past pregnancy; potential or intended pregnancy (which can include infertility, fertility treatment, and the use of contraception); labor; and childbirth (including vaginal and cesarean delivery).

B. "Related medical conditions" are medical conditions relating to the pregnancy or childbirth of a specific employee, and may include termination of pregnancy, including via miscarriage, stillbirth, or abortion; ectopic pregnancy; preterm labor; pelvic prolapse; nerve injuries; cesarean or perineal wound infection; maternal cardiometabolic disease; gestational diabetes; preeclampsia; HELLP (hemolysis, elevated liver enzymes and low platelets) syndrome; hyperemesis gravidarum; anemia; endometriosis; sciatica; lumbar lordosis; carpal tunnel syndrome; chronic migraines; dehydration; hemorrhoids; nausea or vomiting; edema of the legs, ankles, feet, or fingers; high blood pressure; infection; antenatal (during pregnancy) anxiety, depression, or psychosis; postpartum depression, anxiety, or psychosis; frequent urination; incontinence; loss of balance; vision changes; varicose veins; changes in hormone levels; vaginal bleeding; menstruation; and lactation and conditions related to lactation, such as low milk supply, engorgement, plugged ducts, mastitis, or fungal infections. The preceding list of related medical conditions is not exhaustive.

Prohibited Conduct means: unlawful discrimination or harassment based on a person's Protected Class(es) or retaliation. Such misconduct involves a violation of Federal and/or State civil rights laws.

Relevant means: related to the allegations of Prohibited Conduct under investigation as part of the Board's grievance procedures. Questions are relevant when they seek evidence that may aid in showing whether the alleged Prohibited Conduct occurred, and evidence is relevant when it may aid a decisionmaker in determining whether the alleged Prohibited Conduct occurred.

Remedies means: measures provided, as appropriate, to a complainant or any other person the District identifies as having had their equal access to the District's education programs or activities limited or denied by Prohibited Conduct. These measures are provided to restore or preserve that person's access to the District's education program or activity after the District determines that Prohibited Conduct occurred.

Respondent means: a person who is alleged to have engaged in Prohibited Conduct.

Retaliation means: intimidation, threats, coercion, or discrimination against any person by the District, a student, a Board employee, or any other person authorized by the Board to provide aid, benefit, or service under the District's education programs or activities, for the purpose of interfering with any right or privilege secured by Federal or State law, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under applicable Federal or State laws or regulations.

School District community means: students and Board employees (i.e., administrators and professional and classified staff), as well as Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

Supportive measures means: non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, without fee or charge to the complainant or the respondent before or after making a report or filing a complaint. Such measures are designed to restore or preserve that party's access to the District's education programs or activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the District's educational environment or deter Prohibited Conduct. Supportive measures may include modifications of work schedules, mutual restrictions of contact between the parties, changes in work locations, leaves of absence, increased security and monitoring of certain work settings; training related to Prohibited Conduct, **(x)** referral to Employee Assistance Program, **[END OF OPTION]** and other similar measures.

Third Parties means: guests and/or visitors on District property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with, or seeking to do business with, the Board, and other individuals who come in contact with members of the School District community at school-related events/activities (whether on or off District property).

Pregnancy, Childbirth, and Related Medical Conditions

The Board will not discriminate against an employee based on the person's current pregnancy, potential or intent to become pregnant, past pregnancy, or medical condition related to pregnancy or childbirth, or because the person uses birth control, or has had or not had an abortion.

Additionally, the Board will provide a reasonable accommodation to an employee's known limitation related to pregnancy, childbirth, or a related medical condition, unless the accommodation will cause the District undue hardship.

The Board will treat pregnancy, childbirth, and related medical conditions as any other temporary medical conditions for all job-related purposes, including commencement, duration, and extensions of leave; accrual of seniority and any other benefit or service; reinstatement; and under any fringe benefit offered to employees by virtue of employment.

The Board will provide reasonable break time for an employee to express breast milk while at work for the first year after the

employee's child's birth. The Board will provide the employee with a space, other than a bathroom, that is clean, shielded from view, free from intrusion from coworkers and the public, and which the employee can use as needed to express breast milk. See Board Policy 6700 – Fair Labor Standards Act.

Nondiscrimination Based on Employee's Genetic Information

The Board prohibits discrimination on the basis of genetic information in all aspects of employment, including hiring, firing, compensation, job assignments, promotions, layoffs, training, fringe benefits, or any other terms, conditions, or privileges of employment. The Board also does not limit, segregate, or classify employees in any way that would deprive or tend to deprive them of employment opportunities or otherwise adversely affect the status of an employee as an employee, based on genetic information. Harassment of a person because of the individual's genetic information is also prohibited. Likewise, retaliation against an applicant or employee for engaging in protected activity is prohibited.

In accordance with the Genetic Information Nondiscrimination Act ("GINA"), the Board shall not request, require, or purchase genetic information of employees, their family members, or applicants for employment. Further, in compliance with GINA, employees are directed not to provide any genetic information, including the individual's family medical history, in response to necessary requests for medical information, with the exception that family medical history may be acquired as part of the certification process for FMLA leave, when an employee is asking for leave to care for an immediate family member with a serious health condition. Applicants for employment are directed not to provide any genetic information, including the individual's family medical history, in response to requests for medical information as part of the District's application process.

~~[ ] The District recognizes that genetic information may be acquired through commercially and publicly available documents like newspapers, books, magazines, periodicals, television shows, or the Internet. The District prohibits, however, its employees from searching such sources with the intent of finding or obtaining genetic information or accessing sources from which they are likely to acquire genetic information.~~ **[END OF OPTION]**

If the District either legally and/or inadvertently receives genetic information about an employee or applicant for employment from the employee, applicant for employment, or a medical provider, it shall be treated as a confidential medical record in accordance with law.

The District Compliance Officer (see below) shall be responsible for overseeing the District's compliance with applicable Federal regulations and promptly dealing with any inquiries or complaints. The District Compliance Officer or designee shall also verify that proper notice of nondiscrimination for Title II of the Genetic Information Nondiscrimination Act of 2008 is provided to staff members, and that all District requests for health-related information (e.g., to support an employee's request for reasonable accommodation under the Americans with Disabilities Act ("ADA") or a request for sick leave) is accompanied by a written warning that directs the employee or health care provider not to collect or provide genetic information. The warning shall read as follows:

The Genetic Information Nondiscrimination Act of 2008 ("GINA") prohibits employers and other entities covered by GINA Title II, including the Board of Education, from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by law. To comply with this law, do not provide any genetic information when responding to this request for medical information (unless the request pertains to a request for FMLA leave for purposes of caring for an immediate family member with a serious health condition). "Genetic information," as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic test, the fact that an individual or an individual's family member sought or received genetic services or participated in clinical research that includes genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

~~[ ] The District offers health services ( ), including a wellness program [END OF INTERNAL OPTION]. Participation in the services/program is voluntary. Genetic information (such as family medical history) may be obtained as part of an individual's participation in the service/program. If that occurs, individual genetic information may be provided to the individual receiving the services and to the person's health services providers, but only genetic information in aggregate form will be provided to the Board.~~ **[END OF OPTION]**

District Compliance Officer(s)

[DRAFTING NOTES:

1. **Neola suggests the Board appoint both a male and a female to serve as the District Compliance Officers. By appointing two (2) District Compliance Officers, there should always be a District Compliance Officer available to address a claim that pertains to the other District Compliance Officer. If, however, the Board appoints more than one (1) District Compliance Officer, Neola recommends that it designate one (1) of the District Compliance Officers to retain ultimate oversight over the assigned responsibilities and ensure the Board's consistent compliance with its responsibilities under applicable Federal and State laws that prohibit unlawful discrimination/harassment based on protected classes and retaliation. Alternatively, the Board could appoint a District Compliance Officer and one (1) or more persons to assist the District Compliance Officer with performance of the responsibilities identified in this policy and its accompanying administrative guidelines. Often the person(s) designated to assist a District Compliance Officer is/are called Deputy or Assistant Compliance Officer(s). If the Board elects this alternative approach, it would designate a District Compliance Officer for purposes of this policy, and then designate the other position(s) through its AG. The person(s) in the alternative support role(s) will need to be trained in the same manner as the District Compliance Officer (see**

AG 1422).

2. **The Board must list in this policy either the Name(s) or Title(s) of the District Compliance Officer(s); while the Board may list both the Name(s) and Title(s), Neola suggests that the Board only list the Title(s) in this policy (so the Board does not need to revise/amend the policy whenever there is a change in the actual person(s) holding the designated position(s)), but list both the Name(s) and Title(s) in the requisite notices/postings (e.g., website) and publications (e.g., handbooks). The District will also need to decide whether to list the Name(s) and Title(s), or just the Title(s), in Administrative Guideline 1422 if the District elects to identify the District Compliance Officer in the AG (see DRAFTING NOTE in the AG; again, if the District lists the Name(s) and Title(s), it will need to remember to update the AG whenever there is a change in the actual person(s) holding the designated position(s). No matter what, the Board will need to amend its policy and update its AG, requisite notices/postings, and publications, whenever it changes the Title of the position(s) designated to serve as the District Compliance Officer(s).**

3. **Reminder: Whenever a new person begins to serve as the District Compliance Officer (or in a support role to the District Compliance Officer), the District needs to make sure the new person is appropriately trained, in a timely manner, to fulfill the responsibilities of the position to which the person is assigned.]**

[END OF DRAFTING NOTES]

The Board designates and authorizes the following individual(s) to coordinate its efforts to comply with the Board's responsibilities under Federal and State laws that prohibit discrimination, including harassment, based on Protected Classes and retaliation (also known as "Civil Rights Coordinator(s)" or "Anti-Harassment Compliance Officer(s)") (hereinafter referred to as the "District Compliance Officer(s)" or "CO(s)"):

~~[Name and/or School District Title]~~

~~[Office Address]~~

~~[Email Address]~~

~~[Telephone Number]~~

Patrick Wolynski

Executive Director Staff & Student Services

248-435-8400 x1211

800 Devillen, Royal Oak, MI 48073

patrick.wolynski@royaloakschools.org

[DRAFTING NOTE: The District may want to create a static (i.e., fixed) District Compliance Officer -specific email address and phone number that will not change when the person(s) and/or position(s) designated to be the CO(s) change(s) – e.g., CO4CivilRights@(insert District's domain) – which the Technology Director/Department can program to be forwarded to the actual individual(s) serving as the District Compliance Officer(s) at any given time. Likewise, the District may want to establish a static Telephone Number for the position of District Compliance Officer that can be forwarded to, and accessed by, the actual person(s) serving in the CO position(s) at any given time. These two (2) steps will help reduce the information that needs to be updated in policy, AG, and/or the requisite notices/postings and publications when changes occur to the specific person(s)/position(s) designated to serve as the CO(s).]

[DRAFTING NOTE: Complete the following information if the Board appoints more than one (1) District Compliance Officer.]

[x] [DESIGNATION OF A SECOND DISTRICT COMPLIANCE OFFICER]

~~[Name and/or School District Title]~~

~~[Office Address]~~

~~[Email Address]~~

~~[Telephone Number]~~

Katherine Abela

Executive Director Finance and Facilities

248-435-8400 x1232

800 Devillen, Royal Oak, MI 48073

katherine.abela@royaloakschools.org

[END OF OPTION]

[DRAFTING NOTE: As discussed above, if the Board designates more than one (1) CO, Neola recommends that the District select the following option.]

x] The Board designates _Patrick Wolynski, Executive Director Staff & Student Services_____ **[DRAFTING NOTE: Insert Name and/or Title of the District Compliance Officer who is ultimately responsible for the District's compliance with its responsibilities under Federal and State laws that prohibit discrimination/harassment based on Protected Classes and retaliation** as the individual who is ultimately responsible for oversight over the Board's compliance with applicable Federal and State laws and regulations that prohibit discrimination based on the basis of Protected Classes and retaliation. **[END OF OPTION]**

~~**[ ]** The District Compliance Officer may delegate specific duties to one (1) or more designees. **[END OF OPTION]**~~

~~The contact information concerning the District Compliance Officer(s) will be published on the School District's website **( )** and annually **[END OF OPTION]**.~~

A. ~~**( )** in parent/student and staff handbooks.~~

B. ~~**( )** in the School District Annual Report to the public.~~

C. ~~**( )** on each individual school's website.~~

D. ~~**( )** in the School District's calendar.~~

E. ~~**( )** _____.~~

[DRAFTING NOTE: The Board may want to select the following option when the Superintendent is not the CO. While Neola recognizes that this may not always be possible, it may be preferable to have the CO be someone other than the Superintendent because then – if the CO serves as the investigator and decisionmaker – the Superintendent can serve as the appeal decisionmaker or the facilitator for the informal resolution process.]

[x] The District Compliance Officer(s) shall report directly to the Superintendent except when the Superintendent is a party to a complaint (i.e., either the complainant or the respondent). Under such circumstances, the CO(s) shall report directly to **[SELECT ONE OF THE FOLLOWING]** ~~( ) the Board President~~ **(x)** the Board's Legal Counsel ~~**( )** _____ **[OTHER]**~~ **[END OF INTERNAL OPTIONS]** until the matter in which the Superintendent is a party is concluded. **[END OF OPTION]**

Questions about this policy **(x)** and AG 1422 **[END OF OPTION]** should be directed to the District Compliance Officer(s).

The CO(s) is/are responsible for coordinating the District's efforts to comply with applicable Federal and State laws and regulations, including the District's duty to address in a prompt and equitable manner any inquiries or complaints regarding discrimination, harassment, retaliation, or denial of equal opportunity/access. The CO(s) shall also verify that proper notice of nondiscrimination for Title II of the Americans with Disabilities Act (as amended), Title VI and Title VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973 (as amended), Genetic Information Nondiscrimination Act (GINA), and the Age Discrimination in Employment Act of 1975 is provided to staff members and the general public. ~~**[ ]** Any sections of the District's collective bargaining agreements dealing with hiring, promotion, demotion, discipline, and tenure need to contain a statement of nondiscrimination similar to that in the Board's statement set forth above. **[END OF OPTION]** **[ ]** In addition, as practical, gender specific terms should be eliminated from such contracts. **[END OF OPTION]** Copies of the laws and regulations listed above are available upon request from the CO(s).~~

The CO(s) will be available during regular work hours to discuss concerns related to Prohibited Conduct, to assist employees, other members of the District community, and third parties who seek support or advice when informing another individual about Prohibited Conduct, including unwelcome conduct, or to intercede informally on behalf of the individual in those instances where concerns have not resulted in the filing of a formal complaint and where all parties are in agreement to participate in an informal process.

The CO(s) shall monitor the District's education programs and activities for barriers to reporting information about conduct that reasonably may constitute Prohibited Conduct pursuant to Federal and/or State laws that prohibit discrimination/harassment based on the basis of a Protected Class/Category and retaliation, and take steps reasonably calculated to address such barriers.

Notice of Nondiscrimination

The Superintendent shall provide a notice of nondiscrimination to students, parents, guardians, or other authorized legal representatives of elementary and secondary students; employees; applicants for admission and employment; and all unions and professional organizations holding collective bargaining or professional agreements with the Board. Specifically, the Superintendent shall post the notice of nondiscrimination on the District's website and in each handbook, catalog, announcement, bulletin, and

application form that it makes available to the persons listed above, or which are otherwise used in connection with the recruitment of employees. **(x)** See AG 1422 and Form 1422F1 – Notice and Statement of Nondiscrimination. **[END OF OPTION]**

NOTIFICATION/REPORTS OF PROHIBITED CONDUCT

Any person may provide information to the CO(s) concerning conduct that reasonably may constitute Prohibited Conduct. Such information may be submitted in person, by mail, by telephone, or by electronic mail using the CO's(s') published contact information, or by any other means (oral or written) that results in the CO(s) receiving the information. Information may be provided at any time (including during non-work hours). **[ ]** Anonymous reports may be submitted using **( )** the online reporting form posted at _____ **[insert the web address for the reporting form, or insert a hyperlink tied to the phrase "online reporting form"] [or] ( )** the hotline reporting number (_____**[insert phone number]**). **[END OF OPTION]**

All Board employees are required to notify the CO(s) of conduct that reasonably may constitute Prohibited Conduct. For the Board to fulfill its responsibilities under applicable Federal and/or State laws, if a Board employee has knowledge of conduct that reasonably may constitute Prohibited Conduct, the Board employee must notify the/a CO within two (2) business days of learning the information or receiving the report. **[DRAFTING NOTE: The applicable statutes and regulations do not specify within how many days the Board employee must notify the CO of receiving notification/a report of Prohibited Conduct; Neola suggests "two (2) days". Alternatively, the Board could make this language more open-ended – e.g., "* * * must immediately/promptly notify the/a CO of such information or report."]** The Board employee must also comply with mandatory reporting responsibilities pursuant to Policy 8462 – Student Abuse and Neglect, if applicable. If the Board employee's knowledge about the alleged Prohibited Conduct is based on another individual bringing the information to the Board employee's attention, and the reporting individual submitted a written notification/report or complaint to the Board employee, the Board employee must provide the written notification/report or complaint to the CO.

Notification can be provided orally or in writing and should be as specific as possible. The person making the notification/report should, to the extent known, identify the alleged victim(s), perpetrator(s), and witness(es), and describe in detail what occurred, including date(s), time(s), and location(s).

If a notification/report or complaint involves allegations of Prohibited Conduct by or involving the CO, the person making the report (i.e., providing the notification or filing the complaint) should submit it to the Superintendent or another Board employee who, in turn, will notify the Superintendent of the report/complaint. The Superintendent will then serve in place of the CO for purposes of addressing that report of Prohibited Conduct. **[DRAFTING NOTE: If the Superintendent is the CO, substitute "Board President" in place of "Superintendent."]**

When a Board employee notifies the CO of suspected Prohibited Conduct, the employee is required to report all known details about the alleged Prohibited Conduct including: (1) the name of the alleged respondent(s); (2) the person who experienced the alleged Prohibited Conduct (i.e., the complainant); (3) other persons involved in the alleged Prohibited Conduct (e.g., witnesses); and (4) any other relevant facts, such as date, time, and location. Failure to provide such notification may result in discipline, up to and including suspension or termination of employment.

Any allegations of misconduct not involving Prohibited Conduct as defined in this policy will be addressed through the procedures outlined in other Board policies **(x)** and/or administrative guidelines **[END OF OPTION]**, the applicable Student Code of Conduct, applicable collective bargaining agreement, and/or Employee/Administrator Handbook.

When a notification/report or complaint of Prohibited Conduct is made, the CO shall promptly (i.e., within two (2) business days **[DRAFTING NOTE: The applicable laws and/or regulations do not define "promptly" or otherwise specify within how many days the contact has to be made; Neola suggests "two (2) days."]** of the CO's receipt of the notification/report or complaint of Prohibited Conduct) contact the purported 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 complaint, and explain to the complainant the process for filing a complaint. The CO is responsible for coordinating the effective implementation of supportive measures. Any supportive measures provided to the complainant or respondent shall be maintained as confidential, to the extent that maintaining such confidentiality will not impair the ability of the District to provide the supportive measures.

GRIEVANCE PROCEDURES

Overview:

The Board adopts the following grievance procedures to provide for the prompt, effective, and equitable resolution of complaints made by employees, applicants, or other individuals who are participating or attempting to participate in the District's education programs or activities (i.e., members of the School District community and Third Parties), or by the CO alleging any act of Prohibited Conduct.

These grievance procedures shall be used for all complaints of Prohibited Conduct unless it involves conduct involving a student, in which case the grievance procedures set forth in Policy 2260 or Policy 5517.01 shall apply. These grievances procedures set forth the means for investigating and resolving claims involving such Prohibited Conduct; in particular, the procedures provide a method for assessing – in a prompt, effective, and equitable manner – whether an applicable Federal or State law was violated and, if it was, how best to end the Prohibited Conduct, prevent its recurrence, and remedy its effects.

Due to the sensitivity surrounding complaints of Prohibited Conduct, timelines are flexible for initiating the grievance procedures; however, individuals are encouraged to file a complaint within thirty (30) days after the conduct occurs. Once the formal complaint process is begun, the investigation will be completed in a timely manner.

[DRAFTING NOTE: Title VII of the Civil Rights Act of 1964 ("Title VII") prohibits discrimination in employment. Specifically, it prohibits employment discrimination based on race, color, religion, sex, or national origin, and applies to employers with fifteen (15) or more employees. Title IX, on the other hand, specifically prohibits discrimination based on sex in education programs and activities that receive Federal financial assistance, including employment within those institutions. Title IX is addressed by Board Policy 2266 and AG 2266. While both laws aim to prevent sex-based discrimination in the workplace, Title VII applies more broadly to various types of employers, whereas Title IX is limited to educational institutions receiving Federal funds. Ultimately, both laws aim to ensure equal employment opportunities and protect individuals from discrimination. When a District Compliance Officer receives a complaint or notification of alleged misconduct involving sex discrimination (in particular, sexual harassment) that involves an employee complainant and an employee respondent, the District Compliance Officer should consult with the Title IX Coordinator and/or the Board's Legal Counsel concerning which law – it may be both – the District will need to comply with when investigating the allegations.]

Under all circumstances, the CO shall offer and coordinate supportive measures, as appropriate, in accordance with this policy **(x)** and AG 1422 **[END OF OPTION]**.

Complaints:

The following people may make a complaint of Prohibited Conduct – i.e., request that the District investigate and determine whether Prohibited Conduct occurred:

A. a "complainant," which includes:

   1. an employee of the District who is alleged to have been subjected to conduct that could constitute Prohibited Conduct; or

   2. a person other than an employee of the District who is alleged to have been subjected to conduct that could constitute Prohibited Conduct at a time when that individual was participating or attempting to participate in the District's education programs or activities;

B. an authorized legal representative with the legal right to act on behalf of a complainant;

C. the District Compliance Officer.

A person is entitled to make a complaint of unlawful harassment only if they themselves are alleged to have been subjected to the unlawful harassment, or if the CO initiates a complaint.

[DRAFTING NOTE: This paragraph emphasizes that in order for a person to file a complaint of unlawful harassment, the person has to have been subjected to the alleged misconduct directly or be a person who has a legal right to act on behalf of the person who was subjected to the alleged misconduct. This is consistent with the prior paragraph, where the complainant is identified as an employee who was "subjected to conduct that could constitute Prohibited Conduct." The following paragraph, on the other hand, expands who can file a complaint – when the alleged Prohibited Conduct does not involve unlawful harassment, or the complaint involves allegations of retaliation – to persons who are aware of the alleged Prohibited Conduct, even if that person was not directly affected by or subject to the alleged Prohibited Conduct.]

With respect to complaints of Prohibited Conduct other than unlawful harassment, or complaints involving allegations of retaliation, in addition to the people listed above, the following persons have a right to make a complaint:

A. any employee of the District; or

B. any person other than an employee who was participating or attempting to participate in the District's education programs or activities at the time of the alleged Prohibited Conduct.

The District may consolidate complaints of Prohibited Conduct against more than one (1) respondent, or by more than one (1) complainant against one (1) or more respondents, or by one (1) party against another party, when the allegations of Prohibited Conduct arise out of the same facts or circumstances. When more than one (1) complainant or more than one (1) respondent is involved, references below to a party, complainant, or respondent include the plural, as applicable.

A person may file criminal charges simultaneously with filing a complaint. A person does not need to wait until the District's internal grievance procedures are completed before filing a criminal complaint. Likewise, questions or complaints relating to alleged violations of applicable Federal or State laws may be filed with the U.S. Department of Education's Office for Civil Rights, the U.S. Department of Justice's Civil Rights Division, the U.S. Equal Employment Opportunity Commission, or the Michigan Department of Civil Rights, at any time based on the underlying statutory basis for the complaint.

Basic Requirements:

The District will treat complainants and respondents equitably.

All persons involved with implementing the grievance procedures and any other aspects of this Policy, including the District Compliance Officer, the investigator, the decisionmaker, and the appeal decisionmaker, ~~( ) and the facilitator of the informal resolution process,~~ **[END OF OPTION]** shall be free from any conflicts of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

x] The CO may serve simultaneously as an investigator and/or a decisionmaker. **[END OF OPTION] [DRAFTING NOTE: Neola recommends the Board select this OPTION; note it is "may" (i.e., optional) so the CO can decide when to serve in both roles and when to designate one or more persons to perform these responsibilities in a given case.]**

If the CO does not intend to serve as the investigator/decisionmaker in a specific case, the CO shall designate one (1) or more administrators who are appropriately trained to serve in the role.

In circumstances when the CO and trained administrators do not have time/capacity to serve, or are prevented due to a conflict of interest, bias, or partiality, or other reasons impair the CO and other trained administrators from serving as an investigator/decisionmaker in a specific case, the CO shall **(x)**, in consultation with ~~( ) and approval of~~ **[END OF OPTION]** the Superintendent or ~~( ) Board~~ **(x)** Board President (as appropriate), **[END OF OPTION]** secure one (1) or more independent third parties to serve as the investigator and/or decisionmaker.

The District presumes that the respondent is not responsible for the alleged Prohibited Conduct until a determination is made at the conclusion of its grievance procedures.

Under ordinary circumstances, the Board expects to complete the major stages of the grievance procedures within the timeframe specified below:

A. **Evaluation** – The District Compliance Officer will determine whether to dismiss a complaint or investigate it within __ten__ (10__)- business **[INSERT AMOUNT]** days of receiving the complaint. **[DRAFTING NOTE: Neola recommends that the evaluation stage be completed within ten (10) days of the CO receiving notice of the complaint.]**

B. **Investigation** – The CO, or designated investigator/decisionmaker, shall ordinarily complete the investigation (i.e., collect relevant evidence that is not otherwise impermissible) and issue a Determination (i.e., consider the relevant and not otherwise impermissible evidence and decide whether Prohibited Conduct occurred) within twenty____ (_20_) business **[INSERT AMOUNT]** days of the CO determining the charges require investigation. **[DRAFTING NOTE: Recognizing that it is important for investigations to be completed and Determinations issued in a prompt and equitable manner, Neola recommends that a school district typically complete an investigation and issue a Determination within twenty (20) days.]**

   [DRAFTING NOTE: If the investigator/decisionmaker is someone other than the CO, upon written request from the investigator/decisionmaker, the CO should be permitted to approve a reasonable extension of time for the investigation to be completed and the Determination issued. If the CO is the investigation/decisionmaker: upon written request from the CO, the Superintendent should be permitted to approve a reasonable extension of time for the investigation to be completed and the Determination issued. In either situation, the administrator granting the extension should communicate to the parties the new deadline along with a rationale for the extension.]

   If, however, the CO, or designated investigator/decisionmaker, determines that the investigation is going to take longer, the CO will so notify the parties **(x)** and the Superintendent **[END OF OPTION]** and will thereafter keep the parties **(x)** and the Superintendent **[END OF OPTION]** informed of the status of the matter on a ____regular_____ **[INSERT TIME PERIOD – E.G., BIWEEKLY OR REGULAR]** basis.

C. **Appeal –** A party filing an appeal of the CO's decision to dismiss a complaint **(x)**, or the Determination, **[END OF OPTION]** must do so within __five__ (_5_) business **[INSERT AMOUNT]** days of receiving the Dismissal **(x)** or Determination **[END OF OPTION]**. **[DRAFTING NOTE: Neola recommends the Board allow limited appeals based on the Determination. See DRAFTING NOTE below in the appeal section.]**

The CO, or the Superintendent if the CO is the individual requesting an extension, may approve reasonable extensions of the preceding timeframes on a case-by-case basis for good cause with notice to the parties.

The District will take reasonable steps to protect the privacy of the parties and witnesses. **x]** These steps will not restrict the ability of the parties to present evidence or otherwise participate in the grievance procedures. **[END OF OPTION]** The parties shall not engage in retaliation, including against witnesses.

The CO, or designated investigator/decisionmaker, shall objectively evaluate all evidence that is relevant and not otherwise impermissible — including both inculpatory and exculpatory evidence. Credibility determinations shall not be based on a person's status as a complainant, respondent, or witness.

The following types of evidence, and questions seeking such evidence, are impermissible (i.e., will not be accessed or considered,

except by the District to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:

A. evidence that is protected under a privilege recognized by Federal or State law, unless the person to whom the privilege or confidentiality is owed voluntarily waived the privilege or confidentiality; and

B. a party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the District obtains that party's or witness's voluntary, written consent for use in its grievance procedures.

Notice of Allegations:

Upon initiation of the Board's grievance procedures, the District Compliance Officer shall notify the parties of the following:

A. the Board's grievance procedures **(x)** and informal resolution process **[END OF OPTION]** associated with claims involving Prohibited Conduct; **[DRAFTING NOTE: Neola encourages the Board to include an informal resolution process.]**

B. sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute Prohibited Conduct, and the date(s) and location(s) of the alleged incident(s); and

C. retaliation is prohibited.

Should the CO decide, at any point, to investigate allegations that are materially beyond the scope of the initial written notice, the CO will provide a supplemental written notice describing the additional allegations to be investigated.

Dismissal of a Complaint:

The CO may dismiss a complaint of Prohibited Conduct if:

A. the District is unable to identify the respondent after taking reasonable steps to do so;

B. the respondent is not participating in the District's education program or activity and is not employed by the Board;

C. the complainant voluntarily withdraws any or all the allegations in the complaint, the CO declines to initiate a complaint, and the District determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute Prohibited Conduct even if proven; or

D. the District determines the conduct alleged in the complaint, even if proven, would not constitute Prohibited Conduct. Before dismissing the complaint, the CO will make reasonable efforts to clarify the allegations with the complainant.

Upon dismissal, the CO will promptly notify, in writing, the complainant of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, the CO will also simultaneously notify, in writing, the respondent of the dismissal and the basis for the dismissal.

The CO will further notify the complainant that a dismissal may be appealed and will provide the complainant with an opportunity to appeal the dismissal of the complaint. If the dismissal occurs after the respondent has been notified of the allegations, then the CO will also notify the respondent that the dismissal may be appealed.

Dismissals may be appealed on the following bases:

A. procedural irregularity that would change the outcome;

B. new evidence that would change the outcome and that was not reasonably available when the dismissal was made; and

C. the CO had a conflict of interest or bias for or against complainants or respondents generally, or the individual complainant or respondent, that would change the outcome.

If the dismissal is appealed, the CO will:

A. notify the parties of any appeal, including notice of the allegations, if notice was not previously provided to the respondent;

B. implement appeal procedures equally for the parties;

C. ensure that the appeal decisionmaker did not take part in the original dismissal of the complaint;

D. ensure that the appeal decisionmaker has been trained consistent with this Policy **(x)** and AG 1422 **[END OF OPTION]**;

E. provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and

F. notify the parties of the result of the appeal and the rationale for the result.

When a complaint is dismissed, the CO will, at a minimum:

A. offer supportive measures to the complainant as appropriate;

B. if the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; and

C. take other prompt and effective steps, as appropriate, to ensure that Prohibited Conduct does not continue or recur within the District's education programs or activities.

[DRAFTING NOTE: Neola encourages the Board to select the following option so the CO can choose, in appropriate circumstances, to offer the parties the opportunity to participate in an informal resolution process, or to honor the parties' request to use an informal resolution process, to end the Prohibited Conduct, prevent its recurrence, and remedy its effects.]

[x [OPTIONAL LANGUAGE: INFORMAL RESOLUTION PROCESS]

Informal Resolution Process:

In lieu of resolving a complaint through the Board's formal grievance procedures, the parties may instead elect to participate in an informal resolution process. The District will not offer informal resolution to resolve a complaint when such a process would conflict with Federal, State, or local law.

[END OF OPTIONAL LANGUAGE: INFORMAL RESOLUTION PROCESS]

Adding Allegations and/or Consolidating Complaints:

If, in the course of an investigation, the District decides to investigate additional allegations of Prohibited Conduct by the respondent toward the complainant that are not included in the original Notice of Allegations or to consolidate charges raised in a different complaint involving the same respondent, the CO will notify the parties of the additional allegations.

Investigation:

The District will provide for an adequate, reliable, and impartial investigation of complaints.

The burden is on the District — not on the parties — to conduct an investigation that gathers sufficient evidence to determine whether Prohibited Conduct occurred.

The CO, or the designated investigator/decisionmaker, will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible.

The CO, or the designated investigator/decisionmaker, will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible, regardless of relevance.

Determination of Whether Prohibited Conduct Occurred:

Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, the CO or designated investigator/decisionmaker will:

A. Use the preponderance of the evidence standard of proof to determine whether Prohibited Conduct occurred. This standard of proof requires the decisionmaker to evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the decisionmaker, applying the applicable standard, is not persuaded by the relevant and not otherwise impermissible evidence that Prohibited Conduct occurred, regardless of the quantity of the evidence, the decisionmaker will not determine that Prohibited Conduct occurred. **[DRAFTING NOTE: While a board of education could elect to use the "clear and convincing" evidence standard of proof, Neola does not recommend it. If a board does select the "clear and convincing" standard, it should use it in all other comparable proceedings. Neola expects it will be a rare situation when a board chooses to use a clear and convincing standard of proof.]**

B. Notify the parties, in writing, of the determination whether Prohibited Conduct occurred, including the rationale for such determination **(x)**, and the procedures and permissible bases for the complainant and respondent to appeal **[END OF OPTION]**.

C. Not impose discipline on a respondent for Prohibited Conduct unless there is a determination at the conclusion of the grievance procedures that the respondent engaged in Prohibited Conduct.

D. If there is a determination that Prohibited Conduct occurred, the CO will, as appropriate:

1. coordinate the provision and implementation of remedies to a complainant and other people the District identifies as having had equal access to the District's education programs or activities limited or denied by the Prohibited Conduct;

2. coordinate the imposition of any disciplinary sanctions on a respondent **(x)**, including notification to the complainant of any such disciplinary sanctions **[END OF OPTION]**; and

3. take other appropriate prompt and effective steps to ensure that the Prohibited Conduct does not continue or recur within the District's education programs or activities.

E. Comply with the grievance procedures before the imposition of any disciplinary sanctions against a respondent.

F. Not discipline a party, witness, or others participating in the grievance procedures for making a false statement based solely on the determination of whether Prohibited Conduct occurred.

[DRAFTING NOTE: If the CO dismisses a complaint in the Evaluation stage (i.e., prior to commencing an investigation), the complainant may appeal as set forth above. Neola also recommends the Board include an appeal process related to the Determination.]

[x [OPTIONAL LANGUAGE - APPEAL OF DETERMINATION]

Appeal of Determinations:

If a party disagrees with the decisionmaker's determination as to whether Prohibited Conduct occurred, the party may file an appeal. Appeals must be submitted, in writing, within _five___ (_5_) business **(INSERT AMOUNT)** days of the appealing party's receipt of the Determination.

A party may appeal a Determination on the following bases:

A. procedural irregularity that would change the outcome;

B. new evidence that would change the outcome and that was not reasonably available when the investigation occurred and the Determination was made; and

C. the CO, or the designated investigator/decisionmaker, had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome;

[DRAFTING NOTE: The Board may insert additional grounds on which an appeal may be filed.]

D. ~~**( )** the recommended remedies (including disciplinary sanctions/consequences) are unreasonable in light of the findings of fact (i.e., the nature and severity of the Prohibited Conduct).~~

E. ~~**( ) [OTHER]** _____.~~

~~**[ ]** The complainant may not challenge the ultimate disciplinary sanction/consequence that is imposed. **[END OF OPTION]**~~

[DRAFTING NOTE: The following options are offered in case the Board wants the Superintendent to serve as the appeal decisionmaker or the Board wants to nominally be identified as the appeal decisionmaker but will be delegating the responsibility to a person who is properly trained. Neola does not recommend that the Board itself be named as the appeal decisionmaker because of the preference for the decisionmaker to be trained to render a decision. If the Board wants to serve as the appeal decisionmaker, it should discuss this issue with its Legal Counsel. Select OPTION 1 or OPTION 2 below.]

~~**[ ] [OPTION 1]**~~

~~The CO will designate an appeal decisionmaker, who will be a person who did not conduct the Investigation and render the Determination, and is appropriately trained **( )**, as set forth in AG 1422 **[END OF INTERNAL OPTION]**.~~

~~The CO has authority **( )**, in consultation with **( )** and approval of **[END OF OPTION]** the Superintendent or **( )** Board **( )** Board President (as appropriate), **[END OF OPTIONS]** to secure an independent Third Party to serve as the appeal decisionmaker.~~

~~**[ ]** In designating an appeal decisionmaker, the CO will work with the Board to identify and appoint an independent Third Party to serve as the appeal decisionmaker – this individual shall be considered to be the Board's designee and will submit the appeal decision to the Board who will promptly adopt it as written and forward it to the CO who will send it simultaneously to the parties. **[END OF OPTIONAL SENTENCE]**~~

~~**[END OF OPTION 1]**~~

[x] [OPTION 2]

The Superintendent shall serve as the appeal decisionmaker, provided the Superintendent has not been otherwise involved in the grievance procedures (i.e., did not serve as the investigator/decisionmaker or informal resolution process facilitator) and is appropriately trained. If the Superintendent is not eligible to serve as the appeal decisionmaker, the CO will designate an appeal

decisionmaker, who will be a person who did not conduct the Investigation and render the Determination, and is appropriately trained **(x)**, as set forth in AG 1422 **[END OF INTERNAL OPTION]**.

[END OF OPTION 2]

[END OF OPTIONS]

If a party appeals the Determination, the CO will:

A. notify the parties of the appeal;

B. implement appeal procedures equally for the parties;

C. provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the Determination;

D. provide the appeal decisionmaker with the relevant and not otherwise impermissible evidence and the Determination; and

E. notify the parties, in writing, of the result of the appeal and the appeal decisionmaker's rationale for the outcome.

Parties Provided a Reasonable and Equal Opportunity to Make a Statement in Support of, or Challenging, the Dismissal (x) or Determination [END OF OPTION]

When a party files an appeal, the party must set forth the reason(s)/basis/bases for the appeal, and the other party will have _five___ (_5_) business **[INSERT AMOUNT]** days to provide the appeal decisionmaker with a statement in support of their position. Once the decisionmaker receives the statement (or the deadline for filing such a statement expires), the appeal decisionmaker will have _five___ (_5_) business **[INSERT AMOUNT]** days to issue a decision on the appeal.

[DRAFTING NOTE: Neola suggests any appeals should be filed within five (5) days of the parties receiving written notice of the Determination. Neola further suggests that the timeline for the other party submitting a statement be equivalent to the timeframe in which an appeal has to be filed. Finally, Neola suggests the appeal decisionmaker have ten (10) days from receipt of the statements to issue a decision.]

While a party appealing a Determination may argue the reason/basis for the appeal is that new evidence has been discovered/obtained that would change the outcome and that said new evidence was not reasonably available when the Determination was originally made, the party may not submit the new or additional evidence during the appeal process. Rather, the party appealing should identify/describe in detail the evidence, including how and when it was discovered/obtained, and explain why it was not reasonably available during the Investigation (i.e., prior to the Determination). If the appeal decisionmaker accepts the proffered explanation, the appeal decisionmaker should remand the case back to the investigator/decisionmaker (i.e., reopen the investigation) so the new evidence may be submitted and considered by the other party and the investigator/decisionmaker.

The appeal decisionmaker shall determine the outcome of the appeal based on the appeal decisionmaker's independent review of the record (i.e., the relevant and not otherwise impermissible evidence and the written determination) and the appeal decisionmaker's application of the law and Board policy to the facts in the record. The appeal decisionmaker must give due deference and due weight to the decisionmaker's factual findings and credibility determinations and should not overturn them unless non-testimonial extrinsic evidence in the record justifies a contrary conclusion or unless the record read in its entirety compels a contrary conclusion. Generally, the appeal decisionmaker is expected to uphold the original Determination unless the appeal decisionmaker concludes the original Determination is unlawful, unreasonable, or against the manifest weight of the evidence. Every reasonable presumption must be made in favor of the original Determination.

The appeal decisionmaker shall

[DRAFTING NOTE: The Board must select either OPTION 1 or OPTION 2 unless the Board appointed an independent Third Party to serve as the Board's appeal decisionmaker, in which case the Board should select OPTION 3.]

(x) [OPTION 1]

simultaneously notify the parties, in writing, of the result of the appeal and the rationale for the outcome.

[END OF OPTION 1]

~~**[OR]**~~

~~**( ) [OPTION 2]**~~

~~notify the CO, in writing, of the result of the appeal and the rationale for the outcome. The CO will then simultaneously notify the parties, in writing, of the result of the appeal and the appeal decisionmaker's rationale for the outcome.~~

~~**[END OF OPTION 2]**~~

~~**[OR]**~~

~~( ) [OPTION 3]~~

~~submit the appeal decision to the Board who will promptly adopt it as written and forward it to the CO, who will send it simultaneously to the parties. The appeal decision shall set forth the result of the appeal and the appeal decisionmaker's rationale for the outcome.~~

[END OF OPTION 3]

The **(x)** appeal decisionmaker's ~~**( ) Board's**~~ **[END OF OPTION]** decision shall be final.

[END OF OPTIONAL LANGUAGE - APPEAL OF DETERMINATION]

Supportive Measures:

The District will offer and coordinate supportive measures as appropriate for the complainant and/or respondent to restore or preserve that person's access to the District's education programs or activities or provide support during the grievance procedures and/or during the informal resolution process. For allegations of Prohibited Conduct other than prohibited harassment or retaliation, the District's provision of support measures does not require the District, Board employees, or any other person authorized to provide aid, benefit, or service on the District's behalf to alter the alleged discriminatory/retaliatory conduct for the purpose of providing a supportive measure.

The CO shall determine appropriate supportive measures on a case-by-case basis. Supportive measures may vary depending on what the CO deems to be reasonably available. Supportive measures may include, but are not limited to: modifications of work schedules, mutual restrictions on contact between the parties; changes in work locations; leaves of absence; increased security and monitoring of certain work settings; training related to Prohibited Conduct; **(x)** referral to Employee Assistance Program; **[END OF OPTION**] and other similar measures.

Supportive measures must not unreasonably burden either party and must be designed to protect the safety of the parties and/or the District's educational environment, or to provide support during the Board's grievance procedures or the informal resolution process.

The District will not impose such measures for punitive or disciplinary reasons.

The CO may, as appropriate, modify or terminate supportive measures at the conclusion of the grievance procedures, or at the conclusion of the informal resolution process, or the District may continue them beyond that point.

A party may seek additional modification or termination of a supportive measure applicable to them if circumstances change materially.

The District will not disclose information about any supportive measures to persons other than the person to whom they apply, including informing one party of supportive measures provided to another party, unless necessary to provide the supportive measure or restore or preserve a party's access to the District's education programs or activities, or as otherwise permitted under existing law and/or policy.

The Superintendent may place an employee respondent on administrative leave from employment responsibilities during the pendency of the Board's grievance procedures.

Disciplinary Sanctions and Remedies:

Following a determination that Prohibited Conduct occurred, the District may impose disciplinary sanctions, which may include:

A. **(x)** oral or written warning;

B. **(x)** written reprimands;

C. **(x)** required counseling;

D. **(x)** required training or education;

E. **(x)** demotion;

F. **(x)** suspension with pay;

[END OF OPTIONS]

G. suspension without pay;

H. termination; and

I. any other sanction authorized by any applicable Board policy, Employee/Administrator Handbook, and/or collective bargaining agreement.

The District may also provide remedies, which may include disciplinary sanctions/consequences. The CO will notify the Superintendent of the recommended remedies, so an authorized administrator can consider the recommendation and implement appropriate remedies in compliance with applicable due process procedures, whether statutory or contractual.

[DRAFTING NOTE: The Board should review applicable policy(ies)/administrative guidelines/employee handbooks to determine whether changes are needed to establish timelines associated with imposition of discipline as a result of possible delays caused by the Board implementing the preceding grievance procedures; likewise, the Board may need to discuss with union representatives how implementation of the grievance procedures may impact any disciplinary provisions contained in applicable collective bargaining (e.g., timelines, permitted attendees at investigative interviews, etc.).]

Discipline of an employee will be implemented in accordance with Federal and State law, Board policy, and applicable provisions of any relevant collective bargaining agreement.

Retaliation

Retaliation against a person who makes a report or files a complaint alleging Prohibited Conduct or retaliation, or participates in an investigation, is prohibited. Neither the Board nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by the U.S. Constitution, the Michigan Constitution, Federal or State law, or this policy, or because the individual made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy. Intimidation, threats, coercion, or discrimination, including initiating a disciplinary process against a person for a code of conduct violation that does not involve Prohibited Conduct but arises out of the same facts and circumstances as a complaint or information reported about possible Prohibited Conduct, for the purpose of interfering with the exercise of any right or privilege secured by Federal or State law constitutes retaliation. Retaliation against a person for making a complaint or participating in an investigation is a serious violation of this policy that can result in the imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Complaints alleging retaliation may be filed according to the grievance procedures set forth above. The District shall initiate its grievance procedures upon receiving any complaint alleging retaliation.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under this policy.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this policy shall not constitute retaliation, provided, however, that a determination that Prohibited Conduct occurred, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

Privacy/Confidentiality

The District will employ all reasonable efforts to protect the rights of the complainant, the respondent(s), and the witnesses as much as possible, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. The District will keep confidential the identity of any individual who has made a complaint of Prohibited Conduct, any complainant, any individual who has been reported to be the perpetrator of Prohibited Conduct, any respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. 1232g, or FERPA regulations, 34 C.F.R. part 99, or as required by law, or to carry out the purposes of relevant Federal or State law or regulations, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder (i.e., the District's obligation to maintain confidentiality shall not impair or otherwise affect the complainant's and respondent's receipt of the information to which they are entitled related to the investigation and determination of whether Prohibited Conduct occurred). All records generated under the terms of this policy shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. Additionally, the respondent must be provided the complainant's identity.

During an investigation, the CO or designated investigator/decisionmaker will instruct each person who is interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of an investigation is expected not to disclose to other members of the School District Community or Third Parties any information that is learned or provided during the course of the investigation.

Sanctions and Monitoring

The Board shall vigorously enforce its prohibitions against Prohibited Conduct by taking appropriate action reasonably calculated to stop and prevent further misconduct. While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee. All disciplinary action will be taken in accordance with applicable State law and the terms of the relevant collective bargaining agreement(s). When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter. In those cases where Prohibited Conduct is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, consistent with the terms of the relevant collective bargaining agreement(s).

Where the Board becomes aware that a prior remedial action has been taken against a member of the School District community, all subsequent sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its reoccurrence, and remedy its effects.

Application of the First Amendment

The Board will construe and apply this policy consistent with the First Amendment to the U.S. Constitution **(x)** and the principles of academic freedom as set forth in the applicable collective bargaining agreement **[END OF OPTION]**. In no case will a respondent be found to have committed Prohibited Conduct based on expressive conduct that is protected by the First Amendment **(x)** and/or the principles of academic freedom specified in the Board's collective bargaining agreement with its teachers **[END OF OPTION].**

Training

All employees, investigators, decisionmakers, facilitators of informal resolution process, the District Compliance Officer(s), and other persons who are responsible for implementing the Board's grievance procedures or have the authority to modify or terminate supportive measures shall receive training related to their duties under applicable Federal and State laws and this policy. **[x]** The training shall be provided promptly upon hiring or a change of position that alters their duties under this policy, and annually thereafter. **[END OF OPTIONAL SENTENCE]** The training shall not rely on stereotypes involving Protected Classes.

~~**[ ]** Training materials will be made available for inspection upon request by members of the public. **[END OF OPTION]**~~

Recordkeeping (including retention of investigatory records and materials)

The District Compliance Officer(s) is/are responsible for overseeing retention of all records that must be maintained pursuant to this policy. All individuals charged with conducting investigations under this policy must retain all information, documents, electronically stored information, and electronic media (as defined in Policy 8315) created and received as part of an investigation. Records and materials associated with the implementation of this policy shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, and Policy 8330 for the period set forth below, unless required to be maintained for a longer period pursuant to the District's records retention schedule.

[DRAFTING NOTE: For purposes of uniformity, Neola recommends that the Board use the same seven (7) year period for recordkeeping that is required by the 2020 Title IX regulations - see Board Policy 2266; if the Board selects a different timeframe for maintaining the below specified records, it should verify the time period selected is consistent with and/or reflected in its record retention schedule – see AG 8310.]

The District shall maintain for a period of seven (7) calendar years the following records:

A. for each complaint of Prohibited Conduct, records documenting the informal resolution process and/or the grievance procedures followed and the resulting outcome;

B. for each notification that the District Compliance Officer receives of information about conduct that reasonably may constitute Prohibited Conduct, records documenting the actions the District took to implement this policy; and

C. all materials used to provide the training referenced above **(x)** and in AG 1422 **[END OF OPTION]**.

The information, documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal and/or State law (e.g., student records, medical records).

Outside Appointments, Dual Appointments, and Delegations

The Board retains discretion to appoint suitably qualified persons who are not Board employees to fulfill any function of the Board under this policy including, but not limited to, District Compliance Officer, investigator, decisionmaker, appeal decisionmaker, or facilitator of the informal resolution process.

The Board also retains discretion to appoint two (2) or more persons to jointly fulfill the role of District Compliance Officer, investigator, decisionmaker, appeal decisionmaker, and facilitator of the informal resolution process.

The Superintendent may delegate functions assigned to a specific Board employee under this policy including, but not limited to, the functions assigned to the District Compliance Officer, investigator, decisionmaker, appeal decisionmaker, and facilitator of the informal resolution process to any suitably qualified individual, and such delegation may be rescinded by the Superintendent at any time.

[DRAFTING NOTE: The following option expressly sets forth authority that the Board has, regardless of whether it is included in this policy, but is offered for those boards of education that may want to affirmatively communicate to/address these issues for readers of this policy.]

~~**[ ] Discretion in Application**~~

~~The Board retains discretion to interpret and apply this policy in a manner that is not clearly unreasonable, even if the Board's interpretation or application differs from the interpretation of any specific complainant and/or respondent.~~

~~Despite the Board's reasonable efforts to anticipate all eventualities in drafting this policy, it is possible that unanticipated or extraordinary circumstances may not be specifically or reasonably addressed by the express policy language, in which case the Board retains discretion to respond to the unanticipated or extraordinary circumstance in a way that is not clearly unreasonable.~~

~~The provisions of this policy are not contractual in nature, whether in their own right or as part of any other express or implied contract. Accordingly, the Board retains discretion to revise this policy at any time and for any reason. The Board may apply policy revisions to an active case provided that doing so is not clearly unreasonable.~~

[END OF OPTION]

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Legal	M.C.L. 37.2101 et seq., 37.1101 et seq.
	20 U.S.C. 1092(F)(6)(A)(v)
	20 U.S.C. 1232g
	20 U.S.C. Section 1681, Title IX of Education Amendment Act
	20 U.S.C. Section 1701 et seq., Equal Educational Opportunities Act of 1974
	20 U.S.C. Section 7905, Boy Scouts of America Equal Access Act
	29 C.F.R. Part 1635
	29 U.S.C. 201 et seq., The Fair Labor Standards Act ("FLSA")
	29 U.S.C. 218d, PUMP for Nursing Mothers Act ("PUMP Act")
	29 U.S.C. 621 et seq., Age Discrimination in Employment Act of 1967
	29 U.S.C. 701 et seq. (in particular 794), Rehabilitation Act of 1973, as amended
	34 C.F.R. Part 110 (7/27/93)
	38 U.S.C. Chapter 43 4301-4335 (see in particular 4311(a) [prohibits discrimination based on military service] and 4312 [reemployment rights]), Uniformed Services Employment and Reemployment Rights Act ("USERRA")
	42 U.S.C. 1983
	42 U.S.C. 2000d et seq.
	42 U.S.C. 2000e et seq., Civil Rights Act of 1964 (e.g., Title VI and Title VII), as amended by the Pregnancy Discrimination Act
	42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act
	42 U.S.C. 2000gg, Pregnant Workers Fairness Act ("PWFA")
	42 U.S.C. 6101 et seq., Age Discrimination Act of 1975
	42 U.S.C. 12101 et seq., The Americans with Disabilities Act of 1990, as amended
	Fourteenth Amendment, U.S. Constitution

Last Modified by Jennifer Perkins on March 17, 2026

Book	Policy Manual
Section	For the Board 40-1 Nondiscrimination
Title	Copy of SECTION 504/ADA PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT
Code	po1623
Status	1st Reading
Adopted	July 10, 2014
Last Revised	March 27, 2023
Last Reviewed	March 13, 2026

1623 - **SECTION 504/ADA PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT**

The Board of Education prohibits discrimination against any employee or applicant based upon the employee's or applicant's~~his/her~~ disability. As such, the Board will not engage in employment practices or adopt policies that discriminate on the basis of disability, or otherwise discriminate against qualified individuals with disabilities in regard to job application procedures, the hiring, advancement or discharge of employees, employee compensation, job training, or other terms, conditions and privileges of employment. The Board further will not limit, segregate or classify applicants or employees in any way that adversely affects their opportunities or status because of disability. Additionally, the Board will not participate in any contractual or other relationships that have the effect of subjecting qualified individuals with disabilities who are applicants or employees to discrimination on the basis of disability.

"An individual with a disability" means a person who has, had a record of, or is regarded as having, a physical or mental impairment that substantially limits one (1) or more major life activities. Major life activities are functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, eating, sleeping, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, sitting, reaching, interacting with others, and working.

Major life activities also include the operation of a major bodily function, including, but not limited to, functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, hemic, lymphatic, musculoskeletal and reproductive functions. The operation of a major bodily function includes the operation of an individual organ within a body system.

An impairment that is episodic in nature or in remission is considered a disability if it would substantially limit a major life activity when active.

The determination of whether an impairment substantially limits a major life activity must be made without regard to the ameliorative effects of mitigating measures such as medication, medical supplies, equipment or appliances, low-vision devices (defined as devices that magnify, enhance, or otherwise augment a visual image, but not including ordinary eyeglasses or contact lenses), prosthetics (including limbs and devices), hearing aid(s) and cochlear implant(s) or other implantable hearing devices, mobility devices, oxygen therapy equipment or supplies, use of assistive technology, reasonable accommodations or "auxiliary aids or services," learned behavioral or adaptive neurological modifications, psychotherapy, behavioral therapy, or physical therapy.

A qualified person with a disability means the individual satisfies the requisite skill, experience, education and other job-related requirements of the employment position such individual holds or desires and, with or without reasonable accommodation, can perform the essential functions of the job in question.

The Board will provide a reasonable accommodation to a qualified individual who has an actual disability or who has a record of a disability, unless the accommodation would impose an undue hardship on the operation of the District's program and/or activities. A reasonable accommodation is not required for an individual who is merely regarded as having a disability.

Compliance Officer(s)

The Board designates the following individual(s) to serve as the District's 504 Compliance Officer(s)/ADA Coordinator(s) (hereinafter referred to as the "District Compliance Officer(s)").

Patrick Wolynski
Executive Director Staff & Student Services
248-435-8400 x1211
800 Devillen, Royal Oak, MI 48073
patrick.wolynski@royaloakschools.org

Katherine Abela
Executive Director Finance and Facilities
248-435-8400 x1232
800 Devillen, Royal Oak, MI 48073
katherine.abela@royaloakschools.org

The names, titles, and contact information of these individuals will be published annually on the School District's web site.

The District Compliance Officer(s) are responsible for coordinating the District's efforts to comply with and fulfill its responsibilities under Section 504 and Title II of the Americans with Disabilities Act, as amended ("ADA"). A copy of Section 504 and the ADA, including copies of their implementing regulations, may be obtained from the District Compliance Officer(s).

The District Compliance Officer(s) will oversee the investigation of any complaints of discrimination based on disability, which may be filed pursuant to the Board's adopted internal complaint procedure, and will attempt to resolve such complaints. The Board will provide for the prompt and equitable resolution of complaints alleging violations of Section 504/ADA. See below.

Training

The District Compliance Officer(s) will also oversee the training of employees in the District so that all employees understand their rights and responsibilities under Section 504 and the ADA, and are informed of the Board's policies, administrative guidelines and practices with respect to fully implementing and complying with the requirements of Section 504/ADA.

The Board will provide in-service training and consultation to staff responsible for the education of persons with disabilities, as necessary and appropriate.

Facilities

No qualified person with a disability will, because the District's facilities are inaccessible to or unusable by persons with disabilities, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity to which Section 504/ADA applies.

For facilities constructed or altered after June 3, 1977, the District will comply with applicable accessibility standards. For those existing facilities constructed prior to June 3, 1977, the District is committed to operating its programs and activities so that they are readily accessible to persons with disabilities.

Notice

Notice of the Board's policy on nondiscrimination in employment practices and the identity of the District's Compliance Officer(s) will be published on the District's website and posted throughout the District, and included the District's recruitment statements or general information publications.

Complaint Procedures

If a person believes that they have ~~s/he~~ has been discriminated against on the basis of ~~his/her~~ disability, the person may utilize the following complaint procedures as a means of reaching, at the lowest possible administrative level, a prompt and equitable resolution of the matter.

In accordance with Section 504 of the Rehabilitation Act of 1973 and its implementing regulations ("Section 504"), employees will be notified of their right to file an internal complaint regarding an alleged violation, misinterpretation or misapplication of Section 504. In addition, employees will be notified of their right to file a complaint with the U.S. Department of Education's Office for Civil Rights.

Internal complaints must be put in writing and must identify the specific circumstances or areas of dispute that have given rise to the complaint, and offer possible solutions to the dispute. The complaint must be filed with a District Compliance Officer within the time limits specified below. The District's Compliance Officer is available to assist individuals in filing a complaint.

Unless expressly stated otherwise, the term "day" or "days" as used in this policy means business day(s) (i.e., a day(s) that the Board office is open for normal operating hours, Monday - Friday, excluding State-recognized holidays).

Internal Complaint Procedure

The following internal complaint procedure is available to employees for the prompt and equitable resolution of complaints alleging discrimination based upon disability. This complaint procedure is not available to unsuccessful applicants. Use of the internal complaint procedure is not a prerequisite to the pursuit of other remedies, including the filing of a complaint with the U.S. Department of Education's Office for Civil Rights.

A. An employee with a complaint based on alleged discrimination on the basis of disability may first discuss the problem with the District Compliance Officer.

B. If the informal discussion does not resolve the matter, or if the employee skips Step A, the individual may file a formal written complaint with the District Compliance Officer. The written complaint must contain the name and address of the individual or representative filing the complaint, be signed by the complainant or someone authorized to sign for the complainant, describe the alleged discriminatory action in sufficient detail to inform the District Compliance Officer of the nature and date of the alleged violation, and propose a resolution. The complaint must be filed within thirty (30) days of the circumstances or event giving rise to the complaint, unless the time for filing is extended by the District Compliance Officer for good cause.

C. The District Compliance Officer will conduct an independent investigation of the matter (which may or may not include a hearing). This complaint procedure contemplates informal, but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to present witnesses and other evidence relevant to the complaint. The District Compliance Officer will provide the complainant with a written disposition of the complaint within ten (10) days. If no decision is rendered within ten (10) days, or the decision is unsatisfactory in the opinion of the complainant, the employee may file, in writing, an appeal with the Superintendent. The District Compliance Officer shall maintain the District's files and records relating to the complaint.

D. The Superintendent will, within ten (10) days of receiving the written appeal, conduct a hearing with all parties involved in an attempt to resolve the complaint.

   The Superintendent will render a ~~his/her~~ decision within ten (10) days of the hearing.

E. The employee may be represented, at the employee's ~~his/her~~ own cost, at any of the above-described meetings/hearings.

F. The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights or the filing of a court case. Use of this internal complaint procedure is not a prerequisite to the pursuit of other remedies.

If it is determined that the Complainant was subjected to unlawful discrimination, the CO must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retaliation. The corrective action should be reasonable, timely, age-appropriate and effective, and tailored to the specific situation.

OCR Complaint

At any time, if an employee believes that they have ~~s/he~~ has been subjected to discrimination based upon ~~his/her~~ disability in violation of Section 504 or the ADA, the individual may file a complaint with the U.S. Department of Education's Office for Civil Rights ("OCR"). The OCR can be reached at:

U.S. Department of Education

Office for Civil Rights
Lyndon Baines Johnson Department of Education Building
400 Maryland Ave., SW
Washington, DC 20202-1100
Telephone: (800) 421-3481
FAX: (202) 453-6012
TDD: 800-877-8339
E-mail: OCR@ed.gov
Web: http://www.ed.gov/ocr

~~U.S. Department of Education~~
~~Office for Civil Rights~~
~~Cleveland Office~~
~~1350 Euclid Avenue~~
~~Suite 325~~
~~Cleveland, Ohio 44115~~
~~(216) 522-4970~~
~~FAX: (216) 522-2573~~
~~TDD: (216) 522-4944~~
~~E-mail: OCR.Cleveland@ed.gov~~
~~Web: http://www.ed.gov/ocr~~

Retaliation

Retaliation against a person who makes a report or files a complaint alleging unlawful harassment/retaliation or participates as a witness in an investigation is prohibited. Neither the Board nor any other person may intimidate, threaten, coerce or interfere with any individual because the person opposed any act or practice made unlawful by any Federal or State civil rights law, or because that individual made a report, formal complaint, testified, assisted or participated or refused to participate in any manner in an investigation, proceeding, or hearing under those laws and/or this policy, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws and/or this policy.

Retaliation against a person for making a report of discrimination, filing a formal complaint, or participating in an investigation or meeting is a serious violation of this policy that can result in imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Formal complaints alleging retaliation may be filed according to the internal complaint process set forth above.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under this policy.

Revised 11/12/15
Revised 6/10/21
Revised 12/8/22
T.C. 3/27/23

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Legal	29 C.F.R. Part 1630
	29 U.S.C. 794, Section 504 Rehabilitation Act of 1973, as amended
	34 C.F.R. Part 104
	42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended

Last Modified by Jennifer Perkins on March 17, 2026

Book	Policy Manual
Section	For the Board 40-1 Nondiscrimination
Title	Vol. 40, No. 1 - Nondiscrimination - September 2025 Rescind ANTI-HARASSMENT
Code	po1662
Status	
Adopted	July 10, 2014
Last Revised	March 27, 2023

Rescind Policy - Vol. 40, No. 1

~~1662 **ANTI-HARASSMENT**~~

~~**General Policy Statement**~~

~~It is the policy of the Board of Education to maintain an education and work environment that is free from all forms of unlawful harassment, including sexual harassment. This commitment applies to all School District operations, programs, and activities. All students, administrators, teachers, staff, and all other school personnel share responsibility for avoiding, discouraging, and reporting any form of unlawful harassment. This policy applies to unlawful conduct occurring on school property, or at another location if such conduct occurs during an activity sponsored by the Board.~~

~~The Board will vigorously enforce its prohibition against discriminatory harassment based on race, color, national origin, sex (including sexual orientation and gender identity), disability, age, religion, ancestry, or genetic information (collectively, Protected Classes) that are protected by Federal civil rights laws (hereinafter referred to as unlawful harassment) and encourages those within the School District community, as well as Third Parties, who feel aggrieved to seek assistance to rectify such problems. The Board will investigate all allegations of harassment and in those cases where unlawful harassment is substantiated, the Board will take immediate steps to end the harassment, prevent its reoccurrence, and remedy its effects. Individuals who are found to have engaged in unlawful harassment will be subject to appropriate disciplinary action.~~

~~**[ ]** The District will offer counseling services to any person found to have been subjected to unlawful harassment, and where appropriate, the person(s) who committed the unlawful harassment.~~

~~**Other Violations of the Anti-Harassment Policy**~~

~~The Board will also take immediate steps to impose disciplinary action on individuals engaging in any of the following prohibited acts:~~

A. ~~Retaliating against a person who has made a report or filed a complaint alleging unlawful harassment, or who has participated as a witness in a harassment investigation.~~

B. ~~Filing a malicious or knowingly false report or complaint of unlawful harassment.~~

C. ~~Disregarding, failing to investigate adequately, or delaying investigation of allegations of harassment, when responsibility for reporting and/or investigating unlawful harassment charges comprises part of one's supervisory duties.~~

~~**Definitions**~~

~~Words used in this policy shall have those meanings defined herein; words not defined herein shall be construed according to their plain and ordinary meanings.~~

~~**Complainant** is the individual who alleges, or is alleged, to have been subjected to unlawful harassment, regardless of whether the person files a formal complaint or is pursuing an informal resolution to the alleged harassment.~~

Respondent is the individual who has been alleged to have engaged in unlawful harassment, regardless of whether the Reporting Party files a formal complaint or is seeking an informal resolution to the alleged harassment.

School District community means students and Board employees (i.e., administrators and professional and support staff), as well as Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

Third Parties include, but are not limited to, guests and/or visitors on School District property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with or seeking to do business with the Board, and other individuals who come in contact with members of the School District community at school-related events/activities (whether on or off District property).

Day(s): Unless expressly stated otherwise, the term "day" or "days" as used in this policy means business day(s) (i.e., a day(s) that the Board office is open for normal operating hours, Monday – Friday, excluding State-recognized holidays).

Bullying

Bullying rises to the level of unlawful harassment when one (1) or more persons systematically and chronically inflict physical hurt or psychological distress on one (1) or more students or employees and that bullying is based upon one (1) or more Protected Classes, that is, characteristics that are protected by Federal civil rights laws. It is defined as any unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by an adult or student that is severe or pervasive enough to create an intimidating, hostile, or offensive educational or work environment; cause discomfort or humiliation; or unreasonably interfere with the individual's school or work performance or participation; and may involve:

A. teasing;

B. threats;

C. intimidation;

D. stalking;

E. cyberstalking;

F. cyberbullying;

G. physical violence;

H. theft;

I. sexual, religious, or racial harassment;

J. public humiliation; or

K. destruction of property.

Harassment means any threatening, insulting, or dehumanizing gesture, use of technology, or written, verbal, or physical conduct directed against a student or school employee that:

A. places a student or school employee in reasonable fear of harm to his/her person or damage to his/her property;

B. has the effect of substantially interfering with a student's educational performance, opportunities, or benefits, or an employee's work performance; or

C. has the effect of substantially disrupting the orderly operation of a school.

Sexual Harassment

For purposes of this policy and consistent with Title VII of the Civil Rights Act of 1964, sexual harassment is defined as:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

A. Submission to such conduct is made either implicitly or explicitly a term or condition of an individual's employment, or status in a class, educational program, or activity.

B. Submission or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual.

C. Such conduct has the purpose or effect of interfering with the individual's work or educational performance; creating an intimidating, hostile, or offensive working, and/or learning environment; or interfering with one's ability to participate in or benefit from a class or an educational program or activity.

Sexual harassment may involve the behavior of a person of any gender against a person of the same or another gender.

Sexual Harassment covered by Policy 2266 – Nondiscrimination on the Basis of Sex in Education Programs or Activities is not included in this policy. Allegations of such conduct shall be addressed solely by Policy 2266.

Prohibited acts that constitute sexual harassment under this policy may take a variety of forms. Examples of the kinds of conduct that may constitute sexual harassment include, but are not limited to:

A. Unwelcome sexual propositions, invitations, solicitations, and flirtations.

B. Unwanted physical and/or sexual contact.

C. 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, activities, or events, or other conditions of employment or education may be adversely affected by not submitting to sexual advances.

D. Unwelcome verbal expressions, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, profanity, jokes, or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls.

E. Sexually suggestive objects, pictures, graffiti, videos, posters, audio recordings, or literature placed in the work or educational environment that may reasonably embarrass or offend individuals.

F. Unwelcome and inappropriate touching, patting, or pinching; obscene gestures.

G. Asking about, or telling about, sexual fantasies, sexual preferences, or sexual activities.

H. Speculations about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history.

I. Giving unwelcome personal gifts such as lingerie that suggest the desire for a romantic relationship.

J. Leering or staring at someone in a sexual way, such as staring at a person's breasts, buttocks, or groin.

K. A pattern of conduct, which can be subtle in nature, that has sexual overtones and is intended to create or has the effect of creating discomfort and/or humiliation to another.

L. In the context of employees, consensual sexual relationships where such relationship leads to favoritism of a subordinate employee with whom the superior is sexually involved and where such favoritism adversely affects other employees or otherwise creates a hostile work environment.

M. Inappropriate boundary invasions by a District employee or other adult member of the School District community into a student's personal space and personal life.

N. Verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping that does not involve conduct of a sexual nature.

Not all behavior with sexual connotations constitutes unlawful sexual harassment. Sex-based or gender-based conduct must be sufficiently severe, pervasive, and persistent 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.

[DRAFTING NOTE: Sexual conduct/relationships with students by District employees or any other adult member of the School District community is prohibited, and any teacher, administrator, coach, or other school authority who engages in sexual conduct with a student may also be guilty of the criminal charge of sexual battery. The issue of consent is irrelevant in regard to such criminal charge and/or with respect to the application of this policy to District employees or other adult members of the School District community.]

Race/Color Harassment

Prohibited racial harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's race or color and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; creating an intimidating, hostile, or offensive working, and/or learning environment; or interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's race or color, such as racial slurs, nicknames implying stereotypes, epithets, and/or negative references relative to racial customs.

Religious (Creed) Harassment

Prohibited religious harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's religion or creed and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; creating an intimidating, hostile, or offensive working and/or learning environment; or interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's religious tradition, clothing, or surnames, and/or involves religious slurs.

National Origin/Ancestry Harassment

Prohibited national origin/ancestry harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's national origin or ancestry and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; creating an intimidating, hostile, or offensive working and/or learning environment; or interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's national origin or ancestry, such as negative comments regarding customs, manner of speaking, language, surnames, or ethnic slurs.

Disability Harassment

Prohibited disability harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's disability and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; creating an intimidating, hostile, or offensive working and/or learning environment; or interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's disability, such as negative comments about speech patterns, movement, physical impairments or defects/appearances, or the like. Such harassment may further occur where conduct is directed at or pertains to a person's genetic information.

Anti-Harassment Compliance Officers

The following individual(s) shall serve as the District's Anti-Harassment Compliance Officer(s) (hereinafter, "the Compliance Officer(s)"):

[DRAFTING NOTE: Neola suggests the Board appoint both a male and a female Compliance Officer in order to provide Complainants with the option to report their concerns to an individual of the gender with which they feel most comfortable. The same individual(s) assigned to serve as Compliance Officer(s) may also be assigned to serve as the District's Section 504 Compliance Officer(s) /ADA Coordinator(s) and/or Title IX Coordinator(s). Additionally, by appointing two (2) Compliance Officers, there should also be a Compliance Officer available to investigate a claim of harassment that pertains to the other Compliance Officer.]

_____

(Name)

_____

(School District Title)

_____

(Telephone Number)

_____

(Office Address)

_____

(E-mail Address)

_____

(Name)

_____

(School District Title)

_____

(Telephone Number)

_____

(Office Address)

_____

(E-mail Address)

The name(s), title(s), and contact information of this/these individual(s) will be published annually on the District's website **( )** and:

A. **( )** in the parent and staff handbooks.

B. **( )** in the School District Annual Report to the public.

C. **( )** on each individual school's website.

D. **( )** in the School District's calendar.

E. **( )** _____.

The Compliance Officer(s) **( )** is **( )** are **[END OF OPTION]** responsible for coordinating the District's efforts to comply with applicable Federal and State laws and regulations, including the District's duty to address in a prompt and equitable manner any inquiries or complaints regarding harassment.

The Compliance Officer(s) will be available during regular school/work hours to discuss concerns related to unlawful harassment, to assist students, other members of the District community, and third parties who seek support or advice when informing another individual about unwelcome conduct or to intercede informally on behalf of the individual in those instances where concerns have not resulted in the filing of a formal complaint and where all parties are in agreement to participate in an informal process.

The Compliance Officers shall accept reports of unlawful harassment directly from any member of the School District community or a Third Party or receive reports that are initially filed with an administrator, supervisor, or other District level official. Upon receipt of a report of alleged harassment, one (1) of the Compliance Officers(s) will contact the Complainant and begin either an informal or formal complaint process (depending on the request of the Complainant or the nature of the alleged harassment) or the Compliance Officer(s) will designate a specific individual to conduct such a process. The Compliance Officer(s) will provide a copy of this policy to the Complainant and Respondent. In the case of a formal complaint, the Compliance Officer(s) will prepare recommendations for the Superintendent or will oversee the preparation of such recommendations by a designee. All Board employees must report incidents of harassment that are reported to them to one (1) of the Compliance Officer(s) within two (2) days of learning of the incident.

Any Board employee who directly observes unlawful harassment is obligated, in accordance with this policy, to report such observations to one (1) of the Compliance Officer(s) within two (2) days. Additionally, any Board employee who observes an act of unlawful harassment is expected to intervene to stop the harassment, unless circumstances make such an intervention dangerous, in which case the staff member should immediately notify other Board employees and/or local law enforcement officials, as necessary, to stop the harassment. Thereafter, a Compliance Officer or designee must contact the Complainant if age eighteen (18) or older, or the Complainant's parents/guardians if the Complainant is under the age of eighteen (18), within two (2) days to advise of the Board's intent to investigate the alleged wrongdoing.

Reports and Complaints of Harassing Conduct

Members of the School District community, along with Third Parties, are encouraged to promptly report incidents of harassing conduct to an administrator, supervisor, or other School District official so that the Board may address the conduct before it becomes severe, pervasive, or persistent. Any administrator, supervisor, or other District official who receives such a report shall file it with one (1) of the Compliance Officer(s) within two (2) days of receiving the report of harassment.

Members of the School District community and Third Parties who believe they have been unlawfully harassed by another member of the School District community or a Third Party are entitled to utilize the Board's complaint process that is set forth below. Initiating a complaint, whether formally or informally, will not adversely affect the Complainant's employment or participation in educational or extra-curricular programs. While there are no time limits for initiating complaints of harassment under this policy, individuals should make every effort to file a complaint as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

If, during an investigation of alleged bullying, aggressive behavior, and/or harassment in accordance with Policy 5517.01 – Bullying and Other Forms of Aggressive Behavior, the Principal believes that the reported misconduct may have created a hostile work environment and may have constituted unlawful discriminatory harassment based on a Protected Class, the Principal shall report the act of bullying, aggressive behavior, and/or harassment to a Compliance Officer who shall investigate the allegation in accordance with this policy. If the alleged harassment involves Sexual Harassment as defined by Policy 2266, the matter will be handled in accordance with the grievance process and procedures outlined in Policy 2266. While the Compliance Officer investigates the allegation, or the matter is being addressed pursuant to Policy 2266, the Principal shall suspend the Policy 5517.01 investigation to await the Compliance Officer's written report or the determination of responsibility pursuant to Policy 2266. The Compliance Officer shall keep the Principal informed of the status of the Policy 1662 investigation and provide the Principal with a copy of the resulting written report. Likewise, the Title IX Coordinator will provide the Principal with the determination of responsibility that results from the Policy 2266 grievance process.

Investigation and Complaint Procedure (See Form 1662 F1)

Except for Sexual Harassment that is covered by Policy 2266 – Nondiscrimination on the Basis of Sex in Education Program or Activities, any employee or other member of the School District community or Third Party (e.g., visitor to the District) who believes that they have been subjected to unlawful harassment or retaliation may seek resolution of the complaint through either the procedures described below. The formal complaint process involves an investigation of the Complainant's claims of harassment or retaliation and a process for rendering a decision regarding whether the charges are substantiated.

Due to the sensitivity surrounding complaints of unlawful harassment or retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) days after the conduct occurs while the facts are known and potential witnesses are available. Once the formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within fifteen (15) days of the complaint being received).

The procedures set forth below are not intended to interfere with the rights of any individual to pursue a complaint of unlawful harassment or retaliation with the United States Department of Education Office for Civil Rights and/or Equal Employment Opportunity Commission (EEOC).

Informal Complaint Procedure

The goal of the informal complaint procedure is to promptly stop inappropriate behavior and to facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for a student, other member of the School District community, or Third Party who alleges unlawful harassment or retaliation. This informal procedure is not required as a precursor to the filing of a formal complaint. The informal process is only available in those circumstances where the Complainant and the Respondent mutually agree to participate in it.

The Complainant may proceed immediately to the formal complaint process and individuals who seek resolution through the informal procedure may request that the informal process be terminated at any time to move to the formal complaint process.

All complaints involving a District employee, any other adult member of the School District community, or a Third Party and a student will be formally investigated.

As an initial course of action, if a Complainant feels comfortable and safe in doing so, the individual should tell or otherwise inform the Respondent that the allegedly harassing conduct is unwelcome and must stop. The Complainant should address the allegedly harassing conduct as soon after it occurs as possible. The Compliance Officer(s) are available to support and counsel individuals when taking this initial step or to intervene on behalf of the Complainant if requested to do so. A Complainant who is uncomfortable or unwilling to directly approach the Respondent about the allegedly inappropriate conduct may file an informal or a formal complaint. In addition, with regard to certain types of unlawful harassment, such as sexual harassment, the Compliance Officer may advise against the use of the informal complaint process.

A Complainant may make an informal complaint, either orally or in writing: 1) to a teacher, other employee, or building administrator; 2) directly to one (1) of the Compliance Officer(s); and/or 3) to the Superintendent or other District-level employee.

All informal complaints must be reported to one (1) of the Compliance Officer(s) who will either facilitate an informal resolution as described below or appoint another individual to facilitate an informal resolution.

The Board's informal complaint procedure is designed to provide employees, other members of the School District community, or third parties who believe they are being unlawfully harassed with a range of options designed to bring about a resolution of their concerns. Depending upon the nature of the complaint and the wishes of the Complainant, informal resolution may involve, but not be limited to, one (1) or more of the following:

A. Advising the Complainant about how to communicate the unwelcome nature of the behavior to the Respondent.

B. Distributing a copy of this policy as a reminder to the individuals in the school building or office where the Respondent works or attends.

C. If both parties agree, the Compliance Officer may arrange and facilitate a meeting or mediation between the Complainant and the Respondent to work out a mutual resolution.

While there are no set time limits within which an informal complaint must be resolved, the Compliance Officer/designee is directed to attempt to resolve all informal complaints within fifteen (15) days of receiving the informal complaint. If the Complainant is dissatisfied with the informal complaint process, the Complainant may proceed to file a formal complaint and, as stated above, either party may request that the informal process be terminated at any time to move to the formal complaint process.

Formal Complaint Procedure

If a complaint is not resolved through the informal complaint process, if one of the parties has requested that the informal complaint process be terminated to move to the formal complaint process, or the Complainant, from the outset, elects to file a formal complaint, or the CO determines the allegations are not appropriate for resolution through the informal process, the formal complaint process shall be implemented.

The Complainant may file a formal complaint, either orally or in writing, with a teacher, Principal, Compliance Officer, Superintendent, or other District official. Due to the sensitivity surrounding complaints of unlawful harassment and retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a formal complaint within thirty (30) days after the conduct occurs while the facts are known and potential witnesses are available. If a Complainant informs a teacher, Principal, Superintendent, or other District official, either orally or in writing, about any complaint of harassment or retaliation, that employee must report such information to a Compliance Officer/designee within two (2) business days.

~~Throughout the course of the process, the Compliance Officer should keep the parties reasonably informed of the status of the investigation and the decision-making process.~~

~~All formal complaints must include the following information to the extent known: the identity of the Respondent; a detailed description of the facts upon which the complaint is based (i.e., when, where, and what occurred); a list of potential witnesses; and the resolution sought by the Complainant.~~

~~If the Complainant is unwilling or unable to provide a written statement, including the information set forth above, the Compliance Officer shall ask for such details in an oral interview. Thereafter, the Compliance Officer will prepare a written summary of the oral interview, and the Complainant will be asked to verify the accuracy of the reported charge by signing the document.~~

~~Upon receiving a formal complaint, the Compliance Officer will consider whether any action should be taken in the investigatory phase to protect the Complainant from further harassment or retaliation including, but not limited to, a change of work assignment or schedule for the Complainant and/or the Respondent. In making such a determination, the Compliance Officer should consult the Complainant to assess whether the individual agrees with the proposed action. If the Complainant is unwilling to consent to the proposed change, the Compliance Officer may still take whatever actions deemed appropriate in consultation with the Superintendent.~~

~~Within two (2) business days of receiving the complaint, the Compliance Officer/designee will initiate a formal investigation to determine whether the Complainant has been subjected to offensive conduct/harassment/retaliation. The Principal will not conduct an investigation unless directed to do so by the Compliance Officer.~~

~~Simultaneously, the Compliance Officer will inform the Respondent that a formal complaint has been received. The Respondent will be informed about the nature of the allegations and provided with a copy of any relevant policies and/or administrative guidelines, including the Board's Anti-Harassment Policy. The Respondent must also be informed of the opportunity to submit a written response to the formal complaint within five (5) days.~~

~~Although certain cases may require additional time, the Compliance Officer/designee will attempt to complete an investigation into the allegations of harassment/retaliation within fifteen (15) days of receiving the formal complaint. The investigation will include:~~

A. ~~interviews with the Complainant;~~

B. ~~interviews with the Respondent;~~

C. ~~interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations;~~

D. ~~consideration of any documentation or other information presented by the Complainant, Respondent, or any other witness that is reasonably believed to be relevant to the allegations.~~

~~At the conclusion of the investigation, the Compliance Officer/designee shall prepare and deliver a written report to the Superintendent that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful harassment as provided in Board policy and State and Federal law as to whether the Respondent engaged in unlawful harassment/retaliation of the Complainant. The Compliance Officer's recommendations must be based upon the totality of the circumstances. In determining if discriminatory harassment or retaliation occurred, a preponderance of evidence standard will be used. The Compliance Officer may consult with the Board's legal counsel before finalizing the report to the Superintendent.~~

~~Absent extenuating circumstances, within five (5) business days of receiving the report of the Compliance Officer/designee, the Superintendent must either issue a written decision regarding whether the complaint of harassment has been substantiated or request further investigation. A copy of the Superintendent's final decision will be delivered to both the Complainant and the Respondent.~~

~~If the Superintendent requests additional investigation, the Superintendent must specify the additional information that is to be gathered, and such additional investigation must be completed within five (5) business days. At the conclusion of the additional investigation, the Superintendent must issue a final written decision as described above.~~

~~**[ ]** The decision of the Superintendent shall be final.~~

~~**OR**~~

~~**[ ]** A Complainant or Respondent who is dissatisfied with the final decision of the Superintendent may appeal through a signed written statement to the Board within five (5) business days of the party's receipt of the Superintendent's decision.~~

~~In an attempt to resolve the complaint, the Board shall meet with the concerned parties and their representative within twenty (20) business days of the receipt of such an appeal. A copy of the Board's disposition of the appeal shall be sent to each party within ten (10) business days of this meeting. The decision of the Board will be final.~~

~~**[END OF OPTIONS]**~~

The Board reserves the right to investigate and resolve a complaint or report of unlawful harassment/retaliation regardless of whether the member of the School District community or Third Party alleging the unlawful harassment/retaliation pursues the complaint. The Board also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board or its designee.

[ ] The parties may be represented, at their own cost, at any of the above-described meetings/hearings.

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights, the filing of charges with local law enforcement, or the filing of a civil action in court. Use of this internal complaint process is not a prerequisite to the pursuit of other remedies.

Privacy/Confidentiality

The District will employ all reasonable efforts to protect the rights of the Complainant, the Respondent, and the witnesses as much as possible, consistent with the Board's legal obligations to investigate, take appropriate action, and conform with any discovery or disclosure obligations. All records generated under the terms of this policy and related administrative guidelines shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. Additionally, the Respondent must be provided with the Complainant's identity.

During the course of a formal investigation, the Compliance Officer or designee will instruct all members of the School District community and Third Parties who are interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of a harassment investigation is expected not to disclose any information that is learned or provided during the course of the investigation.

Sanctions and Monitoring

The Board shall vigorously enforce its prohibitions against unlawful harassment/retaliation by taking appropriate action reasonably calculated to stop the harassment and prevent further such harassment. While observing the principles of due process, a violation of this policy may result in disciplinary action, up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable State law and the terms of the relevant collective bargaining agreement(s). When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter. In those cases where unlawful harassment is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, consistent with the terms of the relevant collective bargaining agreement(s).

Where the Board becomes aware that a prior remedial action has been taken against a member of the School District community, all subsequent sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its recurrence, and remedy its effects.

Retaliation

Retaliation against a person who makes a report or files a complaint alleging unlawful harassment/retaliation or participates as a witness in an investigation is prohibited. Neither the Board nor any other person may intimidate, threaten, coerce or interfere with any individual because the person opposed any act or practice made unlawful by any Federal or State civil rights law, or because that individual made a report, formal complaint, testified, assisted or participated or refused to participate in any manner in an investigation, proceeding, or hearing under those laws and/or this policy, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws and/or this policy.

Retaliation against a person for making a report of discrimination, filing a formal complaint, or participating in an investigation or meeting is a serious violation of this policy that can result in the imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Formal complaints alleging retaliation may be filed according to the internal complaint process set forth above.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under this policy.

Allegations Constituting Criminal Conduct: Child Abuse/Sexual Misconduct

State law requires any school teacher or school employee who knows or suspects that a child with a disability under the age of twenty-one (21) or that a child under the age of eighteen (18) has suffered or faces a threat of suffering a physical or mental wound, disability or condition of a nature that reasonably indicates abuse or neglect of a child to immediately report that knowledge or suspicion to the county children's services agency. If, during the course of a harassment investigation, the Compliance Officer or a designee has reason to believe or suspect that the alleged conduct reasonably indicates abuse or neglect of the Complainant, a report of such knowledge must be made in accordance with State law and Board Policy.

Any reports made to a county children's services agency or to local law enforcement shall not terminate the Compliance Officer's or a designee's obligation and responsibility to continue to investigate a complaint of harassment. While the Compliance Officer or a designee may work cooperatively with outside agencies to conduct concurrent investigations, in no event shall the harassment investigation be inhibited by the involvement of outside agencies without good cause after consultation with the Superintendent.

Education and Training

In support of this Anti-Harassment Policy, the Board promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. The Superintendent shall provide appropriate information to all members of the School District community related to the implementation of this policy and shall provide training for District students and staff where appropriate. All training, as well as all information provided regarding the Board's policy and harassment in general, will be age and content appropriate.

Retention of Investigatory Records and Materials

The Compliance Officer(s) is responsible for overseeing the retention of all records that must be maintained pursuant to this policy. All individuals charged with conducting investigations under this policy shall retain all documents, electronically stored information (ESI), and electronic media (as defined in Policy 8315) created and/or received as part of an investigation which may include, but not be limited to:

A. all written reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;

B. any narratives that memorialize oral reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;

C. any documentation that memorializes the actions taken by District personnel or individuals contracted or appointed by the Board to fulfill its responsibilities related to the investigation and/or the District's response to the alleged violation of this policy;

D. written witness statements;

E. narratives, notes from, or audio, video, or digital recordings of witness interviews/statements;

F. e-mails, texts, or social media posts that directly relate to or constitute evidence pertaining to an alleged violation of this policy (i.e., not after-the-fact commentary about or media coverage of the incident);

G. notes or summaries prepared contemporaneously by the investigator in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.), but not including transitory notes whose content is otherwise memorialized in other documents;

H. written disciplinary sanctions issued to students or employees and other documentation that memorializes oral disciplinary sanctions issued to students or employees for violations of this policy;

I. dated written determinations/reports (including summaries of relevant exculpatory and inculpatory evidence) and other documentation that memorializes oral notifications to the parties concerning the outcome of the investigation, including any consequences imposed as a result of a violation of this policy;

J. documentation of any supportive measures offered and/or provided to the Complainant and/or the Respondent, including no contact orders issued to both parties, the dates the no contact orders were issued, and the dates the parties acknowledged receipt of the no contact orders;

K. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects;

L. copies of the Board policy and/or procedures/guidelines used by the District to conduct the investigation, and any documents used by the District at the time of the alleged violation to communicate the Board's expectations to students and staff with respect to the subject of this policy (e.g., Student Code of Conduct and/or Employee Handbooks);

M. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment;

[DRAFTING NOTE: The following options should be selected if the District concludes that the following items are not adequately encompassed in the preceding paragraphs.]

N. **( )** documentation of any training provided to District personnel related to this policy including, but not limited to, notification of the prohibitions and expectations of staff set forth in this policy and the role and responsibility of all District personnel involved in enforcing this policy, including their duty to report alleged violations of this policy and/or conducting an investigation of an alleged violation of this policy; **[REMINDER: Documentation of training should be maintained regardless of whether there is an investigation of an alleged violation of this policy. It is best practice to maintain a log of all staff members who participate in a training, along with the date, time and location of the training, and a copy of the materials reviewed and/or presented during the training.]**

O. **( )** documentation that any rights or opportunities that the District made available to one party during the investigation were made available to the other party on equal terms;

P. ~~( ) copies of any notices sent to the alleged perpetrator/responding party of the allegations constituting a potential violation of this policy;~~

Q. ~~( ) copies of any notices sent to the Complainant and the Respondent in advance of any interview, meeting, or hearing;~~

R. ~~( ) copies of any documentation or evidence used during informal and formal disciplinary meetings and hearings, including the investigation report, and any written responses submitted by the Complainant or the Respondent.~~

~~The documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal (e.g., FERPA, ADA) and/or State law – e.g., student records and confidential medical records.~~

~~The documents, ESI, and electronic media (as defined in Policy 8315) created or received as part of an investigation shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, and Policy 8330 for not less than three (3) years, but longer if required by the District's records retention schedule.~~

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Legal

20 U.S.C. 1400 et seq., The Individuals with Disabilities Education Improvement Act of 2004 (IDEIA)

29 C.F.R. Part 1635

29 U.S.C. 621 et seq, Age Discrimination in Employment Act of 1967

29 U.S.C. 794, Rehabilitation Act of 1973, as amended

42 U.S.C. 1983

42 U.S.C. 2000e et seq.

42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act

42 U.S.C. 6101, The Age Discrimination Act of 1975

42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended

Titles VI and VII of the Civil Rights Act of 1964, 42 U.S.C. 2000d et seq.

Title IX of the Educational Amendments of 1972, 20 U.S.C. 1681 et seq.

The Handicappers Civil Rights Act, M.C.L. 37.1101 et seq.

The Elliott-Larsen Civil Rights Act, M.C.L. 37.2101, et seq.

Policies on Bullying, Michigan State Board of Education, 7-19-01

Model Anti-Bullying Policy, Michigan State Board of Education, 09-2006

National School Boards Association Inquiry and Analysis May 2008

Last Modified by Wayne Wright on October 20, 2025

ROYAL OAK SCHOOLS
A COMMUNITY OF EXCELLENCE

Book	Policy Manual
Section	For the Board 40-1 Nondiscrimination
Title	Copy of SECTION 504/ADA PROHIBITION AGAINST DISCRIMINATION BASED ON DISABILITY
Code	po2260.01
Status	
Adopted	September 13, 2012
Last Revised	March 27, 2023

2260.01 - **SECTION 504/ADA PROHIBITION AGAINST DISCRIMINATION BASED ON DISABILITY**

Pursuant to Section 504 of the Rehabilitation Act of 1973 ("Section 504"), the Americans with Disabilities Act of 1990, as amended ("ADA") and the implementing regulations (collectively "Section 504/ADA"), no otherwise qualified individual with a disability shall, solely by reason of the individual's ~~his/her~~ disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. The Board of Education does not discriminate in admission or access to, or participation or treatment in its programs or activities. As such, the Board's policies and practices will not discriminate against students with disabilities and the Board will make its facilities, programs, and activities accessible to qualified individuals with disabilities. No discrimination will be knowingly permitted against any individual with a disability on the sole basis of that disability in any of the programs, activities, policies, and/or practices in the District.

"An individual with a disability" means a person who has, had a record of, or is regarded as having, a physical or mental impairment that substantially limits one or more major life activities. Major life activities are functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, eating, sleeping, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

Major life activities also include the operation of a major bodily function, including, but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

An impairment that is episodic in nature or in remission is considered a disability if it would substantially limit a major life activity when active.

The determination of whether an impairment substantially limits a major life activity must be made without regard to the ameliorative effects of mitigating measures such as medication, medical supplies, equipment or appliances, low-vision devices (not including ordinary eyeglasses or contact lenses), prosthetics (including limbs and devices), hearing aids and cochlear implants or other implantable hearing devices, mobility devices, oxygen therapy equipment or supplies, assistive technology, reasonable accommodations or auxiliary aids or services, or learned behavioral or adaptive neurological modifications.

With respect to public preschool, elementary and secondary educational services, a qualified person with a disability means a disabled person:

A. who is of an age during which nondisabled persons are provided educational services;

B. who is of any age during which it is mandatory under Michigan law to provide educational services to disabled persons; or

C. to whom the State is required to provide a free appropriate public education pursuant to the Individuals with Disabilities Education Improvement Act (IDEIA).

With respect to vocational education services, a qualified person with a disability means a person with a disability who meets the academic and technical standards requisite to admission or participation in the vocational program or activity. The Board will not deny a student with disabilities access to its vocational education programs or courses due to architectural and/or equipment barriers, or because the student needs related aids or services to receive an appropriate education.

Compliance Officer(s)

The Board designates the following individual(s) to serve as the District's 504 Compliance Officer(s)/ADA Coordinator(s) (hereinafter referred to as the "District Compliance Officer(s)".

Patrick Wolynski
Executive Director Staff & Student Services
248-435-8400 x1211
800 Devillen, Royal Oak, MI 48073
patrick.wolynski@royaloakschools.org

Katherine Abela
Executive Director Finance and Facilities
248-435-8400 x1232
800 Devillen, Royal Oak, MI 48073
katherine.abela@royaloakschools.org

The name(s), title(s), and contact information of this/these individual(s) will be published annually on the School District's web site and in the parent/student and staff handbooks.

Building Principals shall serve as Building Section 504/ADA Compliance Officer(s) ("Building Compliance Officers").

The District Compliance Officer(s) are responsible for coordinating the District's efforts to comply with and fulfill its responsibilities under Section 504 and Title II of the ADA. A copy of Section 504 and the ADA, including copies of the implementing regulations, may be obtained from the District Compliance Officer(s).

The District Compliance Officer(s) will oversee the investigation of any complaints of discrimination based on disability, which may be filed pursuant to the Board's adopted internal complaint procedure, and will attempt to resolve such complaints.

The Board will provide for the prompt and equitable resolution of complaints alleging violations of Section 504/ADA. See below. The Board will further establish and implement a system of procedural safeguards in accordance with Section 504, including the right to an impartial due process hearing. See AG 2260.01B.

Training

The District Compliance Officer(s) will also oversee the training of employees in the District so that all employees understand their rights and responsibilities under Section 504 and the ADA, and are informed of the Board's policies, administrative guidelines and practices with respect to fully implementing and complying with the requirements of Section 504/ADA.

The Board will provide in-service training and consultation to staff responsible for the education of persons with disabilities, as necessary and appropriate.

Facilities

No qualified person with a disability will, because the District's facilities are inaccessible to or unusable by persons with disabilities, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity to which Section 504/ADA applies.

For facilities constructed or altered after June 3, 1977, the District will comply with applicable accessibility standards. For those existing facilities constructed prior to June 3, 1977, the District is committed to operating its programs and activities so that they are readily accessible to persons with disabilities. This includes, but is not limited to, providing accommodations to parents with disabilities who desire access to their child's educational program or meetings pertinent thereto. Programs and activities will be designed and scheduled so that the location and nature of the facility or area will not deny a student with a disability the opportunity to participate on the same basis as students without disabilities.

Education

The Board is committed to identifying, evaluating, and providing a free appropriate public education (FAPE) to students within its jurisdiction who have a physical or mental impairment that substantially limits one or more major life activities, regardless of the nature or severity of their disabilities.

An appropriate education may include regular or special education and related aids and services to accommodate the unique needs of students with disabilities. For students with disabilities who are not eligible for specially designed instruction under the IDEIA, the special education and related aids and services (including accommodations/modifications/interventions) they need in order to have their needs met as adequately as the needs of nondisabled students are met, shall be delineated, along with their placement, in a Section 504 Plan (Form 2260.01A F13). Parents/guardians/custodians ("parents") are invited and encouraged to participate fully in the evaluation process and development of a Section 504 Plan. The quality of education services provided to students with disabilities will be equal to the quality of services provided to students without disabilities.

The Board is committed to educating (or providing for the education of) each qualified person with a disability who resides within the District with persons who are not disabled to the maximum extent appropriate. Generally, the District will place a person with a disability in the regular educational environment unless it is demonstrated that the education of the person in the regular environment, even with the use of supplementary aids and services cannot be achieved satisfactorily. If the District places a person in a setting other than the regular educational environment, it shall take into account the proximity of the alternate setting to the person's home. If the Board operates a separate class or facility that is identifiable as being for persons with disabilities, the facility, program, and activities and services must be comparable to the facilities, programs, and activities and services offered to students without a disability.

The District will provide non-academic extracurricular services and activities in such a manner as is necessary to afford qualified persons with disabilities an equal opportunity for participation in such services and activities. Non-academic and extracurricular services and activities may include counseling services, physical recreational athletics, transportation, health services, recreational activities, special interests groups or clubs sponsored by the District, referrals to agencies that provide assistance to persons with disabilities, and employment of students. In providing or arranging for the provision of meals and recess periods, and non-academic and extracurricular services and activities, including those listed above, the District will verify that persons with disabilities participate with persons without disabilities in such services and activities to the maximum extent appropriate.

Notice

Notice of the Board's policy on nondiscrimination in education practices and the identity of the District's Compliance Officer(s) will be republished on the District's website and posted throughout the District, and included in the District's recruitment statements or general information publications.

Complaint Procedures

If a person believes that they have ~~s/he~~ has been discriminated against on the basis of ~~his/her~~ disability, the person may utilize the following complaint procedures as a means of reaching, at the lowest possible administrative level, a prompt and equitable resolution of the matter.

In accordance with Section 504 of the Rehabilitation Act of 1973 and its implementing regulations ("Section 504"), parents and students will be notified of their right to file an internal complaint regarding an alleged violation, misinterpretation or misapplication of Section 504. In addition, students and their parents will be notified of their right to file a complaint with the U.S. Department of Education's Office for Civil Rights. Finally, students and parents will be advised of their right to request a due process hearing before an Impartial Hearing Officer (IHO) regarding the identification, evaluation or educational placement of persons with disabilities, including the right to participation by the student's parents or guardian and representation of counsel, and their right to examine relevant education records.

Internal complaints and requests for due process hearings must be put in writing and must identify the specific circumstances or areas of dispute that have given rise to the complaint or the request for a hearing, and offer possible solutions to the dispute. The complaint or request for due process hearing must be filed with a District Compliance Officer within specified time limits. The District's Compliance Officer is available to assist individuals in filing a complaint or request.

Unless expressly stated otherwise, the term "day" or "days" as used in this policy means business day(s) (i.e., a day(s) that the Board office is open for normal operating hours, Monday – Friday, excluding State-recognized holidays).

Internal Complaint Procedures

An internal complaint may be filed by a student and/or parent. A student and/or parent may initiate the internal complaint procedure when the student and/or parents ~~s/he/they~~ believe that a violation, misapplication or misinterpretation of Section 504 has occurred. Additionally, the following procedure may be used for any disagreement with respect to actions regarding the identification, evaluation, or educational program or placement of students who are identified as disabled or believed to be disabled pursuant to Section 504, and are not eligible under the IDEIA, except in the case of disciplinary actions where the provisions of the Student Code of Conduct apply. Use of the internal complaint procedure is not a prerequisite to the pursuit of other remedies, including the filing of a complaint with the U.S. Department of Education's Office for Civil Rights or requesting a due process hearing.

Step 1

Investigation by the Building Compliance Officer: A student or parent may initiate an investigation by filing a written internal complaint with the Building Compliance Officer. The complaint should fully describe the circumstances giving rise to the dispute and how the child is adversely affected. The complaint must be filed as soon as possible, but not longer than thirty (30) days after disclosure of the facts giving rise to the complaint. The Building Compliance Officer shall conduct an impartial investigation of the complaint. As part of the investigation, the Building Compliance Officer shall permit the complainant to present witnesses and other evidence in support of the complaint. The investigation shall be completed within fifteen (15) days of the written complaint being filed. The Building Compliance Officer will notify the complainant in writing of the ~~his/her~~ decision.

Step 2

Appeal to the District Compliance Officer: If the complaint is not resolved satisfactorily at Step 1, the student or parent may appeal the Building Compliance Officer's decision in writing to the District Compliance Officer. The appeal must be made within five (5) days following receipt of the Building Compliance Officer's decision. The District Compliance Officer will review the case, may conduct an informal hearing, and will notify all parties in writing of their ~~his/her~~ decision within ten (10) days of receiving the appeal.

Step 3

If the complaint is not resolved satisfactorily at Step 2, the student or parent may request a due process hearing, provided the complaint involves an issue related to the identification, evaluation, or placement of the student.

If it is determined that the Complainant was subjected to unlawful discrimination, the Building and District Compliance Officers must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retaliation. The corrective action should be reasonable, timely, age-appropriate and effective, and tailored to the specific situation.

OCR Complaint

At any time, if a student or parent believes that the student or parent ~~s/he~~ has been subjected to discrimination based upon ~~his/her~~ disability in violation of Section 504 or the ADA, the individual may file a complaint with the U.S. Department of Education's Office for Civil Rights ("OCR"). The OCR can be reached at:

U.S. Department of Education

Office for Civil Rights
Lyndon Baines Johnson Department of Education Building
400 Maryland Ave., SW
Washington, DC 20202-1100
Telephone: (800) 421-3481
FAX: (202) 453-6012
TDD: 800-877-8339
E-mail: OCR@ed.gov
Web: http://www.ed.gov/ocr

~~U.S. Department of Education~~
~~Office for Civil Rights~~
~~Cleveland Office~~
~~1350 Euclid Avenue, Suite 325~~
~~Cleveland, Ohio 44115~~
~~(216) 522-4970~~
~~FAX: (216) 522-2573~~
~~TDD: (216) 522-4944~~
~~E-mail: OCR.Cleveland@ed.gov~~
~~Web: http://www.ed.gov/ocr~~

Except in extraordinary circumstances, the OCR does not review the result of individual placement and other educational decisions, so long as the District complies with the "process" requirements of Subpart D of Section 504.

Retaliation

Retaliation against a person who makes a report or files a complaint alleging unlawful discrimination/retaliation or participates as a witness in an investigation is prohibited. Neither the Board nor any other person may intimidate, threaten, coerce or interfere with any individual because the person opposed any act or practice made unlawful by Section 504 or the ADA, or because that individual made a report, formal complaint, testified, assisted or participated or refused to participate in any manner in an investigation, proceeding, or hearing under those laws and/or this policy, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws and/or this policy.

Retaliation against a person for making a report of discrimination, filing a formal complaint, or participating in an investigation or meeting is a serious violation of this policy that can result in imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Formal complaints alleging retaliation may be filed according to the internal complaint process set forth above.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under this policy.

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Legal	29 U.S.C. 794, Section 504 Rehabilitation Act of 1973, as amended
	34 C.F.R. Part 104
	42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended

Last Modified by Jennifer Perkins on March 17, 2026

ROYAL OAK SCHOOLS
A COMMUNITY OF EXCELLENCE

Book	Policy Manual
Section	For the Board 40-1 Nondiscrimination
Title	Copy of NONDISCRIMINATION AND ACCESS TO EQUAL EDUCATIONAL OPPORTUNITY
Code	po2260
Status	1st Reading
Adopted	September 13, 2012
Last Revised	March 27, 2023
Last Reviewed	March 13, 2026

2260 - **NONDISCRIMINATION AND ACCESS TO EQUAL EDUCATIONAL OPPORTUNITY**

Any form of discrimination or harassment can be devastating to an individual's academic progress, social relationship and/or personal sense of self-worth.

As such, the Board of Education does not discriminate on the basis of race, color, national origin, sex (including sexual orientation or gender identity), disability, age (except as authorized by law), religion, military status, ancestry, or genetic information (collectively, "Protected Classes") in its educational programs or activities.

The Board also does not discriminate on the basis of Protected Classes in its employment policies and practices as they relate to students, and does not tolerate harassment of any kind.

Equal educational opportunities shall be available to all students, without regard to the Protected Classes, age (unless age is a factor necessary to the normal operation or the achievement of any legitimate objective of the program/activity), place of residence within the boundaries of the District, or social or economic background, to learn through the curriculum offered in this District. Educational programs shall be designed to meet the varying needs of all students.

In order to achieve the aforesaid goal, the Superintendent shall:

A. **Curriculum Content**

review current and proposed courses of study and textbooks to detect any bias based upon Protected Classes, ascertaining whether or not supplemental materials, singly or taken as a whole, fairly depict the contribution of both genders, various races, ethnic groups, etc. toward the development of human society;

B. **Staff Training**

develop an ongoing program of in-service training for school personnel designed to identify and solve problems of bias based upon Protected Classes in all aspects of the program;

C. **Student Access**

1. review current and proposed programs, activities, facilities, and practices to ensure that all students have equal access thereto and are not segregated on the basis of the Protected Classes in any duty, work, play, classroom, or school practice, except as may be permitted under State regulations;

2. verify that facilities are made available, in accordance with Board Policy 7510 - Use of School Facilities, for non-curricular student activities that are initiated by parents or other members of the community, including but not limited to any group affiliated with the Boy Scouts of America or any other youth group listed in Title 36 of the United States Code as a patriotic society;

This language does not prohibit the District from establishing and maintaining a single-gender school, class, or program within a school if a comparable school, class, or program is made available to students of each gender.

D. **District Support**

verify that like aspects of the District program receive like support as to staff size and compensation, purchase and maintenance of facilities and equipment, access to such facilities and equipment, and related matters;

E. **Student Evaluation**

verify that tests, procedures, or guidance and counseling materials, which are designed to evaluate student progress, rate aptitudes, analyze personality, or in any manner establish or tend to establish a category by which a student may be judged, are not differentiated or stereotyped on the basis of Protected Classes.

Definitions:

Words used in this policy shall have those meaning defined herein: words not defined shall be construed according to their plain and ordinary meanings.

Complainant is the individual who alleges, or is alleged, to have been subjected to unlawful discrimination/retaliation, regardless of whether the person files a formal complaint or is pursuing an informal resolution to the alleged discrimination/retaliation.

Respondent is the individual who has been alleged have engaged in unlawful discrimination/retaliation, regardless of whether the Reporting Party files a formal complaint or is seeking an informal resolution to the alleged discrimination/retaliation.

School District community means students and Board employees (i.e., administrators, and professional and classified staff), as well as Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

Third Parties include, but are not limited to, guests and/or visitors on School District property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with, or seeking to do business with, the Board, and other individuals who come in contact with members of the School District community at school-related events/activities (whether on or off District property).

Day(s): Unless expressly stated otherwise, the term "day" or "days" as used in this policy means a business day(s) (i.e., a day(s) that the Board office is open for normal operating hours, Monday - Friday, excluding State-recognized holidays).

District Compliance Officers

The Board designates the following individuals to serve as the District’s "Compliance Officers" (also known as "Civil Rights Coordinators") (hereinafter referred to as the "COs").

Patrick Wolynski
Executive Director Staff & Student Services
248-435-8400 x1211
800 Devillen, Royal Oak, MI 48073
patrick.wolynski@royaloakschools.org

Katherine Abela
Executive Director Finance and Facilities
248-435-8400 x1232
800 Devillen, Royal Oak, MI 48073
katherine.abela@royaloakschools.org

The names, titles, and contact information of these individuals will be published annually on the School District's web site.

The District will accommodate the use of certified service animals when there is an established need for such supportive aid in the school environment. Certain restrictions may be applied when necessary due to allergies, health, safety, disability or other issues of those in the classroom or school environment. The goal shall be to provide all students with the same access and participation opportunities provided to other students in school. Confirmation of disability, need for a service animal to access the school programming, and current certification/training of the service animal may be required.

The COs are responsible for coordinating the District's efforts to comply with applicable Federal and State laws and regulations, including the District's duty to address in a prompt and equitable manner any inquiries or complaints regarding discrimination, retaliation or denial of equal access. The COs shall also verify that proper notice of nondiscrimination for Title II of the Americans with Disabilities Act (as amended), Title VI and VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973 (as amended), and the Age Discrimination Act of 1975 is provided to students, their parents, staff members, and the general public. A copy of each of the Acts and regulations on which this notice is based may be found in the CO's office.

The Superintendent shall annually attempt to identify children with disabilities, ages 0-25, who reside in the District but do not receive public education.

The Board is committed to educating (or providing for the education of) each qualified person with a disability with persons who are not disabled to the maximum extent appropriate. Generally, the District will place a person with a disability in the regular educational environment unless it is demonstrated that the education of the person in the regular environment, even with the use of supplementary aids and services cannot be achieved satisfactorily. If the Board operates a separate class or facility that is identifiable as being for persons with disabilities, the facility, program, and activities and services must be comparable to the facilities, programs, and activities and services offered to students without a disability.

In addition, the Superintendent shall establish procedures to identify students who are Limited English Proficient (LEP), including immigrant children and youth, to assess their ability to participate in District programs, and develop and administer a program that meets the English language and academic needs of these students. This program shall include procedures for student placement, services, evaluation and exit guidelines and shall be designed to provide students with effective instruction that leads to academic achievement and timely acquisition of proficiency in English. As a part of this program, the District will evaluate the progress of students in achieving English language proficiency in the areas of listening, speaking, reading and writing, on an annual basis (also see Policy 2225). The Superintendent is responsible for verifying that a concentration of students who are Limited English Proficient (LEP) in one or more programs is not the result of discrimination.

Reports and Complaints of Unlawful Discrimination and Retaliation

Students and Board employees are required, and all other members of the School District community and Third Parties are encouraged to promptly report incidents of unlawful discrimination and/or retaliation to a teacher, administrator, supervisor, or other District official so that the Board may address the conduct. Any teacher, administrator, supervisor, or other District employee or official who receives such a complaint shall file it with the CO within two (2) days.

Members of the School District community, which includes students or Third Parties, who believe they have been unlawfully discriminated/retaliated against are entitled to utilize the complaint process set forth below. Initiating a complaint, whether formally or informally, will not adversely affect the Complainant's employment or participation in educational or extra-curricular programs. While there are no time limits for initiating complaints under this policy, individuals should make every effort to file a complaint as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

If, during an investigation of alleged bullying, aggressive behavior and/or harassment in accordance with Policy 5517.01 – Bullying and Other Forms of Aggressive Behavior, the Principal believes that the reported misconduct may constitute unlawful discrimination based on a Protected Class, the Principal shall report the act to one of the COs who shall investigate the allegation in accordance with this policy. While the CO investigates the allegation, the Principal shall suspend the Policy 5517.01 investigation to await the CO's written report. The CO shall keep the Principal informed of the status of the Policy 2260 investigation and provide the Principal with a copy of the resulting written report.

The COs will be available during regular school/work hours to discuss concerns related to unlawful discrimination/retaliation. COs shall accept reports of unlawful discrimination/retaliation directly from any member of the School District community or a Third Party, or receive reports that are initially filled with another Board employee. Upon receipt of a report of alleged discrimination/retaliation, the CO will contact the Complainant and begin either an informal or formal complaint process (depending on the Complainant's request and the nature of the alleged discrimination/retaliation), or the CO will designate a specific individual to conduct such a process. The CO will provide a copy of this policy to the Complainant and the Respondent any person who files a complaint. In the case of a formal complaint, the CO will prepare recommendations for the Superintendent or oversee the preparation of such recommendations by a designee. All members of the School District community must report incidents of discrimination/retaliation that are reported to them to the CO within two (2) days of learning of the incident/conduct.

Any Board employee who directly observes unlawful discrimination/retaliation of a student is obligated, in accordance with this policy, to report such observations to one of the COs within two (2) business days. Additionally, any Board employee who observes an act of unlawful discrimination/retaliation is expected to intervene to stop the misconduct, unless circumstances make such an intervention dangerous, in which case the staff member should immediately notify other Board employees and/or local law enforcement officials, as necessary, to stop the misconduct. Thereafter, the CO/designee must contact the Complainant, if age eighteen (18) or older, or the Complainant parents/guardians if the Complainant is under the age eighteen (18), within two (2) days to advise of the Board's intent to investigate the alleged wrongdoing.

Investigation and Complaint Procedure

Except for sex discrimination and/or Sexual Harassment that is covered by Policy 2266 - Nondiscrimination on the Basis of Sex Education Programs or Activities, any student who alleges to have been subjected to unlawful discrimination or retaliation may seek resolution of the complaint through the procedures described below. The formal complaint procedures involve an investigation of the individual's claims of discrimination/retaliation and a process for rendering a decision regarding whether the charges are substantiated.

Due to the sensitivity surrounding complaints of unlawful discrimination or retaliation, timelines are flexible for initiating the complaint process; however, individuals are encouraged to file a complaint within thirty (30) days after the conduct occurs. Once the formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within fifteen (15) days of the complaint being received).

The procedures set forth below are not intended to interfere with the rights of a student to pursue a complaint of unlawful discrimination or retaliation with the U.S. Department of Education, Office for Civil Rights, Lyndon Baines Johnson Department of Education Building, 400 Maryland Ave., SW, Washington, DC 20202-1100, Telephone: (800) 421-3481, FAX: (202) 453-6012, TDD:

800-877-8339, E-mail: OCR@ed.gov, Web: http://www.ed.gov/ocr. United States Department of Education Office for Civil Rights ("OCR"). The Cleveland Office of the OCR can be reached at 1350 Euclid Avenue, Suite 325, Cleveland, Ohio 44115; Telephone: (216) 522-4970; Fax: (216) 522-2573; TDD: (216) 522-4944; E-mail: ocr.cleveland@ed.gov; Web: http://www.ed.gov/ocr.

Informal Complaint Procedure

The goal of the informal complaint procedure is to promptly stop inappropriate behavior and facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for a student who alleges unlawful discrimination or retaliation. This informal procedure is not required as a precursor to the filing of a formal complaint.

The informal process is only available in those circumstances where the Complainant and the Respondent mutually agree to participate in it.

The Complainant may proceed immediately to the formal complaint process and individuals who participate in the informal procedure may request that the informal process be terminated at any time to move to the formal complaint process.

All complaints involving a District employee or any other adult member of the School District community and a student will be formally investigated.

As an initial course of action, if a Complainant feels comfortable and safe doing so, the individual should tell or otherwise inform the Respondent that the allegedly discriminatory/retaliatory conduct is inappropriate and must stop. The Complainant should address the alleged misconduct as soon after it occurs as possible. The COs are available to support and counsel the Complainant when taking this initial step or to intervene on behalf of the individual if requested to do so. A Complainant who is uncomfortable or unwilling to directly approach the Respondent about the inappropriate conduct may file an informal or a formal complaint. In addition, with regard to certain types of unlawful discrimination (e.g., sex discrimination), the CO may advise against the use of the informal complaint process.

A Complainant who alleges unlawful discrimination/retaliation may make an informal complaint, either orally or in writing: (1) to a teacher, other employee, or building administrator in the school the student attends; (2) to the Superintendent or other District-level employee; and/or (3) directly to one of the COs.

All informal complaints must be reported to one of the COs who will either facilitate an informal resolution as described below, or appoint another individual to facilitate an informal resolution.

The School District's informal complaint procedure is designed to provide the Complainant with a range of options aimed at bringing about a prompt resolution of their concerns. Depending upon the nature of the complaint and the Complainant's wishes, informal resolution may involve, but not be limited to, one or more of the following:

A. Advising the Complainant about how to communicate concerns to the Respondent.

B. Distributing a copy of Policy 2260 – Non-Discrimination and Access to Equal Educational Opportunity to the individuals in the school building or office where the Respondent works or attends.

C. If both parties agree, the CO may arrange and facilitate a meeting or mediation between the Complainant and the Respondent to work out a mutual resolution.

While there are no set time limits within which an informal complaint must be resolved, the CO or designee is directed to attempt to resolve all informal complaints within fifteen (15) days of receiving the informal complaint. If the Complainant is dissatisfied with the informal complaint process, the Complainant may proceed to file a formal complaint, and, as stated above, either party may request that the informal process be terminated at any time to move to the formal complaint process.

Formal Complaint Procedure

If a complaint is not resolved through the informal complaint process, if one (1) of the parties requested that the informal complaint process be terminated to move to the formal complaint process, or if the Complainant, from the outset, elects to file a formal complaint, or the Compliance Officer(s) determines the allegations are not appropriate for resolution through the informal process, the formal complaint process shall be implemented.

The Complainant may file a formal complaint, either orally or in writing, with a teacher, Principal, or other District official at the student's school, the CO, Superintendent, or another District official who works at another school or at the District level. Due to the sensitivity surrounding complaints of unlawful discrimination, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a formal complaint within thirty (30) days after the conduct occurs. If a Complainant informs a teacher, Principal, or other District official at the student's school, Superintendent, or other District employee, either orally or in writing, about any complaint of discrimination/retaliation, that employee must report such information to the CO/designee within two (2) days.

Throughout the course of the process, the CO should keep the parties reasonably informed of the status of the investigation and the decision-making process.

All formal complaints must include the following information to the extent known: the identity of the Respondent; a detailed description of the facts upon which the complaint is based (i.e., when, where, and what occurred); a list of potential witnesses; and the resolution sought by the Complainant.

If the Complainant is unwilling or unable to provide a written statement including the information set forth above, the CO shall ask for such details in an oral interview. Thereafter, the CO will prepare a written summary of the oral interview, and the Complainant will be asked to verify the accuracy of the reported charge by signing the document.

Upon receiving a formal complaint, the CO will consider whether any action should be taken in the investigatory phase to protect the Complainant from further discrimination or retaliation, including, but not limited to, a change of work assignment or schedule for the Complainant and/or the Respondent. In making such a determination, the CO should consult the Complainant to assess whether the individual agrees with the proposed action. If the Complainant is unwilling to consent to the proposed change, the CO may still take whatever actions deemed appropriate in consultation with the Superintendent.

Within two (2) days of receiving the complaint, the CO or designee will initiate a formal investigation to determine whether the Complainant has been subjected to unlawful discrimination/retaliation. The Principal will not conduct an investigation unless directed to do so by the CO.

Simultaneously, the CO will inform the Respondent that a formal complaint has been received. The Respondent will be informed about the nature of the allegations and provided with a copy of any relevant policies and/or administrative guidelines, including Policy 2260 - Nondiscrimination and Access to Equal Educational Opportunity. The Respondent must also be informed of the opportunity to submit a written response to the formal complaint within five (5) days.

Although certain cases may require additional time, the CO or designee will attempt to complete an investigation into the allegations of discrimination/retaliation within fifteen (15) days of receiving the formal complaint. The investigation will include:

A. interviews with the Complainant;

B. interviews with the Respondent;

C. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations;

D. consideration of any documentation or other information presented by the Complainant, Respondent, or any other witness that is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, the CO/designee shall prepare and deliver a written report to the Superintendent that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful discrimination/retaliation as provided in Board policy and State and Federal law as to whether the Respondent has engaged in unlawful discrimination/retaliation of the Complainant. The CO's recommendations must be based upon the totality of the circumstances. In determining if unlawful discrimination or retaliation occurred, a preponderance of evidence standard will be used. The CO may consult with the Board’s legal counsel before finalizing the report to the Superintendent.

Absent extenuating circumstances, within five (5) business days of receiving the report of the CO or designee, the Superintendent must either issue a written decision regarding whether the charges have been substantiated or request further investigation. A copy of the Superintendent's final decision will be delivered to both the Complainant and the Respondent.

If the Superintendent requests additional investigation, the Superintendent must specify the additional information that is to be gathered, and such additional investigation must be completed within five (5) days. At the conclusion of the additional investigation, the Superintendent shall issue a final written decision as described above.

If the Superintendent determines the Respondent engaged in unlawful discrimination/retaliation toward the Complainant, the Superintendent must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retaliation. The corrective action should be reasonable, timely, age-appropriate and effective, and tailored to the specific situation.

The decision of the Superintendent shall be final.

The Board reserves the right to investigate and resolve a complaint or report of unlawful discrimination/retaliation regardless of whether the student alleging the unlawful discrimination/retaliation pursues the complaint. The Board also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board or its designee.

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights, the filing of charges with local law enforcement, or the filing of a civil action in court. Use of this internal complaint process is not a prerequisite to the pursuit of other remedies.

Privacy/Confidentiality

The District will employ all reasonable efforts to protect the rights of the Complainant, the Respondent(s), and the witnesses as much as possible, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under the terms of this policy shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. Additionally, the Respondent must be provided the Complainant's identity.

During the course of a formal investigation, the CO or designee will instruct each person who is interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of an investigation is expected not to disclose to third parties any information that is learned or provided during the course of the investigation.

Sanctions and Monitoring

The Board shall vigorously enforce its prohibitions against unlawful discrimination/retaliation by taking appropriate action reasonably calculated to stop and prevent further misconduct. While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable State law and the terms of the relevant collective bargaining agreement(s). When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter, including the ages and maturity levels of those involved. In those cases where unlawful discrimination/retaliation is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, consistent with the terms of the relevant collective bargaining agreement(s).

Where the Board becomes aware that a prior remedial action has been taken against a member of the School District community, all subsequent sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its reoccurrence, and remedy its effects.

Retaliation

Retaliation against a person who makes a report or files a complaint alleging unlawful harassment/retaliation or participates as a witness in an investigation is prohibited. Neither the Board nor any other person may intimidate, threaten, coerce or interfere with any individual because the person opposed any act or practice made unlawful by any Federal or State civil rights law, or because that individual made a report, formal complaint, testified, assisted or participate or refused to participate in any manner in an investigation, proceeding, or hearing under those laws and/or this policy, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws and/or this policy.

Retaliation against a person for making a report of discrimination, filing a formal complaint, or participating in an investigation or meeting is a serious violation of this policy that can result in imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Formal complaints alleging retaliation may be filed according to the internal complaint process set forth above.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under this policy.

Education and Training

In support of this policy, the Board promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. The Superintendent shall provide appropriate information to all members of the School District community related to the implementation of this policy and shall provide training for District students and staff where appropriate. All training, as well as all information, provided regarding the Board's policy and discrimination in general, will be age and content appropriate.

The District will endeavor to assist the student and/or the student's ~~his/her~~ parents in their access to District programs by providing notices to the parents and students in a language and format that they are likely to understand.

Materials approved by the State Department of Education describing the benefits of instruction in Braille reading and writing shall be provided to each blind student's individualized planning committee. The District shall not deny a student the opportunity for instruction in Braille, reading, and writing solely because the student has some remaining vision.

Retention of Investigatory Records and Materials

The Compliance Officer(s) is responsible for overseeing retention of all records that must be maintained pursuant to this policy. All individuals charged with conducting investigations under this policy must retain all information, documents, electronically stored information, and electronic media (as defined in Policy 8315) created and received as part of an investigation, which may include, but not be limited to:

A. all written reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;

B. any narratives that memorialize oral reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;

C. any documentation that memorializes the actions taken by District personnel or individuals contracted or appointed by the Board to fulfill its responsibilities related to the investigation and/or the District's response to the alleged violation of this policy;

D. written witness statements;

E. narratives, notes from, or audio, video, or digital recordings of witness interviews/statements;

F. e-mails, texts, or social media posts that directly relate to or constitute evidence pertaining to an alleged violation of this policy (i.e., not after-the-fact commentary about or media coverage of the incident);

G. notes or summaries prepared contemporaneously by the investigator in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.), but not including transitory notes whose content is otherwise memorialized in other documents;

H. written disciplinary sanctions issued to students or employees and other documentation that memorializes oral disciplinary sanctions issued to students or employees for violations of this policy;

I. dated written determinations/reports (including summaries of relevant exculpatory and inculpatory evidence) and other documentation that memorializes oral notifications to the parties concerning the outcome of the investigation, including any consequences imposed as a result of a violation of this policy;

J. documentation of any supportive measures offered and/or provided to the Complainant and/or the Respondent including no contact orders issued to both parties, the dates the no contact orders were issued, and the dates the parties acknowledged receipt of the no contact orders;

K. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects;

L. copies of the Board policy and/or procedures/guidelines used by the District to conduct the investigation, and any documents used by the District at the time of the alleged violation to communicate the Board's expectations to students and staff with respect to the subject of this policy (e.g., Student Code of Conduct and/or Employee Handbooks);

M. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment.

The information, documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal and/or State law (e.g., student records).

These investigative records and materials created or received as part of an investigation shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, and Policy 8330 for not less than three (3) years, but longer if required by the District's records retention schedule.

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M.C.L. 380.1146, 380.1704, 37.1101 et seq., 37.2402, 37.1402, 37.2101-37.2804

20 U.S.C. Section 1681, Title IX of Education Amendments Act

20 U.S.C. Section 1701 et seq., Equal Educational Opportunities Act of 1974

20 U.S.C. Section 7905, Boy Scouts of America Equal Access Act

29 C.F.R. Part 1635

29 U.S.C. Section 794, Rehabilitation Act of 1973, as amended

34 C.F.R. Part 110 (7/27/93)

42 U.S.C. Section 2000 et seq., Civil Rights Act of 1964

42 U.S.C. Section 2000ff et seq., The Genetic Information Nondiscrimination Act

42 U.S.C. 6101 et seq., Age Discrimination Act of 1975

42 U.S.C. 12101 et seq., The Americans with Disabilities Act of 1990, as amended

Fourteenth Amendment, U.S. Constitution

Vocational Education Program Guidelines for Eliminating Discrimination and Denial of Services, Department of Education, Office of Civil Rights, March 1979

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ROYAL OAK SCHOOLS
A COMMUNITY OF EXCELLENCE

Book	Policy Manual
Section	For the Board 40-1 Nondiscrimination
Title	Vol. 40, No. 1 - Nondiscrimination - September 2025 Rescind NONDISCRIMINATION BASED ON GENETIC INFORMATION OF THE EMPLOYEE
Code	po3122.02
Status	
Adopted	September 13, 2012

Rescind Policy - Vol. 40, No. 1

~~3122.02 - **NONDISCRIMINATION BASED ON GENETIC INFORMATION OF THE EMPLOYEE**~~

~~The Board of Education prohibits discrimination on the basis of genetic information in all aspects of employment, including hiring, firing, compensation, job assignments, promotions, layoffs, training, fringe benefits, or any other terms, conditions, or privileges of employment. The Board also does not limit, segregate, or classify employees in any way that would deprive or tend to deprive them of employment opportunities or otherwise adversely affect the status of an employee as an employee, based on genetic information. Harassment of a person because of his/her genetic information is also prohibited. Likewise, retaliation against an applicant or employee for engaging in protected activity is prohibited.~~

~~In accordance with the Genetic Information Nondiscrimination Act (GINA), the Board shall not request, require or purchase genetic information of employees, their family members, or applicants for employment. Further, in compliance with this Act, employees are directed not to provide any genetic information, including the individual's family medical history, in response to necessary requests for medical information, with the exception that family medical history may be acquired as part of the certification process for FMLA leave, when an employee is asking for leave to care for an immediate family member with a serious health condition. Applicants for employment are directed not to provide any genetic information, including the individual's family medical history, in response to requests for medical information as part of the District's application process.~~

~~**[ ]** The District recognizes that genetic information may be acquired through commercially and publicly available documents like newspapers, books, magazines, periodicals, television shows, or the Internet. The District prohibits, however, its employees from searching such sources with the intent of finding or obtaining genetic information or accessing sources from which they are likely to acquire genetic information.~~

~~"Genetic information," as defined by GINA, means information about: (a) an individual's genetic tests; (b) the genetic tests of that individual's family members; (c) the manifestation of disease or disorder in family members of the individual (i.e., family medical history); (d) an individual's request for, or receipt of, genetic services, or the participation in clinical research that includes genetic services by the individual or a family member of the individual; or (e) the genetic information of a fetus carried by an individual or a pregnant woman who is a family member of the individual and the genetic information of an embryo legally held by an individual or family member using assistive reproductive technology.~~

~~If the District either legally and/or inadvertently receives genetic information about an employee or applicant for employment from the employee, applicant for employment, or a medical provider it shall be treated as a confidential medical record in accordance with law.~~

~~The Superintendent shall appoint a compliance officer who shall be responsible for overseeing the District's compliance with Federal regulations and promptly dealing with any inquiries or complaints. S/He shall also verify that proper notice of nondiscrimination for Title II of the Genetic Information Nondiscrimination Act of 2008 is provided to staff members and that all District requests for health-related information (e.g., to support an employee's request for reasonable accommodation under the ADA or a request for sick leave) is accompanied by a written warning that directs the employee or health care provider not to collect or provide genetic information. The warning shall read as follows:~~

~~The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II, including the Board of Education, from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by law. To comply with this law, do not provide any genetic information when responding to this request for medical information (unless the request pertains to a request for FMLA leave for purposes of caring for an~~

~~immediate family member with a serious health condition). "Genetic information," as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic test, the fact that an individual or an individual's family member sought or received genetic services or participated in clinical research that includes genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.~~

~~**[ ]** The District offers health services, **( )** including a wellness program. Participation in the services/program is voluntary. Genetic information (such as family medical history) may be obtained as part of an individual's participation in the service/program. If that occurs, individual genetic information may be provided to the individual receiving the services and to his/her health services providers, but only genetic information in aggregate form will be provided to the Board.~~

~~**[NOTE: It should be noted that any sections of the District's collective bargaining agreements dealing with terms and conditions of employment should contain a statement of nondiscrimination similar to that in the Board's statement above.]**~~

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Legal

29 C.F.R. Part 1635

42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act

Last Modified by Wayne Wright on October 20, 2025

Book	Policy Manual
Section	For the Board 40-1 Nondiscrimination
Title	Vol. 40, No. 1 - Nondiscrimination - September 2025 Replacement NONDISCRIMINATION, EQUAL EMPLOYMENT OPPORTUNITY, AND ANTI-HARASSMENT
Code	po3122
Status	1st Reading
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Replacement Policy - Vol. 40, No. 1

3122 - **NONDISCRIMINATION, EQUAL EMPLOYMENT OPPORTUNITY, AND ANTI-HARASSMENT**

The Board of Education does not discriminate on the basis of race, color, national origin, sex (including pregnancy, childbirth, and releated medical conditions; sexual orientation; and gender identity), disability, age, religion, height, weight, marital or family status, military status, ancestry, genetic information, or any other legally protected category (collectively, Protected Classes) in its programs and activities, including employment opportunities.

The Board is committed to providing a work environment that is free from Prohibited Conduct, responding promptly and effectively when it has knowledge of conduct that reasonably may constitute Prohibited Conduct, and addressing Prohibited Conduct in its education programs or activities. This commitment applies to all District operations and this policy applies to Prohibited Conduct occurring within or as a part of the District's education programs and activities, whether on school property or at another location during an activity sponsored by the Board.

Persons who commit Prohibited Conduct are subject to the full range of disciplinary sanctions set forth in this policy.

The Board will provide persons who have experienced Prohibited Conduct with ongoing remedies as reasonably necessary to restore or preserve access to the District’s education programs or activities.

All school employees share responsibility for avoiding, discouraging, and reporting any form of Prohibited Conduct.

The Board will take immediate action to address the following prohibited acts:

A. Retaliating against a person who has made a report or filed a complaint alleging Prohibited Conduct, or has participated in the below-described grievance procedures.

B. Filing a malicious or knowingly false report or complaint of Prohibited Conduct.

C. Disregarding, failing to appropriately address, or delaying action to appropriately address allegations of Prohibited Conduct when responsibility for reporting and/or investigating such charges comprises part of one's administrative/supervisory duties.

Definitions:

Words used in this policy shall have those meanings defined herein; words not defined herein shall be construed according to their plain and ordinary meanings.

Bullying means: any unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by an adult, that is sufficiently severe or pervasive to create an intimidating, hostile, or offensive work environment; or unreasonably interfere with the individual's work performance or participation. It may involve: (a) threats; (b) intimidation; (c) stalking; (d) cyberstalking; (e) cyberbullying; (f) physical violence; (g) theft; (h) sexual, religious, or racial harassment; (i) public humiliation; or (j) destruction of property. Bullying rises to the level of unlawful harassment when one (1) or

more persons systematically and chronically inflict physical hurt or psychological distress on one (1) or more employees, and that bullying is based upon one (1) or more Protected Classes, that is, characteristics that are protected by Federal and/or State civil rights laws. Ordinary teasing, horseplay, arguments, and peer conflict do not constitute bullying for purposes of this policy.

Complainant means: an employee who is alleged to have been subjected to conduct that could constitute Prohibited Conduct; or a person, other than an employee, who is alleged to have been subjected to conduct that could constitute Prohibited Conduct and who was participating or attempting to participate in the District's education programs or activities at the time of the alleged Prohibited Conduct.

Complaint means: an oral or written request to the District that objectively can be understood as a request for the District to investigate and make a determination about alleged Prohibited Conduct.

Day(s): Unless expressly stated otherwise, the term "day" or "days" as used in this policy means business day(s) (i.e., days that the Board office is open for normal operating hours, Monday – Friday, excluding State-recognized holidays).

Disciplinary sanctions means: consequences imposed on a respondent following a determination that the respondent engaged in Prohibited Conduct.

Education programs or activities refer to: all the District's operations including, but not limited to, in-person and online/remote educational instruction, employment, extracurricular activities, athletics, performances, and community engagement and outreach programs. The term applies to all programs and activities operated by the Board on school grounds or on other property owned or occupied by the Board. It also includes events and circumstances that take place off school property/grounds but over which the District asserts disciplinary authority (e.g., at off-campus activities sponsored by the Board).

Exculpatory evidence means: evidence that is favorable to a respondent because it helps excuse, justify, or absolve a respondent of alleged wrongdoing and tends to establish that a respondent did not engage in Prohibited Conduct.

Genetic information means: information about: (a) an individual's genetic tests; (b) the genetic tests of that individual's family members; (c) the manifestation of disease or disorder in family members of the individual (i.e., family medical history); (d) an individual's request for, or receipt of, genetic services, or the participation in clinical research that includes genetic services by the individual or a family member of the individual; or (e) the genetic information of a fetus carried by an individual or a pregnant woman who is a family member of the individual and the genetic information of an embryo legally held by an individual or family member using assistive reproductive technology.

Harassment means: any threatening, insulting, or dehumanizing gesture, use of technology, or written, verbal, or physical conduct directed against an employee that (a) places the employee in reasonable fear of harm to their person or damage to their property; (b) has the effect of substantially interfering with the employee's work performance; or (c) has the effect of substantially disrupting the orderly operation of a school. Each of the following types of harassment involves unwelcome physical, verbal, or nonverbal conduct that is based upon an individual's protected characteristic(s) and has the purpose or effect of interfering with the individual's work performance or creating an intimidating, hostile, or offensive work environment.

A. **Age Harassment** means: harassment based on negative perceptions about older workers. It also includes harassment based on stereotypes about older workers, even if they are not motivated by animus, such as pressuring an older employee to transfer to a job that is less technology-focused because of the perception that older workers are not well-suited to such work or encouraging an older employee to retire.

B. **Disability Harassment** means: harassment based upon a person's disability and includes harassment based upon stereotypes about individuals with disabilities in general or about an individual's particular disability. It also includes harassment based on traits or characteristics linked to an individual's disability, such as how the person speaks, looks, or moves. For example, negative comments about an individual's speech patterns, movement, physical impairments, or defects/appearances, or the like. Disability-based harassment includes: (a) harassment because an individual requests or receives reasonable accommodation; (b) harassment because an individual is regarded as having an impairment, even if the individual does not have an actual disability, or a record of disability; (c) harassment because an individual has a record of a disability, even if the individual currently does not have a disability; and (d) harassment based on the disability of an individual with whom the employee is associated. Finally, disability-based harassment may occur where conduct is directed at or pertains to a person's genetic information.

C. **National Origin/Ancestry Harassment** means: harassment due to a person's (or their ancestor's) place of origin. Such harassing conduct can include ethnic slurs or epithets, derogatory comments about individuals of a particular nationality, and use of stereotypes about a person's national origin. Additionally, it can include harassment regarding traits or characteristics linked to an individual's national origin, such as physical characteristics, ethnic or cultural characteristics or customs (e.g., surnames, attire, or diet), or linguistic characteristics (e.g., a person's manner of speaking, non-English language accent, or a lack of fluency in English).

D. **Race/Color Harassment** means: unwelcome physical, verbal, or nonverbal conduct that is based upon an individual's race or color and has the purpose or effect of interfering with the individual's work performance; or creating an intimidating, hostile, or offensive work environment. Such harassment may occur where conduct is directed at the characteristics of a person's race or color, such as racial slurs, nicknames implying stereotypes, epithets, and/or negative references relative to racial customs.

E. **Religious (Creed) Harassment** means: harassment based on a person's surname, religion (including atheism or lack of religious belief), religious traditions and practices, or religious dress/clothing, and includes making offensive comments about the same. It also includes religious slurs or epithets, harassing conduct based on religious stereotypes, and harassment associated with a person's request for and/or receipt of religious accommodation. Religious harassment also involves explicitly or implicitly coercing an employee to engage in religious practices at work.

F. **Sexual Harassment** means (for purposes of this policy and consistent with Title VII of the Civil Rights Act of 1964): unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when: (a) submission to such conduct is made either implicitly or explicitly a term or condition of an individual's employment; (b) submission or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (c) such conduct has the purpose or effect of interfering with the individual's work performance; or creating an intimidating, hostile, or offensive working environment. Sexual harassment may involve the behavior of a person of any gender against a person of the same or another gender.

1. Sexual Harassment covered by Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities is not included in this policy. Allegations of such conduct shall be addressed solely by Policy 2266.

2. Prohibited acts that constitute sexual harassment under this policy may take a variety of forms. Examples of the kinds of conduct that may constitute sexual harassment include, but are not limited to:

    a. Conduct of a sexualized nature, such as unwanted conduct expressing sexual attraction or involving sexual activity (e.g., unwelcome sexual propositions, invitations, solicitations, and flirtations; unwanted physical and/or sexual contact, including unwelcome and inappropriate touching, patting, or pinching **(x)**; and obscene gestures **[END OF OPTION]**.

    b. Sexual attention or sexual coercion, such as demands or pressure for sexual favors (e.g., threats or insinuations that a person's employment, wages, or other conditions of employment may be adversely affected by not submitting to sexual advances; giving unwelcome personal gifts such as lingerie that suggest the desire for a romantic relationship; leering or staring at someone in a sexual way, such as staring at a person's breasts, buttocks, or groin).

    c. Rape, sexual assault, or other acts of sexual violence.

    d. Discussing or displaying visual depictions of sex acts or sexual remarks (e.g., unwelcome verbal expressions of a sexual nature, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, profanity, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls, texts, etc.; sexually suggestive objects, pictures, graffiti, videos, posters, audio recordings or literature placed in the work environment; asking or telling about sexual fantasies, sexual preferences, or sexual activities; speculations about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history).

    e. A consensual sexual relationship where such relationship leads to favoritism of a subordinate employee with whom the superior is sexually involved and where such favoritism adversely affects other employees or otherwise creates a hostile work environment.

    f. Verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping that does not involve conduct of a sexual nature.

    g. Non-sexual conduct based on sex, such as sex-based epithets; sexist comments (such as remarks that women do not belong in management or that men do not belong in the nursing profession); or facially sex-neutral offensive conduct motivated by sex (such as bullying directed toward employees of one sex).

    h. Harassment based on pregnancy, childbirth, or related medical condition, which may include issues pertaining to lactation, using or not using contraception, or deciding whether to have, or not to have, an abortion.

Not all behavior with sexual connotations constitutes unlawful sexual harassment. Sex-based or gender-based conduct must be objectively offensive (a reasonable person would find it hostile or abusive), subjectively offensive (the complainant actually perceived it as abusive), and either sufficiently severe (a single extremely serious incident) or pervasive (a pattern of behavior), such that it adversely affects, limits, or denies an individual's employment, or creates a hostile or abusive employment environment.

Inculpatory evidence means: evidence that links a respondent to alleged wrongdoing and tends to establish a respondent engaged in Prohibited Conduct (i.e., has culpability).

Military status means: a person's past, current, or future membership, service, or obligation in a uniformed service (e.g., Army, Marine Corps, Navy, Air Force, Space Force, Coast Guard, Public Health Service Commissioned Corps, and National Oceanic and Atmospheric Administration Commissioned Officer Corps). Service in the uniformed services also means the performance of duty, on a voluntary basis, or involuntary basis, in a uniformed service, under competent authority, and includes active duty, active duty for training, initial active duty for training, inactive duty for training, and full-time National Guard duty. It further includes the period of time for which a person is absent from employment for the purpose of an examination to determine the fitness of the person to perform any such duty as listed above.

Party means: a complainant or respondent.

Pregnancy, childbirth, or related medical conditions means:

A. "Pregnancy" and "childbirth" refer to the pregnancy or childbirth of a specific employee and include, but are not limited to, current pregnancy; past pregnancy; potential or intended pregnancy (which can include infertility, fertility treatment, and the use of contraception); labor; and childbirth (including vaginal and cesarean delivery).

B. "Related medical conditions" are medical conditions relating to the pregnancy or childbirth of a specific employee, and may include termination of pregnancy, including via miscarriage, stillbirth, or abortion; ectopic pregnancy; preterm labor; pelvic prolapse; nerve injuries; cesarean or perineal wound infection; maternal cardiometabolic disease; gestational diabetes; preeclampsia; HELLP (hemolysis, elevated liver enzymes and low platelets) syndrome; hyperemesis gravidarum; anemia; endometriosis; sciatica; lumbar lordosis; carpal tunnel syndrome; chronic migraines; dehydration; hemorrhoids; nausea or vomiting; edema of the legs, ankles, feet, or fingers; high blood pressure; infection; antenatal (during pregnancy) anxiety, depression, or psychosis; postpartum depression, anxiety, or psychosis; frequent urination; incontinence; loss of balance; vision changes; varicose veins; changes in hormone levels; vaginal bleeding; menstruation; and lactation and conditions related to lactation, such as low milk supply, engorgement, plugged ducts, mastitis, or fungal infections. The preceding list of related medical conditions is not exhaustive.

Prohibited Conduct means: unlawful discrimination or harassment based on a person's Protected Class(es) or retaliation. Such misconduct involves a violation of Federal and/or State civil rights laws.

Relevant means: related to the allegations of Prohibited Conduct under investigation as part of the Board's grievance procedures. Questions are relevant when they seek evidence that may aid in showing whether the alleged Prohibited Conduct occurred, and evidence is relevant when it may aid a decisionmaker in determining whether the alleged Prohibited Conduct occurred.

Remedies means: measures provided, as appropriate, to a complainant or any other person the District identifies as having had their equal access to the District's education programs or activities limited or denied by Prohibited Conduct. These measures are provided to restore or preserve that person's access to the District's education program or activity after the District determines that Prohibited Conduct occurred.

Respondent means: a person who is alleged to have engaged in Prohibited Conduct.

Retaliation means: intimidation, threats, coercion, or discrimination against any person by the District, a student, a Board employee, or any other person authorized by the Board to provide aid, benefit, or service under the District's education programs or activities, for the purpose of interfering with any right or privilege secured by Federal or State law, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under applicable Federal or State laws or regulations.

School District community means: students and Board employees (i.e., administrators and professional and classified staff), as well as Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

Supportive measures means: non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, without fee or charge to the complainant or the respondent before or after making a report or filing a complaint. Such measures are designed to restore or preserve that party's access to the District's education programs or activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the District's educational environment or deter Prohibited Conduct. Supportive measures may include modifications of work schedules, mutual restrictions of contact between the parties, changes in work locations, leaves of absence, increased security and monitoring of certain work settings; training related to Prohibited Conduct, **(x)** referral to Employee Assistance Program, **[END OF OPTION]** and other similar measures.

Third Parties means: guests and/or visitors on District property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with, or seeking to do business with, the Board, and other individuals who come in contact with members of the School District community at school-related events/activities (whether on or off District property).

Pregnancy, Childbirth, and Related Medical Conditions

The Board will not discriminate against an employee based on the person's current pregnancy, potential or intent to become pregnant, past pregnancy, or medical condition related to pregnancy or childbirth, or because the person uses birth control, or has had or not had an abortion.

Additionally, the Board will provide a reasonable accommodation to an employee's known limitation related to pregnancy, childbirth, or a related medical condition, unless the accommodation will cause the District undue hardship.

The Board will treat pregnancy, childbirth, and related medical conditions as any other temporary medical conditions for all job-related purposes, including commencement, duration, and extensions of leave; accrual of seniority and any other benefit or service; reinstatement; and under any fringe benefit offered to employees by virtue of employment.

The Board will provide reasonable break time for an employee to express breast milk while at work for the first year after the

employee's child's birth. The Board will provide the employee with a space, other than a bathroom, that is clean, shielded from view, free from intrusion from coworkers and the public, and which the employee can use as needed to express breast milk. See Board Policy 6700 – Fair Labor Standards Act.

Nondiscrimination Based on Employee's Genetic Information

The Board prohibits discrimination on the basis of genetic information in all aspects of employment, including hiring, firing, compensation, job assignments, promotions, layoffs, training, fringe benefits, or any other terms, conditions, or privileges of employment. The Board also does not limit, segregate, or classify employees in any way that would deprive or tend to deprive them of employment opportunities or otherwise adversely affect the status of an employee as an employee, based on genetic information. Harassment of a person because of the individual's genetic information is also prohibited. Likewise, retaliation against an applicant or employee for engaging in protected activity is prohibited.

In accordance with the Genetic Information Nondiscrimination Act ("GINA"), the Board shall not request, require, or purchase genetic information of employees, their family members, or applicants for employment. Further, in compliance with GINA, employees are directed not to provide any genetic information, including the individual's family medical history, in response to necessary requests for medical information, with the exception that family medical history may be acquired as part of the certification process for FMLA leave, when an employee is asking for leave to care for an immediate family member with a serious health condition. Applicants for employment are directed not to provide any genetic information, including the individual's family medical history, in response to requests for medical information as part of the District's application process.

~~**[ ]** The District recognizes that genetic information may be acquired through commercially and publicly available documents like newspapers, books, magazines, periodicals, television shows, or the Internet. The District prohibits, however, its employees from searching such sources with the intent of finding or obtaining genetic information or accessing sources from which they are likely to acquire genetic information. **[END OF OPTION]**~~

If the District either legally and/or inadvertently receives genetic information about an employee or applicant for employment from the employee, applicant for employment, or a medical provider, it shall be treated as a confidential medical record in accordance with law.

The District Compliance Officer (see below) shall be responsible for overseeing the District's compliance with applicable Federal regulations and promptly dealing with any inquiries or complaints. The District Compliance Officer or designee shall also verify that proper notice of nondiscrimination for Title II of the Genetic Information Nondiscrimination Act of 2008 is provided to staff members, and that all District requests for health-related information (e.g., to support an employee's request for reasonable accommodation under the Americans with Disabilities Act ("ADA") or a request for sick leave) is accompanied by a written warning that directs the employee or health care provider not to collect or provide genetic information. The warning shall read as follows:

The Genetic Information Nondiscrimination Act of 2008 ("GINA") prohibits employers and other entities covered by GINA Title II, including the Board of Education, from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by law. To comply with this law, do not provide any genetic information when responding to this request for medical information (unless the request pertains to a request for FMLA leave for purposes of caring for an immediate family member with a serious health condition). "Genetic information," as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic test, the fact that an individual or an individual's family member sought or received genetic services or participated in clinical research that includes genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

~~**[ ]** The District offers health services **( )**, including a wellness program **[END OF INTERNAL OPTION]**. Participation in the services/program is voluntary. Genetic information (such as family medical history) may be obtained as part of an individual's participation in the service/program. If that occurs, individual genetic information may be provided to the individual receiving the services and to the person's health services providers, but only genetic information in aggregate form will be provided to the Board. **[END OF OPTION]**~~

District Compliance Officer(s)

[DRAFTING NOTES:

1. **Neola suggests the Board appoint both a male and a female to serve as the District Compliance Officers. By appointing two (2) District Compliance Officers, there should always be a District Compliance Officer available to address a claim that pertains to the other District Compliance Officer. If, however, the Board appoints more than one (1) District Compliance Officer, Neola recommends that it designate one (1) of the District Compliance Officers to retain ultimate oversight over the assigned responsibilities and ensure the Board's consistent compliance with its responsibilities under applicable Federal and State laws that prohibit unlawful discrimination/harassment based on protected classes and retaliation. Alternatively, the Board could appoint a District Compliance Officer and one (1) or more persons to assist the District Compliance Officer with performance of the responsibilities identified in this policy and its accompanying administrative guidelines. Often the person(s) designated to assist a District Compliance Officer is/are called Deputy or Assistant Compliance Officer(s). If the Board elects this alternative approach, it would designate a District Compliance Officer for purposes of this policy, and then designate the other position(s) through its AG. The person(s) in the alternative support role(s) will need to be trained in the same manner as the District Compliance Officer (see**

AG 3122).

2. **The Board must list in this policy either the Name(s) or Title(s) of the District Compliance Officer(s); while the Board may list both the Name(s) and Title(s), Neola suggests that the Board only list the Title(s) in this policy (so the Board does not need to revise/amend the policy whenever there is a change in the actual person(s) holding the designated position(s)), but list both the Name(s) and Title(s) in the requisite notices/postings (e.g., website) and publications (e.g., handbooks). The District will also need to decide whether to list the Name(s) and Title(s), or just the Title(s), in Administrative Guideline 3122 if the District elects to identify the District Compliance Officer in the AG (see DRAFTING NOTE in the AG; again, if the District lists the Name(s) and Title(s), it will need to remember to update the AG whenever there is a change in the actual person(s) holding the designated position(s). No matter what, the Board will need to amend its policy and update its AG, requisite notices/postings, and publications, whenever it changes the Title of the position(s) designated to serve as the District Compliance Officer(s).**

3. **Reminder: Whenever a new person begins to serve as the District Compliance Officer (or in a support role to the District Compliance Officer), the District needs to make sure the new person is appropriately trained, in a timely manner, to fulfill the responsibilities of the position to which the person is assigned.]**

[END OF DRAFTING NOTES]

The Board designates and authorizes the following individual(s) to coordinate its efforts to comply with the Board's responsibilities under Federal and State laws that prohibit discrimination, including harassment, based on Protected Classes and retaliation (also known as "Civil Rights Coordinator(s)" or "Anti-Harassment Compliance Officer(s)") (hereinafter referred to as the "District Compliance Officer(s)" or "CO(s)"):

~~[Name and/or School District Title]~~

~~[Office Address]~~

~~[Email Address]~~

~~[Telephone Number]~~

Patrick Wolynski

Executive Director Staff & Student Services

248-435-8400 x1211

800 Devillen, Royal Oak, MI 48073

patrick.wolynski@royaloakschools.org

[DRAFTING NOTE: The District may want to create a static (i.e., fixed) District Compliance Officer -specific email address and phone number that will not change when the person(s) and/or position(s) designated to be the CO(s) change(s) – e.g., CO4CivilRights@(insert District's domain) – which the Technology Director/Department can program to be forwarded to the actual individual(s) serving as the District Compliance Officer(s) at any given time. Likewise, the District may want to establish a static Telephone Number for the position of District Compliance Officer that can be forwarded to, and accessed by, the actual person(s) serving in the CO position(s) at any given time. These two (2) steps will help reduce the information that needs to be updated in policy, AG, and/or the requisite notices/postings and publications when changes occur to the specific person(s)/position(s) designated to serve as the CO(s).]

[DRAFTING NOTE: Complete the following information if the Board appoints more than one (1) District Compliance Officer.]

[x] [DESIGNATION OF A SECOND DISTRICT COMPLIANCE OFFICER]

~~[Name and/or School District Title]~~

~~[Office Address]~~

~~[Email Address]~~

~~[Telephone Number]~~

Katherine Abela

Executive Director Finance and Facilities

248-435-8400 x1232

800 Devillen, Royal Oak, MI 48073

katherine.abela@royaloakschools.org

[END OF OPTION]

[DRAFTING NOTE: As discussed above, if the Board designates more than one (1) CO, Neola recommends that the District select the following option.]

[x] The Board designates _Patrick Wolynski, Executive Director Staff & Student Services_____ **[DRAFTING NOTE: Insert Name and/or Title of the District Compliance Officer who is ultimately responsible for the District's compliance with its responsibilities under Federal and State laws that prohibit discrimination/harassment based on Protected Classes and retaliation]** as the individual who is ultimately responsible for oversight over the Board's compliance with applicable Federal and State laws and regulations that prohibit discrimination based on the basis of Protected Classes and retaliation. **[END OF OPTION]**

~~**[ ]** The District Compliance Officer may delegate specific duties to one (1) or more designees. **[END OF OPTION]**~~

~~The contact information concerning the District Compliance Officer(s) will be published on the School District's website **( )** and annually **[END OF OPTION]**.~~

A. ~~**( )** in parent/student and staff handbooks.~~

B. ~~**( )** in the School District Annual Report to the public.~~

C. ~~**( )** on each individual school's website.~~

D. ~~**( )** in the School District's calendar.~~

E. ~~**( )** _____.~~

[DRAFTING NOTE: The Board may want to select the following option when the Superintendent is not the CO. While Neola recognizes that this may not always be possible, it may be preferable to have the CO be someone other than the Superintendent because then – if the CO serves as the investigator and decisionmaker – the Superintendent can serve as the appeal decisionmaker or the facilitator for the informal resolution process.]

[x] The District Compliance Officer(s) shall report directly to the Superintendent except when the Superintendent is a party to a complaint (i.e., either the complainant or the respondent). Under such circumstances, the CO(s) shall report directly to **[SELECT ONE OF THE FOLLOWING]** ~~**( )** the Board President~~ **(x)** the Board's Legal Counsel ~~**( )** _____~~ **[OTHER] [END OF INTERNAL OPTIONS]** until the matter in which the Superintendent is a party is concluded. **[END OF OPTION]**

Questions about this policy **(x)** and AG 3122 **[END OF OPTION]** should be directed to the District Compliance Officer(s).

The CO(s) is/are responsible for coordinating the District's efforts to comply with applicable Federal and State laws and regulations, including the District's duty to address in a prompt and equitable manner any inquiries or complaints regarding discrimination, harassment, retaliation, or denial of equal opportunity/access. The CO(s) shall also verify that proper notice of nondiscrimination for Title II of the Americans with Disabilities Act (as amended), Title VI and Title VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973 (as amended), Genetic Information Nondiscrimination Act (GINA), and the Age Discrimination in Employment Act of 1975 is provided to staff members and the general public. ~~**[ ]** Any sections of the District's collective bargaining agreements dealing with hiring, promotion, demotion, discipline, and tenure need to contain a statement of nondiscrimination similar to that in the Board's statement set forth above. **[END OF OPTION] [ ]** In addition, as practical, gender specific terms should be eliminated from such contracts. **[END OF OPTION]** Copies of the laws and regulations listed above are available upon request from the CO(s).~~

The CO(s) will be available during regular work hours to discuss concerns related to Prohibited Conduct, to assist employees, other members of the District community, and third parties who seek support or advice when informing another individual about Prohibited Conduct, including unwelcome conduct, or to intercede informally on behalf of the individual in those instances where concerns have not resulted in the filing of a formal complaint and where all parties are in agreement to participate in an informal process.

The CO(s) shall monitor the District's education programs and activities for barriers to reporting information about conduct that reasonably may constitute Prohibited Conduct pursuant to Federal and/or State laws that prohibit discrimination/harassment based on the basis of a Protected Class/Category and retaliation, and take steps reasonably calculated to address such barriers.

Notice of Nondiscrimination

The Superintendent shall provide a notice of nondiscrimination to students, parents, guardians, or other authorized legal representatives of elementary and secondary students; employees; applicants for admission and employment; and all unions and professional organizations holding collective bargaining or professional agreements with the Board. Specifically, the Superintendent shall post the notice of nondiscrimination on the District's website and in each handbook, catalog, announcement, bulletin, and

application form that it makes available to the persons listed above, or which are otherwise used in connection with the recruitment of employees. **(x)** See AG 3122 and Form 3122F1 – Notice and Statement of Nondiscrimination. **[END OF OPTION]**

NOTIFICATION/REPORTS OF PROHIBITED CONDUCT

Any person may provide information to the CO(s) concerning conduct that reasonably may constitute Prohibited Conduct. Such information may be submitted in person, by mail, by telephone, or by electronic mail using the CO's(s') published contact information, or by any other means (oral or written) that results in the CO(s) receiving the information. Information may be provided at any time (including during non-work hours). ~~**[ ]** Anonymous reports may be submitted using **( )** the online reporting form posted at _____ **[insert the web address for the reporting form, or insert a hyperlink tied to the phrase "online reporting form"] [or] ( )** the hotline reporting number (_____**[insert phone number]**). **[END OF OPTION]**~~

All Board employees are required to notify the CO(s) of conduct that reasonably may constitute Prohibited Conduct. For the Board to fulfill its responsibilities under applicable Federal and/or State laws, if a Board employee has knowledge of conduct that reasonably may constitute Prohibited Conduct, the Board employee must notify the/a CO within two (2) business days of learning the information or receiving the report. **[DRAFTING NOTE: The applicable statutes and regulations do not specify within how many days the Board employee must notify the CO of receiving notification/a report of Prohibited Conduct; Neola suggests "two (2) days". Alternatively, the Board could make this language more open-ended – e.g., "* * * must immediately/promptly notify the/a CO of such information or report."]** The Board employee must also comply with mandatory reporting responsibilities pursuant to Policy 8462 – Student Abuse and Neglect, if applicable. If the Board employee's knowledge about the alleged Prohibited Conduct is based on another individual bringing the information to the Board employee's attention, and the reporting individual submitted a written notification/report or complaint to the Board employee, the Board employee must provide the written notification/report or complaint to the CO.

Notification can be provided orally or in writing and should be as specific as possible. The person making the notification/report should, to the extent known, identify the alleged victim(s), perpetrator(s), and witness(es), and describe in detail what occurred, including date(s), time(s), and location(s).

If a notification/report or complaint involves allegations of Prohibited Conduct by or involving the CO, the person making the report (i.e., providing the notification or filing the complaint) should submit it to the Superintendent or another Board employee who, in turn, will notify the Superintendent of the report/complaint. The Superintendent will then serve in place of the CO for purposes of addressing that report of Prohibited Conduct. **[DRAFTING NOTE: If the Superintendent is the CO, substitute "Board President" in place of "Superintendent."]**

When a Board employee notifies the CO of suspected Prohibited Conduct, the employee is required to report all known details about the alleged Prohibited Conduct including: (1) the name of the alleged respondent(s); (2) the person who experienced the alleged Prohibited Conduct (i.e., the complainant); (3) other persons involved in the alleged Prohibited Conduct (e.g., witnesses); and (4) any other relevant facts, such as date, time, and location. Failure to provide such notification may result in discipline, up to and including suspension or termination of employment.

Any allegations of misconduct not involving Prohibited Conduct as defined in this policy will be addressed through the procedures outlined in other Board policies **(x)** and/or administrative guidelines **[END OF OPTION]**, the applicable Student Code of Conduct, applicable collective bargaining agreement, and/or Employee/Administrator Handbook.

When a notification/report or complaint of Prohibited Conduct is made, the CO shall promptly ~~(i.e.,~~ within two (2) business days **[DRAFTING NOTE: The applicable laws and/or regulations do not define "promptly" or otherwise specify within how many days the contact has to be made; Neola suggests "two (2) days."]** of the CO's receipt of the notification/report or complaint of Prohibited Conduct) contact the purported 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 complaint, and explain to the complainant the process for filing a complaint. The CO is responsible for coordinating the effective implementation of supportive measures. Any supportive measures provided to the complainant or respondent shall be maintained as confidential, to the extent that maintaining such confidentiality will not impair the ability of the District to provide the supportive measures.

GRIEVANCE PROCEDURES

Overview:

The Board adopts the following grievance procedures to provide for the prompt, effective, and equitable resolution of complaints made by employees, applicants, or other individuals who are participating or attempting to participate in the District's education programs or activities (i.e., members of the School District community and Third Parties), or by the CO alleging any act of Prohibited Conduct.

These grievance procedures shall be used for all complaints of Prohibited Conduct unless it involves conduct involving a student, in which case the grievance procedures set forth in Policy 2260 or Policy 5517.01 shall apply. These grievances procedures set forth the means for investigating and resolving claims involving such Prohibited Conduct; in particular, the procedures provide a method for assessing – in a prompt, effective, and equitable manner – whether an applicable Federal or State law was violated and, if it was, how best to end the Prohibited Conduct, prevent its recurrence, and remedy its effects.

Due to the sensitivity surrounding complaints of Prohibited Conduct, timelines are flexible for initiating the grievance procedures; however, individuals are encouraged to file a complaint within thirty (30) days after the conduct occurs. Once the formal complaint process is begun, the investigation will be completed in a timely manner.

[DRAFTING NOTE: Title VII of the Civil Rights Act of 1964 ("Title VII") prohibits discrimination in employment. Specifically, it prohibits employment discrimination based on race, color, religion, sex, or national origin, and applies to employers with fifteen (15) or more employees. Title IX, on the other hand, specifically prohibits discrimination based on sex in education programs and activities that receive Federal financial assistance, including employment within those institutions. Title IX is addressed by Board Policy 2266 and AG 2266. While both laws aim to prevent sex-based discrimination in the workplace, Title VII applies more broadly to various types of employers, whereas Title IX is limited to educational institutions receiving Federal funds. Ultimately, both laws aim to ensure equal employment opportunities and protect individuals from discrimination. When a District Compliance Officer receives a complaint or notification of alleged misconduct involving sex discrimination (in particular, sexual harassment) that involves an employee complainant and an employee respondent, the District Compliance Officer should consult with the Title IX Coordinator and/or the Board's Legal Counsel concerning which law – it may be both – the District will need to comply with when investigating the allegations.]

Under all circumstances, the CO shall offer and coordinate supportive measures, as appropriate, in accordance with this policy **(x)** and AG 3122 **[END OF OPTION]**.

Complaints:

The following people may make a complaint of Prohibited Conduct – i.e., request that the District investigate and determine whether Prohibited Conduct occurred:

A. a "complainant," which includes:

   1. an employee of the District who is alleged to have been subjected to conduct that could constitute Prohibited Conduct; or

   2. a person other than an employee of the District who is alleged to have been subjected to conduct that could constitute Prohibited Conduct at a time when that individual was participating or attempting to participate in the District's education programs or activities;

B. an authorized legal representative with the legal right to act on behalf of a complainant;

C. the District Compliance Officer.

A person is entitled to make a complaint of unlawful harassment only if they themselves are alleged to have been subjected to the unlawful harassment, or if the CO initiates a complaint.

[DRAFTING NOTE: This paragraph emphasizes that in order for a person to file a complaint of unlawful harassment, the person has to have been subjected to the alleged misconduct directly or be a person who has a legal right to act on behalf of the person who was subjected to the alleged misconduct. This is consistent with the prior paragraph, where the complainant is identified as an employee who was "subjected to conduct that could constitute Prohibited Conduct." The following paragraph, on the other hand, expands who can file a complaint – when the alleged Prohibited Conduct does not involve unlawful harassment, or the complaint involves allegations of retaliation – to persons who are aware of the alleged Prohibited Conduct, even if that person was not directly affected by or subject to the alleged Prohibited Conduct.]

With respect to complaints of Prohibited Conduct other than unlawful harassment, or complaints involving allegations of retaliation, in addition to the people listed above, the following persons have a right to make a complaint:

A. any employee of the District; or

B. any person other than an employee who was participating or attempting to participate in the District's education programs or activities at the time of the alleged Prohibited Conduct.

The District may consolidate complaints of Prohibited Conduct against more than one (1) respondent, or by more than one (1) complainant against one (1) or more respondents, or by one (1) party against another party, when the allegations of Prohibited Conduct arise out of the same facts or circumstances. When more than one (1) complainant or more than one (1) respondent is involved, references below to a party, complainant, or respondent include the plural, as applicable.

A person may file criminal charges simultaneously with filing a complaint. A person does not need to wait until the District's internal grievance procedures are completed before filing a criminal complaint. Likewise, questions or complaints relating to alleged violations of applicable Federal or State laws may be filed with the U.S. Department of Education's Office for Civil Rights, the U.S. Department of Justice's Civil Rights Division, the U.S. Equal Employment Opportunity Commission, or the Michigan Department of Civil Rights, at any time based on the underlying statutory basis for the complaint.

Basic Requirements:

The District will treat complainants and respondents equitably.

All persons involved with implementing the grievance procedures and any other aspects of this Policy, including the District Compliance Officer, the investigator, the decisionmaker, and the appeal decisionmaker, ~~**( ) and the facilitator of the informal resolution process, [END OF OPTION]**~~ shall be free from any conflicts of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

[x] The CO may serve simultaneously as an investigator and/or a decisionmaker. **[END OF OPTION] [DRAFTING NOTE: Neola recommends the Board select this OPTION; note it is "may" (i.e., optional) so the CO can decide when to serve in both roles and when to designate one or more persons to perform these responsibilities in a given case.]**

If the CO does not intend to serve as the investigator/decisionmaker in a specific case, the CO shall designate one (1) or more administrators who are appropriately trained to serve in the role.

In circumstances when the CO and trained administrators do not have time/capacity to serve, or are prevented due to a conflict of interest, bias, or partiality, or other reasons impair the CO and other trained administrators from serving as an investigator/decisionmaker in a specific case, the CO shall **(x)**, in consultation with ~~**( ) and approval of [END OF OPTION]**~~ the Superintendent or ~~**( ) Board**~~ **(x)** Board President (as appropriate), **[END OF OPTION]** secure one (1) or more independent third parties to serve as the investigator and/or decisionmaker.

The District presumes that the respondent is not responsible for the alleged Prohibited Conduct until a determination is made at the conclusion of its grievance procedures.

Under ordinary circumstances, the Board expects to complete the major stages of the grievance procedures within the timeframe specified below:

A. **Evaluation** – The District Compliance Officer will determine whether to dismiss a complaint or investigate it within ten___ (_10_) business **[INSERT AMOUNT]** days of receiving the complaint. **[DRAFTING NOTE: Neola recommends that the evaluation stage be completed within ten (10) days of the CO receiving notice of the complaint.]**

B. **Investigation** – The CO, or designated investigator/decisionmaker, shall ordinarily complete the investigation (i.e., collect relevant evidence that is not otherwise impermissible) and issue a Determination (i.e., consider the relevant and not otherwise impermissible evidence and decide whether Prohibited Conduct occurred) within _twenty___ (_20_) business **[INSERT AMOUNT]** days of the CO determining the charges require investigation. **[DRAFTING NOTE: Recognizing that it is important for investigations to be completed and Determinations issued in a prompt and equitable manner, Neola recommends that a school district typically complete an investigation and issue a Determination within twenty (20) days.]**

   [DRAFTING NOTE: If the investigator/decisionmaker is someone other than the CO, upon written request from the investigator/decisionmaker, the CO should be permitted to approve a reasonable extension of time for the investigation to be completed and the Determination issued. If the CO is the investigation/decisionmaker: upon written request from the CO, the Superintendent should be permitted to approve a reasonable extension of time for the investigation to be completed and the Determination issued. In either situation, the administrator granting the extension should communicate to the parties the new deadline along with a rationale for the extension.]

   If, however, the CO, or designated investigator/decisionmaker, determines that the investigation is going to take longer, the CO will so notify the parties **(x)** and the Superintendent **[END OF OPTION]** and will thereafter keep the parties **(x)** and the Superintendent **[END OF OPTION]** informed of the status of the matter on a _____regular_____ **[INSERT TIME PERIOD – E.G., BIWEEKLY OR REGULAR]** basis.

C. **Appeal –** A party filing an appeal of the CO's decision to dismiss a complaint **(x)**, or the Determination, **[END OF OPTION]** must do so within five___ (_5_) business **[INSERT AMOUNT]** days of receiving the Dismissal **(x)** or Determination **[END OF OPTION]**. **[DRAFTING NOTE: Neola recommends the Board allow limited appeals based on the Determination. See DRAFTING NOTE below in the appeal section.]**

The CO, or the Superintendent if the CO is the individual requesting an extension, may approve reasonable extensions of the preceding timeframes on a case-by-case basis for good cause with notice to the parties.

The District will take reasonable steps to protect the privacy of the parties and witnesses. **[x]** These steps will not restrict the ability of the parties to present evidence or otherwise participate in the grievance procedures. **[END OF OPTION]** The parties shall not engage in retaliation, including against witnesses.

The CO, or designated investigator/decisionmaker, shall objectively evaluate all evidence that is relevant and not otherwise impermissible — including both inculpatory and exculpatory evidence. Credibility determinations shall not be based on a person's status as a complainant, respondent, or witness.

The following types of evidence, and questions seeking such evidence, are impermissible (i.e., will not be accessed or considered,

except by the District to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:

A. evidence that is protected under a privilege recognized by Federal or State law, unless the person to whom the privilege or confidentiality is owed voluntarily waived the privilege or confidentiality; and

B. a party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the District obtains that party's or witness's voluntary, written consent for use in its grievance procedures.

Notice of Allegations:

Upon initiation of the Board's grievance procedures, the District Compliance Officer shall notify the parties of the following:

A. the Board's grievance procedures **(x)** and informal resolution process **[END OF OPTION]** associated with claims involving Prohibited Conduct; **[DRAFTING NOTE: Neola encourages the Board to include an informal resolution process.]**

B. sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute Prohibited Conduct, and the date(s) and location(s) of the alleged incident(s); and

C. retaliation is prohibited.

Should the CO decide, at any point, to investigate allegations that are materially beyond the scope of the initial written notice, the CO will provide a supplemental written notice describing the additional allegations to be investigated.

Dismissal of a Complaint:

The CO may dismiss a complaint of Prohibited Conduct if:

A. the District is unable to identify the respondent after taking reasonable steps to do so;

B. the respondent is not participating in the District's education program or activity and is not employed by the Board;

C. the complainant voluntarily withdraws any or all the allegations in the complaint, the CO declines to initiate a complaint, and the District determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute Prohibited Conduct even if proven; or

D. the District determines the conduct alleged in the complaint, even if proven, would not constitute Prohibited Conduct. Before dismissing the complaint, the CO will make reasonable efforts to clarify the allegations with the complainant.

Upon dismissal, the CO will promptly notify, in writing, the complainant of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, the CO will also simultaneously notify, in writing, the respondent of the dismissal and the basis for the dismissal.

The CO will further notify the complainant that a dismissal may be appealed and will provide the complainant with an opportunity to appeal the dismissal of the complaint. If the dismissal occurs after the respondent has been notified of the allegations, then the CO will also notify the respondent that the dismissal may be appealed.

Dismissals may be appealed on the following bases:

A. procedural irregularity that would change the outcome;

B. new evidence that would change the outcome and that was not reasonably available when the dismissal was made; and

C. the CO had a conflict of interest or bias for or against complainants or respondents generally, or the individual complainant or respondent, that would change the outcome.

If the dismissal is appealed, the CO will:

A. notify the parties of any appeal, including notice of the allegations, if notice was not previously provided to the respondent;

B. implement appeal procedures equally for the parties;

C. ensure that the appeal decisionmaker did not take part in the original dismissal of the complaint;

D. ensure that the appeal decisionmaker has been trained consistent with this Policy **(x)** and AG 3122 **[END OF OPTION]**;

E. provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and

F. notify the parties of the result of the appeal and the rationale for the result.

When a complaint is dismissed, the CO will, at a minimum:

A. offer supportive measures to the complainant as appropriate;

B. if the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; and

C. take other prompt and effective steps, as appropriate, to ensure that Prohibited Conduct does not continue or recur within the District's education programs or activities.

[DRAFTING NOTE: Neola encourages the Board to select the following option so the CO can choose, in appropriate circumstances, to offer the parties the opportunity to participate in an informal resolution process, or to honor the parties' request to use an informal resolution process, to end the Prohibited Conduct, prevent its recurrence, and remedy its effects.]

[x] [OPTIONAL LANGUAGE: INFORMAL RESOLUTION PROCESS]

Informal Resolution Process:

In lieu of resolving a complaint through the Board's formal grievance procedures, the parties may instead elect to participate in an informal resolution process. The District will not offer informal resolution to resolve a complaint when such a process would conflict with Federal, State, or local law.

[END OF OPTIONAL LANGUAGE: INFORMAL RESOLUTION PROCESS]

Adding Allegations and/or Consolidating Complaints:

If, in the course of an investigation, the District decides to investigate additional allegations of Prohibited Conduct by the respondent toward the complainant that are not included in the original Notice of Allegations or to consolidate charges raised in a different complaint involving the same respondent, the CO will notify the parties of the additional allegations.

Investigation:

The District will provide for an adequate, reliable, and impartial investigation of complaints.

The burden is on the District — not on the parties — to conduct an investigation that gathers sufficient evidence to determine whether Prohibited Conduct occurred.

The CO, or the designated investigator/decisionmaker, will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible.

The CO, or the designated investigator/decisionmaker, will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible, regardless of relevance.

Determination of Whether Prohibited Conduct Occurred:

Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, the CO or designated investigator/decisionmaker will:

A. Use the preponderance of the evidence standard of proof to determine whether Prohibited Conduct occurred. This standard of proof requires the decisionmaker to evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the decisionmaker, applying the applicable standard, is not persuaded by the relevant and not otherwise impermissible evidence that Prohibited Conduct occurred, regardless of the quantity of the evidence, the decisionmaker will not determine that Prohibited Conduct occurred. **[DRAFTING NOTE: While a board of education could elect to use the "clear and convincing" evidence standard of proof, Neola does not recommend it. If a board does select the "clear and convincing" standard, it should use it in all other comparable proceedings. Neola expects it will be a rare situation when a board chooses to use a clear and convincing standard of proof.]**

B. Notify the parties, in writing, of the determination whether Prohibited Conduct occurred, including the rationale for such determination **(x)**, and the procedures and permissible bases for the complainant and respondent to appeal **[END OF OPTION]**.

C. Not impose discipline on a respondent for Prohibited Conduct unless there is a determination at the conclusion of the grievance procedures that the respondent engaged in Prohibited Conduct.

D. If there is a determination that Prohibited Conduct occurred, the CO will, as appropriate:

1. coordinate the provision and implementation of remedies to a complainant and other people the District identifies as having had equal access to the District's education programs or activities limited or denied by the Prohibited Conduct;

2. coordinate the imposition of any disciplinary sanctions on a respondent **(x)**, including notification to the complainant of any such disciplinary sanctions **[END OF OPTION]**; and

3. take other appropriate prompt and effective steps to ensure that the Prohibited Conduct does not continue or recur within the District's education programs or activities.

E. Comply with the grievance procedures before the imposition of any disciplinary sanctions against a respondent.

F. Not discipline a party, witness, or others participating in the grievance procedures for making a false statement based solely on the determination of whether Prohibited Conduct occurred.

[DRAFTING NOTE: If the CO dismisses a complaint in the Evaluation stage (i.e., prior to commencing an investigation), the complainant may appeal as set forth above. Neola also recommends the Board include an appeal process related to the Determination.]

[x] [OPTIONAL LANGUAGE - APPEAL OF DETERMINATION]

Appeal of Determinations:

If a party disagrees with the decisionmaker's determination as to whether Prohibited Conduct occurred, the party may file an appeal. Appeals must be submitted, in writing, within _five___ (_5_) business **(INSERT AMOUNT)** days of the appealing party's receipt of the Determination.

A party may appeal a Determination on the following bases:

A. procedural irregularity that would change the outcome;

B. new evidence that would change the outcome and that was not reasonably available when the investigation occurred and the Determination was made; and

C. the CO, or the designated investigator/decisionmaker, had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome;

[DRAFTING NOTE: The Board may insert additional grounds on which an appeal may be filed.]

D. ~~**( )** the recommended remedies (including disciplinary sanctions/consequences) are unreasonable in light of the findings of fact (i.e., the nature and severity of the Prohibited Conduct).~~

E. ~~**( ) [OTHER]** _____.~~

~~**[ ]** The complainant may not challenge the ultimate disciplinary sanction/consequence that is imposed. **[END OF OPTION]**~~

[DRAFTING NOTE: The following options are offered in case the Board wants the Superintendent to serve as the appeal decisionmaker or the Board wants to nominally be identified as the appeal decisionmaker but will be delegating the responsibility to a person who is properly trained. Neola does not recommend that the Board itself be named as the appeal decisionmaker because of the preference for the decisionmaker to be trained to render a decision. If the Board wants to serve as the appeal decisionmaker, it should discuss this issue with its Legal Counsel. Select OPTION 1 or OPTION 2 below.]

~~**[ ] [OPTION 1]**~~

~~The CO will designate an appeal decisionmaker, who will be a person who did not conduct the Investigation and render the Determination, and is appropriately trained **( )**, as set forth in AG 3122 **[END OF INTERNAL OPTION]**.~~

~~The CO has authority **( )**, in consultation with **( )** and approval of **[END OF OPTION]** the Superintendent or **( )** Board **( )** Board President (as appropriate), **[END OF OPTIONS]** to secure an independent Third Party to serve as the appeal decisionmaker.~~

~~**[ ]** In designating an appeal decisionmaker, the CO will work with the Board to identify and appoint an independent Third Party to serve as the appeal decisionmaker – this individual shall be considered to be the Board's designee and will submit the appeal decision to the Board who will promptly adopt it as written and forward it to the CO who will send it simultaneously to the parties. **[END OF OPTIONAL SENTENCE]**~~

~~**[END OF OPTION 1]**~~

[x] [OPTION 2]

The Superintendent shall serve as the appeal decisionmaker, provided the Superintendent has not been otherwise involved in the grievance procedures (i.e., did not serve as the investigator/decisionmaker or informal resolution process facilitator) and is appropriately trained. If the Superintendent is not eligible to serve as the appeal decisionmaker, the CO will designate an appeal

decisionmaker, who will be a person who did not conduct the Investigation and render the Determination, and is appropriately trained **(x)**, as set forth in AG 3122 **[END OF INTERNAL OPTION]**.

[END OF OPTION 2]

[END OF OPTIONS]

If a party appeals the Determination, the CO will:

A. notify the parties of the appeal;

B. implement appeal procedures equally for the parties;

C. provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the Determination;

D. provide the appeal decisionmaker with the relevant and not otherwise impermissible evidence and the Determination; and

E. notify the parties, in writing, of the result of the appeal and the appeal decisionmaker's rationale for the outcome.

Parties Provided a Reasonable and Equal Opportunity to Make a Statement in Support of, or Challenging, the Dismissal (x) or Determination [END OF OPTION]

When a party files an appeal, the party must set forth the reason(s)/basis/bases for the appeal, and the other party will have _five___ (_5_) business **[INSERT AMOUNT]** days to provide the appeal decisionmaker with a statement in support of their position. Once the decisionmaker receives the statement (or the deadline for filing such a statement expires), the appeal decisionmaker will have _five___ (_5_) business **[INSERT AMOUNT]** days to issue a decision on the appeal.

[DRAFTING NOTE: Neola suggests any appeals should be filed within five (5) days of the parties receiving written notice of the Determination. Neola further suggests that the timeline for the other party submitting a statement be equivalent to the timeframe in which an appeal has to be filed. Finally, Neola suggests the appeal decisionmaker have ten (10) days from receipt of the statements to issue a decision.]

While a party appealing a Determination may argue the reason/basis for the appeal is that new evidence has been discovered/obtained that would change the outcome and that said new evidence was not reasonably available when the Determination was originally made, the party may not submit the new or additional evidence during the appeal process. Rather, the party appealing should identify/describe in detail the evidence, including how and when it was discovered/obtained, and explain why it was not reasonably available during the Investigation (i.e., prior to the Determination). If the appeal decisionmaker accepts the proffered explanation, the appeal decisionmaker should remand the case back to the investigator/decisionmaker (i.e., reopen the investigation) so the new evidence may be submitted and considered by the other party and the investigator/decisionmaker.

The appeal decisionmaker shall determine the outcome of the appeal based on the appeal decisionmaker's independent review of the record (i.e., the relevant and not otherwise impermissible evidence and the written determination) and the appeal decisionmaker's application of the law and Board policy to the facts in the record. The appeal decisionmaker must give due deference and due weight to the decisionmaker's factual findings and credibility determinations and should not overturn them unless non-testimonial extrinsic evidence in the record justifies a contrary conclusion or unless the record read in its entirety compels a contrary conclusion. Generally, the appeal decisionmaker is expected to uphold the original Determination unless the appeal decisionmaker concludes the original Determination is unlawful, unreasonable, or against the manifest weight of the evidence. Every reasonable presumption must be made in favor of the original Determination.

The appeal decisionmaker shall

[DRAFTING NOTE: The Board must select either OPTION 1 or OPTION 2 unless the Board appointed an independent Third Party to serve as the Board's appeal decisionmaker, in which case the Board should select OPTION 3.]

(x) [OPTION 1]

simultaneously notify the parties, in writing, of the result of the appeal and the rationale for the outcome.

[END OF OPTION 1]

[OR]

~~**( ) [OPTION 2]**~~

~~notify the CO, in writing, of the result of the appeal and the rationale for the outcome. The CO will then simultaneously notify the parties, in writing, of the result of the appeal and the appeal decisionmaker's rationale for the outcome.~~

~~**[END OF OPTION 2]**~~

~~**[OR]**~~

~~**( ) [OPTION 3]**~~

~~submit the appeal decision to the Board who will promptly adopt it as written and forward it to the CO, who will send it simultaneously to the parties. The appeal decision shall set forth the result of the appeal and the appeal decisionmaker's rationale for the outcome.~~

~~**[END OF OPTION 3]**~~

The **(x)** appeal decisionmaker's ~~**( ) Board's**~~ **[END OF OPTION]** decision shall be final.

[END OF OPTIONAL LANGUAGE - APPEAL OF DETERMINATION]

Supportive Measures:

The District will offer and coordinate supportive measures as appropriate for the complainant and/or respondent to restore or preserve that person's access to the District's education programs or activities or provide support during the grievance procedures and/or during the informal resolution process. For allegations of Prohibited Conduct other than prohibited harassment or retaliation, the District's provision of support measures does not require the District, Board employees, or any other person authorized to provide aid, benefit, or service on the District's behalf to alter the alleged discriminatory/retaliatory conduct for the purpose of providing a supportive measure.

The CO shall determine appropriate supportive measures on a case-by-case basis. Supportive measures may vary depending on what the CO deems to be reasonably available. Supportive measures may include, but are not limited to: modifications of work schedules, mutual restrictions on contact between the parties; changes in work locations; leaves of absence; increased security and monitoring of certain work settings; training related to Prohibited Conduct; **(x)** referral to Employee Assistance Program; **[END OF OPTION**] and other similar measures.

Supportive measures must not unreasonably burden either party and must be designed to protect the safety of the parties and/or the District's educational environment, or to provide support during the Board's grievance procedures or the informal resolution process.

The District will not impose such measures for punitive or disciplinary reasons.

The CO may, as appropriate, modify or terminate supportive measures at the conclusion of the grievance procedures, or at the conclusion of the informal resolution process, or the District may continue them beyond that point.

A party may seek additional modification or termination of a supportive measure applicable to them if circumstances change materially.

The District will not disclose information about any supportive measures to persons other than the person to whom they apply, including informing one party of supportive measures provided to another party, unless necessary to provide the supportive measure or restore or preserve a party's access to the District's education programs or activities, or as otherwise permitted under existing law and/or policy.

The Superintendent may place an employee respondent on administrative leave from employment responsibilities during the pendency of the Board's grievance procedures.

Disciplinary Sanctions and Remedies:

Following a determination that Prohibited Conduct occurred, the District may impose disciplinary sanctions, which may include:

A. **(x)** oral or written warning;

B. **(x)** written reprimands;

C. **(x)** required counseling;

D. **(x)** required training or education;

E. **(x)** demotion;

F. **(x)** suspension with pay;

[END OF OPTIONS]

G. suspension without pay;

H. termination; and

I. any other sanction authorized by any applicable Board policy, Employee/Administrator Handbook, and/or collective bargaining agreement.

The District may also provide remedies, which may include disciplinary sanctions/consequences. The CO will notify the Superintendent of the recommended remedies, so an authorized administrator can consider the recommendation and implement appropriate remedies in compliance with applicable due process procedures, whether statutory or contractual.

[DRAFTING NOTE: The Board should review applicable policy(ies)/administrative guidelines/employee handbooks to determine whether changes are needed to establish timelines associated with imposition of discipline as a result of possible delays caused by the Board implementing the preceding grievance procedures; likewise, the Board may need to discuss with union representatives how implementation of the grievance procedures may impact any disciplinary provisions contained in applicable collective bargaining (e.g., timelines, permitted attendees at investigative interviews, etc.).]

Discipline of an employee will be implemented in accordance with Federal and State law, Board policy, and applicable provisions of any relevant collective bargaining agreement.

Retaliation

Retaliation against a person who makes a report or files a complaint alleging Prohibited Conduct or retaliation, or participates in an investigation, is prohibited. Neither the Board nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by the U.S. Constitution, the Michigan Constitution, Federal or State law, or this policy, or because the individual made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy. Intimidation, threats, coercion, or discrimination, including initiating a disciplinary process against a person for a code of conduct violation that does not involve Prohibited Conduct but arises out of the same facts and circumstances as a complaint or information reported about possible Prohibited Conduct, for the purpose of interfering with the exercise of any right or privilege secured by Federal or State law constitutes retaliation. Retaliation against a person for making a complaint or participating in an investigation is a serious violation of this policy that can result in the imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Complaints alleging retaliation may be filed according to the grievance procedures set forth above. The District shall initiate its grievance procedures upon receiving any complaint alleging retaliation.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under this policy.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this policy shall not constitute retaliation, provided, however, that a determination that Prohibited Conduct occurred, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

Privacy/Confidentiality

The District will employ all reasonable efforts to protect the rights of the complainant, the respondent(s), and the witnesses as much as possible, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. The District will keep confidential the identity of any individual who has made a complaint of Prohibited Conduct, any complainant, any individual who has been reported to be the perpetrator of Prohibited Conduct, any respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. 1232g, or FERPA regulations, 34 C.F.R. part 99, or as required by law, or to carry out the purposes of relevant Federal or State law or regulations, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder (i.e., the District's obligation to maintain confidentiality shall not impair or otherwise affect the complainant's and respondent's receipt of the information to which they are entitled related to the investigation and determination of whether Prohibited Conduct occurred). All records generated under the terms of this policy shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. Additionally, the respondent must be provided the complainant's identity.

During an investigation, the CO or designated investigator/decisionmaker will instruct each person who is interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of an investigation is expected not to disclose to other members of the School District Community or Third Parties any information that is learned or provided during the course of the investigation.

Sanctions and Monitoring

The Board shall vigorously enforce its prohibitions against Prohibited Conduct by taking appropriate action reasonably calculated to stop and prevent further misconduct. While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee. All disciplinary action will be taken in accordance with applicable State law and the terms of the relevant collective bargaining agreement(s). When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter. In those cases where Prohibited Conduct is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, consistent with the terms of the relevant collective bargaining agreement(s).

Where the Board becomes aware that a prior remedial action has been taken against a member of the School District community, all subsequent sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its reoccurrence, and remedy its effects.

Application of the First Amendment

The Board will construe and apply this policy consistent with the First Amendment to the U.S. Constitution **(x)** and the principles of academic freedom as set forth in the applicable collective bargaining agreement **[END OF OPTION]**. In no case will a respondent be found to have committed Prohibited Conduct based on expressive conduct that is protected by the First Amendment **(x)** and/or the principles of academic freedom specified in the Board's collective bargaining agreement with its teachers **[END OF OPTION].**

Training

All employees, investigators, decisionmakers, facilitators of informal resolution process, the District Compliance Officer(s), and other persons who are responsible for implementing the Board's grievance procedures or have the authority to modify or terminate supportive measures shall receive training related to their duties under applicable Federal and State laws and this policy. **[x]** The training shall be provided promptly upon hiring or a change of position that alters their duties under this policy, and annually thereafter. **[END OF OPTIONAL SENTENCE]** The training shall not rely on stereotypes involving Protected Classes.

~~**[ ]** Training materials will be made available for inspection upon request by members of the public. **[END OF OPTION]**~~

Recordkeeping (including retention of investigatory records and materials)

The District Compliance Officer(s) is/are responsible for overseeing retention of all records that must be maintained pursuant to this policy. All individuals charged with conducting investigations under this policy must retain all information, documents, electronically stored information, and electronic media (as defined in Policy 8315) created and received as part of an investigation. Records and materials associated with the implementation of this policy shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, and Policy 8330 for the period set forth below, unless required to be maintained for a longer period pursuant to the District's records retention schedule.

[DRAFTING NOTE: For purposes of uniformity, Neola recommends that the Board use the same seven (7) year period for recordkeeping that is required by the 2020 Title IX regulations - see Board Policy 2266; if the Board selects a different timeframe for maintaining the below specified records, it should verify the time period selected is consistent with and/or reflected in its record retention schedule – see AG 8310.]

The District shall maintain for a period of seven (7) calendar years the following records:

A. for each complaint of Prohibited Conduct, records documenting the informal resolution process and/or the grievance procedures followed and the resulting outcome;

B. for each notification that the District Compliance Officer receives of information about conduct that reasonably may constitute Prohibited Conduct, records documenting the actions the District took to implement this policy; and

C. all materials used to provide the training referenced above **(x)** and in AG 3122 **[END OF OPTION]**.

The information, documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal and/or State law (e.g., student records, medical records).

Outside Appointments, Dual Appointments, and Delegations

The Board retains discretion to appoint suitably qualified persons who are not Board employees to fulfill any function of the Board under this policy including, but not limited to, District Compliance Officer, investigator, decisionmaker, appeal decisionmaker, or facilitator of the informal resolution process.

The Board also retains discretion to appoint two (2) or more persons to jointly fulfill the role of District Compliance Officer, investigator, decisionmaker, appeal decisionmaker, and facilitator of the informal resolution process.

The Superintendent may delegate functions assigned to a specific Board employee under this policy including, but not limited to, the functions assigned to the District Compliance Officer, investigator, decisionmaker, appeal decisionmaker, and facilitator of the informal resolution process to any suitably qualified individual, and such delegation may be rescinded by the Superintendent at any time.

[DRAFTING NOTE: The following option expressly sets forth authority that the Board has, regardless of whether it is included in this policy, but is offered for those boards of education that may want to affirmatively communicate to/address these issues for readers of this policy.]

~~**[ ] Discretion in Application**~~

~~The Board retains discretion to interpret and apply this policy in a manner that is not clearly unreasonable, even if the Board's interpretation or application differs from the interpretation of any specific complainant and/or respondent.~~

~~Despite the Board's reasonable efforts to anticipate all eventualities in drafting this policy, it is possible that unanticipated or extraordinary circumstances may not be specifically or reasonably addressed by the express policy language, in which case the Board retains discretion to respond to the unanticipated or extraordinary circumstance in a way that is not clearly unreasonable.~~

~~The provisions of this policy are not contractual in nature, whether in their own right or as part of any other express or implied contract. Accordingly, the Board retains discretion to revise this policy at any time and for any reason. The Board may apply policy revisions to an active case provided that doing so is not clearly unreasonable.~~

~~**[END OF OPTION]**~~

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Legal	M.C.L. 37.2101 et seq., 37.1101 et seq.
	20 U.S.C. 1092(F)(6)(A)(v)
	20 U.S.C. 1232g
	20 U.S.C. Section 1681, Title IX of Education Amendment Act
	20 U.S.C. Section 1701 et seq., Equal Educational Opportunities Act of 1974
	20 U.S.C. Section 7905, Boy Scouts of America Equal Access Act
	29 C.F.R. Part 1635
	29 U.S.C. 201 et seq., The Fair Labor Standards Act ("FLSA")
	29 U.S.C. 218d, PUMP for Nursing Mothers Act ("PUMP Act")
	29 U.S.C. 621 et seq., Age Discrimination in Employment Act of 1967
	29 U.S.C. 701 et seq. (in particular 794), Rehabilitation Act of 1973, as amended
	34 C.F.R. Part 110 (7/27/93)
	38 U.S.C. Chapter 43 4301-4335 (see in particular 4311(a) [prohibits discrimination based on military service] and 4312 [reemployment rights]), Uniformed Services Employment and Reemployment Rights Act ("USERRA")
	42 U.S.C. 1983
	42 U.S.C. 2000d et seq.
	42 U.S.C. 2000e et seq., Civil Rights Act of 1964 (e.g., Title VI and Title VII), as amended by the Pregnancy Discrimination Act
	42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act
	42 U.S.C. 2000gg, Pregnant Workers Fairness Act ("PWFA")
	42 U.S.C. 6101 et seq., Age Discrimination Act of 1975
	42 U.S.C. 12101 et seq., The Americans with Disabilities Act of 1990, as amended
	Fourteenth Amendment, U.S. Constitution

Last Modified by Jennifer Perkins on March 18, 2026

ROYAL OAK SCHOOLS
A COMMUNITY OF EXCELLENCE

Book	Policy Manual
Section	For the Board 40-1 Nondiscrimination
Title	Vol. 40, No. 1 - Nondiscrimination - September 2025 Rescind ANTI-HARASSMENT
Code	po3362
Status	
Adopted	September 13, 2012
Last Revised	March 27, 2023

Rescind Policy - Vol. 40, No. 1

~~3362 **ANTI-HARASSMENT**~~

~~**General Policy Statement**~~

~~It is the policy of the Board of Education to maintain an education and work environment that is free from all forms of unlawful harassment, including sexual harassment. This commitment applies to all School District operations, programs, and activities. All students, administrators, teachers, staff, and all other school personnel share responsibility for avoiding, discouraging, and reporting any form of unlawful harassment. This policy applies to unlawful conduct occurring on school property, or at another location if such conduct occurs during an activity sponsored by the Board.~~

~~The Board will vigorously enforce its prohibition against harassment based on race, color, national origin, sex (including sexual orientation and gender identity), disability, age (except as authorized by law), religion, height, weight, marital or family status, military status, ancestry, or genetic information (collectively, Protected Classes) that are protected by Federal civil rights laws (hereinafter referred to as unlawful harassment) and encourages those within the School District community, as well as Third Parties, who feel aggrieved to seek assistance to rectify such problems. The Board will investigate all allegations of harassment and in those cases where unlawful harassment is substantiated, the Board will take immediate steps to end the harassment, prevent its recurrence, and remedy its effects. Individuals who are found to have engaged in unlawful harassment will be subject to appropriate disciplinary action.~~

~~**[ ]** The District will offer counseling services to any person found to have been subjected to unlawful harassment, and where appropriate, the person(s) who committed the unlawful harassment.~~

~~**Other Violations of the Anti-Harassment Policy**~~

~~The Board will also take immediate steps to impose disciplinary action on individuals engaging in any of the following prohibited acts:~~

A. ~~Retaliating against a person who has made a report or filed a complaint alleging unlawful harassment, or who has participated as a witness in a harassment investigation.~~

B. ~~Filing a malicious or knowingly false report or complaint of unlawful harassment.~~

C. ~~Disregarding, failing to investigate adequately, or delaying investigation of allegations of harassment, when responsibility for reporting and/or investigating unlawful harassment charges comprises part of one's supervisory duties.~~

~~**Definitions**~~

~~Words used in this policy shall have those meanings defined herein; words not defined herein shall be construed according to their plain and ordinary meanings.~~

~~**Complainant** is the individual who alleges, or is alleged, to have been subjected to unlawful harassment, regardless of whether the person files a formal complaint or is pursuing an informal resolution to the alleged harassment.~~

Respondent is the individual who has been alleged to have engaged in unlawful harassment, regardless of whether the Reporting Party files a formal complaint or is seeking an informal resolution to the alleged harassment.

School District community means students and Board employees (i.e., administrators and professional and support staff), as well as Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

Third Parties include, but are not limited to, guests and/or visitors on School District property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with, or seeking to do business with, the Board, and other individuals who come in contact with members of the School District community at school-related events/activities (whether on or off District property).

Day(s): Unless expressly stated otherwise, the term "day" or "days" as used in this policy means business day(s) (i.e., a day(s) that the Board office is open for normal operating hours, Monday – Friday, excluding State-recognized holidays).

Bullying

Bullying rises to the level of unlawful harassment when one or more persons systematically and chronically inflict physical hurt or psychological distress on one (1) or more students or employees and that bullying is based upon one (1) or more Protected Classes, that is, characteristics that are protected by Federal civil rights laws. It is defined as any unwanted and repeated written, verbal, or physical behavior including any threatening, insulting, or dehumanizing gesture by an adult or student that is severe or pervasive enough to create an intimidating, hostile, or offensive educational or work environment; cause discomfort or humiliation; or unreasonably interfere with the individual's school or work performance or participation; and may involve:

A. teasing;

B. threats;

C. intimidation;

D. stalking;

E. cyberstalking;

F. cyberbullying;

G. physical violence;

H. theft;

I. sexual, religious, or racial harassment;

J. public humiliation; or

K. destruction of property.

Harassment means any threatening, insulting, or dehumanizing gesture, use of technology, or written, verbal or physical conduct directed against a student or school employee that:

A. places a student or school employee in reasonable fear of harm to his/her person or damage to his/her property;

B. has the effect of substantially interfering with a student's educational performance, opportunities, or benefits, or an employee's work performance; or

C. has the effect of substantially disrupting the orderly operation of a school.

Sexual Harassment

For purposes of this policy and consistent with Title VII of the Civil Rights Act of 1964, sexual harassment is defined as: Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

A. Submission to such conduct is made either implicitly or explicitly a term or condition of an individual's employment, or status in a class, educational program, or activity.

B. Submission or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual.

C. Such conduct has the purpose or effect of interfering with the individual's work or educational performance; creating an intimidating, hostile, or offensive working and/or learning environment; or interfering with one's ability to participate in or benefit from a class or an educational program or activity.

~~Sexual harassment may involve the behavior of a person of any gender against a person of the same or another gender.~~

~~Sexual Harassment covered by Policy 2266 – Nondiscrimination on the Basis of Sex in Education Programs or Activities is not included in this policy. Allegations of such conduct shall be addressed solely by Policy 2266.~~

~~Prohibited acts that constitute sexual harassment under this policy may take a variety of forms. Examples of the kinds of conduct that may constitute sexual harassment include, but are not limited to:~~

A. ~~Unwelcome sexual propositions, invitations, solicitations, and flirtations.~~

B. ~~Unwanted physical and/or sexual contact.~~

C. ~~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, activities, or events, or other conditions of employment or education may be adversely affected by not submitting to sexual advances.~~

D. ~~Unwelcome verbal expressions, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, profanity, jokes, or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls.~~

E. ~~Sexually suggestive objects, pictures, graffiti, videos, posters, audio recordings, or literature placed in the work or educational environment that may reasonably embarrass or offend individuals.~~

F. ~~Unwelcome and inappropriate touching, patting, or pinching; obscene gestures.~~

G. ~~Asking about, or telling about, sexual fantasies, sexual preferences, or sexual activities.~~

H. ~~Speculations about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history.~~

I. ~~Giving unwelcome personal gifts such as lingerie that suggest the desire for a romantic relationship.~~

J. ~~Leering or staring at someone in a sexual way, such as staring at a person's breasts, buttocks, or groin.~~

K. ~~A pattern of conduct, which can be subtle in nature, that has sexual overtones and is intended to create or has the effect of creating discomfort and/or humiliation to another.~~

L. ~~In the context of employees, consensual sexual relationships where such relationship leads to favoritism of a subordinate employee with whom the superior is sexually involved and where such favoritism adversely affects other employees or otherwise creates a hostile work environment.~~

M. ~~Inappropriate boundary invasions by a District employee or other adult member of the School District community into a student's personal space and personal life.~~

N. ~~Verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping that does not involve conduct of a sexual nature.~~

~~Not all behavior with sexual connotations constitutes unlawful sexual harassment. Sex-based or gender-based conduct must be sufficiently severe, pervasive, and persistent 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.~~

~~**[DRAFTING NOTE: Sexual conduct/relationships with students by District employees or any other adult member of the School District community is prohibited, and any teacher, administrator, coach, or other school authority who engages in sexual conduct with a student may also be guilty of the criminal charge of sexual battery. The issue of consent is irrelevant in regard to such criminal charge and/or with respect to the application of this policy to District employees or other adult members of the School District community.]**~~

~~**Race/Color Harassment**~~

~~Prohibited racial harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's race or color and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; creating an intimidating, hostile, or offensive working, and/or learning environment; or interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's race or color, such as racial slurs, nicknames implying stereotypes, epithets, and/or negative references relative to racial customs.~~

~~**Religious (Creed) Harassment**~~

Prohibited religious harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's religion or creed and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; creating an intimidating, hostile, or offensive working and/or learning environment; or interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's religious tradition, clothing, or surnames, and/or involves religious slurs.

National Origin/Ancestry Harassment

Prohibited national origin/ancestry harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's national origin or ancestry and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; creating an intimidating, hostile, or offensive working and/or learning environment; or interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's national origin or ancestry, such as negative comments regarding customs, manner of speaking, language, surnames, or ethnic slurs.

Disability Harassment

Prohibited disability harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's disability and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; creating an intimidating, hostile, or offensive working and/or learning environment; or interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's disability, such as negative comments about speech patterns, movement, physical impairments or defects/appearances, or the like. Such harassment may further occur where conduct is directed at or pertains to a person's genetic information.

Anti-Harassment Compliance Officers

The following individual(s) shall serve as the District's Anti-Harassment Compliance Officer(s) (hereinafter, "the Compliance Officer(s)"):

[DRAFTING NOTE: Neola suggests the Board **appoint both a male and a female Compliance Officer in order to provide Complainants with the option to report their concerns to an individual of the gender with which they feel most comfortable. The same individual(s) assigned to serve as Compliance Officer(s) may also be assigned to serve as the District's Section 504 Compliance Officer(s)/ADA Coordinator(s) and/or Title IX Coordinator(s). Additionally, by appointing two (2) Compliance Officers, there should also be a Compliance Officer available to investigate a claim of harassment that pertains to the other Compliance Officer.]**

_____
(Name)

_____
(School District Title)

_____
(Telephone Number)

_____
(Office Address)

_____
(E-mail Address)

_____
(Name)

_____
(School District Title)

_____
(Telephone Number)

_____
(Office Address)

_____
(E-mail Address)

The names, titles, and contact information of these individuals will be published annually on the School District's website **( )** and:

A. ( ) in the parent and staff handbooks.

B. ( ) in the School District Annual Report to the public.

C. ( ) on each individual school's website.

D. ( ) in the School District's calendar.

E. ( ) _____.

The Compliance Officer(s) ( ) is ( ) are **[END OF OPTION]** responsible for coordinating the District's efforts to comply with applicable Federal and State laws and regulations, including the District's duty to address in a prompt and equitable manner any inquiries or complaints regarding harassment.

The Compliance Officer(s) will be available during regular school/work hours to discuss concerns related to unlawful harassment, to assist students, other members of the District community, and third parties who seek support or advice when informing another individual about unwelcome conduct, or to intercede informally on behalf of the individual in those instances where concerns have not resulted in the filing of a formal complaint and where all parties are in agreement to participate in an informal process.

The Compliance Officers shall accept reports of unlawful harassment directly from any member of the School District community or a Third Party or receive reports that are initially filed with an administrator, supervisor, or other District level official. Upon receipt of a report of alleged harassment, the Compliance Officer(s) will contact the Complainant and begin either an informal or formal complaint process (depending on the request of the Complainant or the nature of the alleged harassment) or the Compliance Officer(s) will designate a specific individual to conduct such a process. The Compliance Officer(s) will provide a copy of this policy to the Complainant and Respondent. In the case of a formal complaint, the Compliance Officer(s) will prepare recommendations for the Superintendent or will oversee the preparation of such recommendations by a designee. All Board employees must report incidents of harassment that are reported to them to a Compliance Officer within two (2) days of learning of the incident.

Any Board employee who directly observes unlawful harassment is obligated, in accordance with this policy, to report such observations to a Compliance Officer within two (2) days. Additionally, any Board employee who observes an act of unlawful harassment is expected to intervene to stop the harassment unless circumstances make such an intervention dangerous, in which case the staff member should immediately notify other Board employees and/or local law enforcement officials, as necessary, to stop the harassment. Thereafter, a Compliance Officer or designee must contact the Complainant if age eighteen (18) or older, or the Complainant's parents/guardians if the Complainant is under the age of eighteen (18), within two (2) days to advise of the Board's intent to investigate the alleged wrongdoing.

Reports and Complaints of Harassing Conduct

Members of the School District community along with Third Parties are encouraged to promptly report incidents of harassing conduct to an administrator, supervisor, or other School District official so that the Board may address the conduct before it becomes severe, pervasive, or persistent. Any administrator, supervisor, or other District official who receives such a report shall file it with a Compliance Officer within two (2) days of receiving the report of harassment.

Members of the School District community and Third Parties who believe they have been unlawfully harassed by another member of the School District community or a Third Party are entitled to utilize the Board's complaint process that is set forth below. Initiating a complaint, whether formally or informally, will not adversely affect the Complainant's employment or participation in educational or extra-curricular programs. While there are no time limits for initiating complaints of harassment under this policy, individuals should make every effort to file a complaint as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

If, during an investigation of alleged bullying, aggressive behavior, and/or harassment in accordance with Policy 5517.01 – Bullying and Other Forms of Aggressive Behavior, the Principal believes that the reported misconduct may have created a hostile work environment and may have constituted unlawful discriminatory harassment based on a Protected Class, the Principal will report the act of bullying, aggressive behavior, and/or harassment to the Compliance Officer(s) who shall investigate the allegation in accordance with this policy. If the alleged harassment involves Sexual Harassment as defined by Policy 2266, the matter will be handled in accordance with the grievance process and procedures outlined in Policy 2266. While the Compliance Officer investigates the allegation, or the matter is being addressed pursuant to Policy 2266, the Principal shall suspend the Policy 5517.01 investigation to await the Compliance Officer's written report or the determination of responsibility pursuant to Policy 2266. The Compliance Officer shall keep the Principal informed of the status of the Policy 3362 investigation and provide the Principal with a copy of the resulting written report. Likewise, the Title IX Coordinator will provide the Principal with the determination of responsibility that results from the Policy 2266 grievance process.

Investigation and Complaint Procedure (See Form 3362 F1)

Except for Sexual Harassment that is covered by Policy 2266 – Nondiscrimination on the Basis of Sex in Education Programs or Activities, any employee or other member of the School District community or Third Party (e.g., visitor to the District) who believes that they have been subjected to unlawful harassment may seek resolution of the complaint through the procedures described below. The formal complaint process involves an investigation of the Complainant's claims of harassment or retaliation and a process for rendering a decision regarding whether the charges are substantiated.

Due to the sensitivity surrounding complaints of unlawful harassment, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) days after the conduct occurs while the facts are known and potential witnesses are available. Once the formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within fifteen (15) business days of the complaint being received).

The procedures set forth below are not intended to interfere with the rights of any individual to pursue a complaint of unlawful harassment or retaliation with the United States Department of Education Office for Civil Rights and/or Equal Employment Opportunity Commission (EEOC).

Informal Complaint Procedure

The goal of the informal complaint procedure is promptly to stop inappropriate behavior and to facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for a student, other member of the School District community, or Third Party who alleges unlawful harassment or retaliation. This informal procedure is not required as a precursor to the filing of a formal complaint. The informal process is only available in those circumstances where the Complainant and the Respondent mutually agree to participate in it.

The Complainant may proceed immediately to the formal complaint process and individuals who seek resolution through the informal procedure may request that the informal process be terminated at any time to move to the formal complaint process.

All complaints involving a District employee, any other adult member of the School District community, or a Third Party and a student will be formally investigated.

As an initial course of action, if a Complainant feels comfortable and safe in doing so, the individual should tell or otherwise inform the Respondent that the allegedly harassing conduct is unwelcome and must stop. The Complainant should address the allegedly harassing conduct as soon after it occurs as possible. The Compliance Officers are available to support and counsel individuals when taking this initial step or to intervene on behalf of the Complainant if requested to do so. A Complainant who is uncomfortable or unwilling to directly approach the Respondent about the alleged inappropriate conduct may file an informal or a formal complaint. In addition, with regard to certain types of unlawful harassment, such as sexual harassment, the Compliance Officer may advise against the use of the informal complaint process.

A complainant may make an informal complaint, either orally or in writing: 1) to a teacher, other employee, or building administrator; 2) directly to one (1) of the Compliance Officers; and/or 3) to the Superintendent or other District level employee.

All informal complaints must be reported to one (1) of the Compliance Officers who will either facilitate an informal resolution as described below or appoint another individual to facilitate an informal resolution.

The Board's informal complaint procedure is designed to provide employees, other members of the School District community, or third parties who believe they are being unlawfully harassed with a range of options designed to bring about a resolution of their concerns. Depending upon the nature of the complaint and the wishes of the Complainant, informal resolution may involve, but not be limited to, one (1) or more of the following:

A. Advising the Complainant about how to communicate the unwelcome nature of the behavior to the Respondent.

B. Distributing a copy of this policy as a reminder to the individuals in the school building or office where the Respondent works or attends.

C. If both parties agree, the Compliance Officer may arrange and facilitate a meeting or mediation between the Complainant and the Respondent to work out a mutual resolution.

While there are no set time limits within which an informal complaint must be resolved, the Compliance Officer/designee is directed to attempt to resolve all informal complaints within fifteen (15) business days of receiving the informal complaint. If the Complainant is dissatisfied with the informal complaint process, the Complainant may proceed to file a formal complaint. And, as stated above, either party may request that the informal process be terminated at any time to move to the formal complaint process.

Formal Complaint Procedure

If a complaint is not resolved through the informal complaint process, if one of the parties has requested that the informal complaint process be terminated to move to the formal complaint process, or the Complainant, from the outset, elects to file a formal complaint, or the CO determines the allegations are not appropriate for resolution through the informal process, the formal complaint process shall be implemented.

The Complainant may file a formal complaint, either orally or in writing, with a teacher, Principal, Compliance Officer, Superintendent, or other District official. Due to the sensitivity surrounding complaints of unlawful harassment and retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a formal complaint within thirty (30) days after the conduct occurs while the facts are known and potential witnesses are available. If a Complainant informs a teacher, Principal, Superintendent, or other District official, either orally or in writing, about any complaint of harassment or retaliation, that employee must report such information to a Compliance Officer/designee within two (2) business days.

~~Throughout the course of the process, the Compliance Officer should keep the parties reasonably informed of the status of the investigation and the decision-making process.~~

~~All formal complaints must include the following information to the extent known: the identity of the Respondent; a detailed description of the facts upon which the complaint is based (i.e., when, where, and what occurred); a list of potential witnesses; and the resolution sought by the Complainant.~~

~~If the Complainant is unwilling or unable to provide a written statement including the information set forth above, the Compliance Officer shall ask for such details in an oral interview. Thereafter, the Compliance Officer will prepare a written summary of the oral interview, and the Complainant will be asked to verify the accuracy of the reported charge by signing the document.~~

~~Upon receiving a formal complaint, the Compliance Officer will consider whether any action should be taken in the investigatory phase to protect the Complainant from further harassment or retaliation including, but not limited to, a change of work assignment or schedule for the Complainant and/or the Respondent. In making such a determination, the Compliance Officer should consult the Complainant to assess whether the individual agrees with the proposed action. If the Complainant is unwilling to consent to the proposed change, the Compliance Officer may still take whatever actions deemed appropriate in consultation with the Superintendent.~~

~~Within two (2) business days of receiving the complaint, the Compliance Officer/designee will initiate a formal investigation to determine whether the Complainant has been subjected to offensive conduct/harassment/retaliation. The Principal will not conduct an investigation unless directed to do so by the Compliance Officer.~~

~~Simultaneously, the Compliance Officer will inform the Respondent that a formal complaint has been received. The Respondent will be informed about the nature of the allegations and provided with a copy of any relevant policies and/or administrative guidelines, including the Board's Anti-Harassment policy. The Respondent must also be informed of the opportunity to submit a written response to the formal complaint within five (5) days.~~

~~Although certain cases may require additional time, the Compliance Officer/designee will attempt to complete an investigation into the allegations of harassment/retaliation within fifteen (15) business days of receiving the formal complaint. The investigation will include:~~

A. ~~interviews with the Complainant;~~

B. ~~interviews with the Respondent;~~

C. ~~interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations;~~

D. ~~consideration of any documentation or other information presented by the Complainant, Respondent, or any other witness that is reasonably believed to be relevant to the allegations.~~

~~At the conclusion of the investigation, the Compliance Officer/designee shall prepare and deliver a written report to the Superintendent that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful harassment as provided in Board policy and State and Federal law as to whether the Respondent engaged in unlawful harassment/retaliation of the Complainant. The Compliance Officer's recommendations must be based upon the totality of the circumstances. In determining if discriminatory harassment or retaliation occurred, a preponderance of evidence standard will be used. The Compliance Officer may consult with the Board's legal counsel before finalizing the report to the Superintendent.~~

~~Absent extenuating circumstances, within five (5) business days of receiving the report of the Compliance Officer/designee, the Superintendent must either issue a final decision regarding whether the complaint of harassment has been substantiated or request further investigation. A copy of the Superintendent's written decision will be delivered to both the Complainant and the Respondent.~~

~~If the Superintendent requests additional investigation, the Superintendent must specify the additional information that is to be gathered and such additional investigation must be completed within five (5) business days. At the conclusion of the additional investigation, the Superintendent must issue a written decision as described above.~~

~~**[ ]** The decision of the Superintendent shall be final.~~

~~**OR**~~

~~**[ ]** A Complainant or Respondent who is dissatisfied with the final decision of the Superintendent may appeal through a signed written statement to the Board within five (5) business days of the party's receipt of the Superintendent's decision.~~

~~In an attempt to resolve the complaint, the Board shall meet with the concerned parties and their representative within twenty (20) business days of the receipt of such an appeal. A copy of the Board's disposition of the appeal shall be sent to each party within ten (10) business days of this meeting. The decision of the Board will be final.~~

~~**[END OF OPTIONS]**~~

The Board reserves the right to investigate and resolve a complaint or report of unlawful harassment/retaliation regardless of whether the member of the School District community or Third Party alleging the unlawful harassment/retaliation pursues the complaint. The Board also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board or its designee.

[ ] The parties may be represented, at their own cost, at any of the above-described meetings/hearings.

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights, the filing of charges with local law enforcement, or the filing of a civil action in court. Use of this internal complaint process is not a prerequisite to the pursuit of other remedies.

Privacy/Confidentiality

The District will employ all reasonable efforts to protect the rights of the Complainant, the Respondent, and the witnesses as much as possible, consistent with the Board's legal obligations to investigate, take appropriate action, and conform with any discovery or disclosure obligations. All records generated under the terms of this policy and related administrative guidelines shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. Additionally, the Respondent must be provided with the Complainant's identity.

During the course of a formal investigation, the Compliance Officer/designee will instruct all members of the School District community and Third Parties who are interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of a harassment investigation is expected not to disclose any information that is learned or provided during the course of the investigation.

Sanctions and Monitoring

The Board shall vigorously enforce its prohibitions against unlawful harassment/retaliation by taking appropriate action reasonably calculated to stop the harassment and prevent further such harassment. While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable State law and the terms of the relevant collective bargaining agreement(s). When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter, including the ages and maturity levels of those involved. In those cases where unlawful harassment is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, consistent with the terms of the relevant collective bargaining agreement(s).

Where the Board becomes aware that a prior remedial action has been taken against a member of the School District community, all subsequent sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its recurrence, and remedy its effects.

Retaliation

Retaliation against a person who makes a report or files a complaint alleging unlawful harassment/retaliation or participates as a witness in an investigation is prohibited. Neither the Board nor any other person may intimidate, threaten, coerce or interfere with any individual because the person opposed any act or practice made unlawful by any Federal or State civil rights law, or because that individual made a report, formal complaint testified, assisted or participated or refused to participate in any manner in an investigation, proceeding, or hearing under those laws and/or the policy, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws and/or this policy.

Retaliation against a person for making a report of discrimination, filing a formal complaint, or participating in an investigation or meeting is a serious violation of this policy that can result in the imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Formal complaints alleging retaliation may be filed according to the internal complaint process set forth above.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under this policy.

Allegations Constituting Criminal Conduct: Child Abuse/Sexual Misconduct

State law requires any school teacher or school employee who knows or suspects that a child under the age of eighteen (18) or that a person with a disability receiving services as a student from the school regardless of age has suffered or faces a threat of suffering a physical or mental wound, disability, or condition of a nature that reasonably indicates abuse or neglect of a child to immediately report that knowledge or suspicion to the county children's services agency. If, during the course of a harassment investigation, the Compliance Officer or a designee has reason to believe or suspect that the alleged conduct reasonably indicates abuse or neglect of the Complainant, a report of such knowledge must be made in accordance with State law and Board Policy.

Any reports made to a county children's services agency or to local law enforcement shall not terminate the Compliance Officer's or a designee's obligation and responsibility to continue to investigate a complaint of harassment. While the Compliance Officer or a designee may work cooperatively with outside agencies to conduct concurrent investigations, in no event shall the harassment investigation be inhibited by the involvement of outside agencies without good cause after consultation with the Superintendent.

Education and Training

In support of this Anti-Harassment Policy, the Board promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. The Superintendent shall provide appropriate information to all members of the School District community related to the implementation of this policy and shall provide training for District students and staff where appropriate. All training, as well as all information provided regarding the Board's policy and harassment in general, will be age and content appropriate.

Retention of Investigatory Records and Materials

The Compliance Officer(s) is responsible for overseeing the retention of all records that must be maintained pursuant to this policy. All individuals charged with conducting investigations under this policy shall retain all documents, electronically stored information (ESI), and electronic media (as defined in Policy 8315) created and/or received as part of an investigation which may include, but not be limited to:

A. all written reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;

B. any narratives that memorialize oral reports/allegations/complaints/grievances/statements/responses pertaining to an alleged violation of this policy;

C. any documentation that memorializes the actions taken by District personnel or individuals contracted or appointed by the Board to fulfill its responsibilities related to the investigation and/or the District's response to the alleged violation of this policy;

D. written witness statements;

E. narratives, notes from, or audio, video, or digital recordings of witness interviews/statements;

F. e-mails, texts, or social media posts that directly relate to or constitute evidence pertaining to an alleged violation of this policy (i.e., not after-the-fact commentary about or media coverage of the incident);

G. notes or summaries prepared contemporaneously by the investigator in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.), but not including transitory notes whose content is otherwise memorialized in other documents;

H. written disciplinary sanctions issued to students or employees and other documentation that memorializes oral disciplinary sanctions issued to students or employees for violations of this policy;

I. dated written determinations/reports (including summaries of relevant exculpatory and inculpatory evidence) and other documentation that memorializes oral notifications to the parties concerning the outcome of the investigation, including any consequences imposed as a result of a violation of this policy;

J. documentation of any supportive measures offered and/or provided to the Complainant and/or the Respondent, including no contact orders issued to both parties, the dates the no contact orders were issued, and the dates the parties acknowledged receipt of the no contact orders;

K. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects;

L. copies of the Board policy and/or procedures/guidelines used by the District to conduct the investigation, and any documents used by the District at the time of the alleged violation to communicate the Board's expectations to students and staff with respect to the subject of this policy (e.g., Student Code of Conduct and/or Employee Handbooks);

M. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment;

[DRAFTING NOTE: The following options should be selected if the district concludes that the following items are not adequately encompassed in the preceding paragraphs.]

N. **( )** documentation of any training provided to District personnel related to this policy including, but not limited to, notification of the prohibitions and expectations of staff set forth in this policy and the role and responsibility of all District personnel involved in enforcing this policy, including their duty to report alleged violations of this policy and/or conducting an investigation of an alleged violation of this policy; **[REMINDER: Documentation of training should be maintained regardless of whether there is an investigation of an alleged violation of this policy. It is best practice to maintain a log of all staff members who participate in a training, along with the date, time and location of the training, and a copy of the materials reviewed and/or presented during the training.]**

O. **( )** documentation that any rights or opportunities that the District made available to one party during the investigation were made available to the other party on equal terms;

P. ~~( ) copies of any notices sent to the alleged perpetrator/responding party of the allegations constituting a potential violation of this policy;~~

Q. ~~( ) copies of any notices sent to the Complainant and the Respondent in advance of any interview, meeting, or hearing;~~

R. ~~( ) copies of any documentation or evidence used during informal and formal disciplinary meetings and hearings, including the investigation report, and any written responses submitted by the Complainant or the Respondent.~~

~~The documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal (e.g., FERPA, ADA) and/or State law – e.g., student records and confidential medical records.~~

~~The documents, ESI, and electronic media (as defined in Policy 8315) created or received as part of an investigation shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, and Policy 8330 for not less than three (3) years, but longer if required by the District's records retention schedule.~~

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Legal

29 C.F.R. Part 1635

20 U.S.C. 1400 et seq., The Individuals with Disabilities Education Improvement Act of 2004 (IDEIA)

29 U.S.C. 621 et seq., Age Discrimination in Employment Act of 1967

29 U.S.C. 794, Rehabilitation Act of 1973, as amended

42 U.S.C. 1983

42 U.S.C. 2000e et seq.

42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act

42 U.S.C. 6101, The Age Discrimination Act of 1975

42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended

Title IX of the Educational Amendments of 1972, 20 U.S.C. 1681 et seq.

The Handicappers Civil Rights Act, M.C.L. 37.1101 et seq.

The Elliott-Larsen Civil Rights Act, M.C.L. 37.2101, et seq.

Titles VI and VII of the Civil Rights Act of 1964, 42 U.S.C. 2000d et seq.

Policies on Bullying, Michigan State Board of Education, 7-19-01

Model Anti-Bullying Policy, Michigan State Board of Education, 09-2006

National School Boards Association Inquiry and Analysis May 2008

Last Modified by Wayne Wright on October 20, 2025

ROYAL OAK SCHOOLS
A COMMUNITY OF EXCELLENCE

Book	Policy Manual
Section	For the Board 40-1 Nondiscrimination
Title	Vol. 40, No. 1 - Nondiscrimination - September 2025 Rescind NONDISCRIMINATION BASED ON GENETIC INFORMATION OF THE EMPLOYEE
Code	po4122.02
Status	
Adopted	September 13, 2012

Rescind Policy - Vol. 40, No. 1

~~4122.02 **NONDISCRIMINATION BASED ON GENETIC INFORMATION OF THE EMPLOYEE**~~

~~The Board of Education prohibits discrimination on the basis of genetic information in all aspects of employment, including hiring, firing, compensation, job assignments, promotions, layoffs, training, fringe benefits, or any other terms, conditions, or privileges of employment. The Board also does not limit, segregate, or classify employees in any way that would deprive or tend to deprive them of employment opportunities or otherwise adversely affect the status of an employee as an employee, based on genetic information. Harassment of a person because of his/her genetic information is also prohibited. Likewise, retaliation against an applicant or employee for engaging in protected activity is prohibited.~~

~~In accordance with the Genetic Information Nondiscrimination Act (GINA), the Board shall not request, require, or purchase genetic information of employees, their family members, or applicants for employment. Further, in compliance with this Act, employees are directed not to provide any genetic information, including the individual's family medical history, in response to necessary requests for medical information, with the exception that family medical history may be acquired as part of the certification process for FMLA leave, when an employee is asking for leave to care for an immediate family member with a serious health condition. Applicants for employment are directed not to provide any genetic information, including the individual's family medical history, in response to requests for medical information as part of the District's application process.~~

~~**[ ]** The District recognizes that genetic information may be acquired through commercially and publicly available documents like newspapers, books, magazines, periodicals, television shows, or the Internet. The District prohibits, however, its employees from searching such sources with the intent of finding or obtaining genetic information or accessing sources from which they are likely to acquire genetic information.~~

~~"Genetic information," as defined by GINA, means information about: (a) an individual's genetic tests; (b) the genetic tests of that individual's family members; (c) the manifestation of disease or disorder in family members of the individual (i.e., family medical history); (d) an individual's request for, or receipt of, genetic services, or the participation in clinical research that includes genetic services by the individual or a family member of the individual; or (e) the genetic information of a fetus carried by an individual or a pregnant woman who is a family member of the individual and the genetic information of an embryo legally held by an individual or family member using assistive reproductive technology.~~

~~If the District either legally and/or inadvertently receives genetic information about an employee or applicant for employment from the employee, applicant for employment, or a medical provider it shall be treated as a confidential medical record in accordance with law.~~

~~The Superintendent shall appoint a compliance officer who shall be responsible for overseeing the District's compliance with Federal regulations and promptly dealing with any inquiries or complaints. S/He shall also verify that proper notice of nondiscrimination for Title II of the Genetic Information Nondiscrimination Act of 2008 is provided to staff members, and that all District requests for health-related information (e.g., to support an employee's request for reasonable accommodation under the ADA or a request for sick leave) is accompanied by a written warning that directs the employee or health care provider not to collect or provide genetic information. The warning shall read as follows:~~

~~The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II, including the Board of Education, from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by law. To comply with this law, do not provide any genetic information when responding to this request for medical information (unless the request pertains to a request for FMLA leave for purposes of caring for an~~

~~immediate family member with a serious health condition). "Genetic information," as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic test, the fact that an individual or an individual's family member sought or received genetic services or participated in clinical research that includes genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.~~

~~[ ]~~ ~~The District offers health services~~ **~~( )~~**~~, including a wellness program~~ **~~[END OF OPTION]~~**~~. Participation in the services/program is voluntary. Genetic information (such as family medical history) may be obtained as part of an individual's participation in the service/program. If that occurs, individual genetic information may be provided to the individual receiving the services and to his/her health services providers, but only genetic information in aggregate form will be provided to the Board.~~ **~~[END OF OPTIONAL PARAGRAPH]~~**

~~[NOTE: It should be noted that any sections of the District's collective bargaining agreements dealing with terms and conditions of employment should contain a statement of nondiscrimination similar to that in the Board's statement above.]~~

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29 C.F.R. Part 1635

42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act

Last Modified by Wayne Wright on October 20, 2025

Book	Policy Manual
Section	For the Board 40-1 Nondiscrimination
Title	Vol. 40, No. 1 - Nondiscrimination - September 2025 Replacement NONDISCRIMINATION, EQUAL EMPLOYMENT OPPORTUNITY, AND ANTI-HARASSMENT
Code	po4122
Status	1st Reading
Adopted	September 13, 2012
Last Revised	March 27, 2023
Last Reviewed	March 13, 2026

Replacement Policy - Vol. 40, No. 1

4122 - **NONDISCRIMINATION, EQUAL EMPLOYMENT OPPORTUNITY, AND ANTI-HARASSMENT**

The Board of Education does not discriminate on the basis of race, color, national origin, sex (including pregnancy, childbirth, and releated medical conditions; sexual orientation; and gender identity), disability, age, religion, height, weight, marital or family status, military status, ancestry, genetic information, or any other legally protected category (collectively, Protected Classes) in its programs and activities, including employment opportunities.

The Board is committed to providing a work environment that is free from Prohibited Conduct, responding promptly and effectively when it has knowledge of conduct that reasonably may constitute Prohibited Conduct, and addressing Prohibited Conduct in its education programs or activities. This commitment applies to all District operations and this policy applies to Prohibited Conduct occurring within or as a part of the District's education programs and activities, whether on school property or at another location during an activity sponsored by the Board.

Persons who commit Prohibited Conduct are subject to the full range of disciplinary sanctions set forth in this policy.

The Board will provide persons who have experienced Prohibited Conduct with ongoing remedies as reasonably necessary to restore or preserve access to the District’s education programs or activities.

All school employees share responsibility for avoiding, discouraging, and reporting any form of Prohibited Conduct.

The Board will take immediate action to address the following prohibited acts:

A. Retaliating against a person who has made a report or filed a complaint alleging Prohibited Conduct, or has participated in the below-described grievance procedures.

B. Filing a malicious or knowingly false report or complaint of Prohibited Conduct.

C. Disregarding, failing to appropriately address, or delaying action to appropriately address allegations of Prohibited Conduct when responsibility for reporting and/or investigating such charges comprises part of one's administrative/supervisory duties.

Definitions:

Words used in this policy shall have those meanings defined herein; words not defined herein shall be construed according to their plain and ordinary meanings.

Bullying means: any unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by an adult, that is sufficiently severe or pervasive to create an intimidating, hostile, or offensive work environment; or unreasonably interfere with the individual's work performance or participation. It may involve: (a) threats; (b) intimidation; (c) stalking; (d) cyberstalking; (e) cyberbullying; (f) physical violence; (g) theft; (h) sexual, religious, or racial harassment; (i) public humiliation; or (j) destruction of property. Bullying rises to the level of unlawful harassment when one (1) or

more persons systematically and chronically inflict physical hurt or psychological distress on one (1) or more employees, and that bullying is based upon one (1) or more Protected Classes, that is, characteristics that are protected by Federal and/or State civil rights laws. Ordinary teasing, horseplay, arguments, and peer conflict do not constitute bullying for purposes of this policy.

Complainant means: an employee who is alleged to have been subjected to conduct that could constitute Prohibited Conduct; or a person, other than an employee, who is alleged to have been subjected to conduct that could constitute Prohibited Conduct and who was participating or attempting to participate in the District's education programs or activities at the time of the alleged Prohibited Conduct.

Complaint means: an oral or written request to the District that objectively can be understood as a request for the District to investigate and make a determination about alleged Prohibited Conduct.

Day(s): Unless expressly stated otherwise, the term "day" or "days" as used in this policy means business day(s) (i.e., days that the Board office is open for normal operating hours, Monday – Friday, excluding State-recognized holidays).

Disciplinary sanctions means: consequences imposed on a respondent following a determination that the respondent engaged in Prohibited Conduct.

Education programs or activities refer to: all the District's operations including, but not limited to, in-person and online/remote educational instruction, employment, extracurricular activities, athletics, performances, and community engagement and outreach programs. The term applies to all programs and activities operated by the Board on school grounds or on other property owned or occupied by the Board. It also includes events and circumstances that take place off school property/grounds but over which the District asserts disciplinary authority (e.g., at off-campus activities sponsored by the Board).

Exculpatory evidence means: evidence that is favorable to a respondent because it helps excuse, justify, or absolve a respondent of alleged wrongdoing and tends to establish that a respondent did not engage in Prohibited Conduct.

Genetic information means: information about: (a) an individual's genetic tests; (b) the genetic tests of that individual's family members; (c) the manifestation of disease or disorder in family members of the individual (i.e., family medical history); (d) an individual's request for, or receipt of, genetic services, or the participation in clinical research that includes genetic services by the individual or a family member of the individual; or (e) the genetic information of a fetus carried by an individual or a pregnant woman who is a family member of the individual and the genetic information of an embryo legally held by an individual or family member using assistive reproductive technology.

Harassment means: any threatening, insulting, or dehumanizing gesture, use of technology, or written, verbal, or physical conduct directed against an employee that (a) places the employee in reasonable fear of harm to their person or damage to their property; (b) has the effect of substantially interfering with the employee's work performance; or (c) has the effect of substantially disrupting the orderly operation of a school. Each of the following types of harassment involves unwelcome physical, verbal, or nonverbal conduct that is based upon an individual's protected characteristic(s) and has the purpose or effect of interfering with the individual's work performance or creating an intimidating, hostile, or offensive work environment.

A. **Age Harassment** means: harassment based on negative perceptions about older workers. It also includes harassment based on stereotypes about older workers, even if they are not motivated by animus, such as pressuring an older employee to transfer to a job that is less technology-focused because of the perception that older workers are not well-suited to such work or encouraging an older employee to retire.

B. **Disability Harassment** means: harassment based upon a person's disability and includes harassment based upon stereotypes about individuals with disabilities in general or about an individual's particular disability. It also includes harassment based on traits or characteristics linked to an individual's disability, such as how the person speaks, looks, or moves. For example, negative comments about an individual's speech patterns, movement, physical impairments, or defects/appearances, or the like. Disability-based harassment includes: (a) harassment because an individual requests or receives reasonable accommodation; (b) harassment because an individual is regarded as having an impairment, even if the individual does not have an actual disability, or a record of disability; (c) harassment because an individual has a record of a disability, even if the individual currently does not have a disability; and (d) harassment based on the disability of an individual with whom the employee is associated. Finally, disability-based harassment may occur where conduct is directed at or pertains to a person's genetic information.

C. **National Origin/Ancestry Harassment** means: harassment due to a person's (or their ancestor's) place of origin. Such harassing conduct can include ethnic slurs or epithets, derogatory comments about individuals of a particular nationality, and use of stereotypes about a person's national origin. Additionally, it can include harassment regarding traits or characteristics linked to an individual's national origin, such as physical characteristics, ethnic or cultural characteristics or customs (e.g., surnames, attire, or diet), or linguistic characteristics (e.g., a person's manner of speaking, non-English language accent, or a lack of fluency in English).

D. **Race/Color Harassment** means: unwelcome physical, verbal, or nonverbal conduct that is based upon an individual's race or color and has the purpose or effect of interfering with the individual's work performance; or creating an intimidating, hostile, or offensive work environment. Such harassment may occur where conduct is directed at the characteristics of a person's race or color, such as racial slurs, nicknames implying stereotypes, epithets, and/or negative references relative to racial customs.

E. **Religious (Creed) Harassment** means: harassment based on a person's surname, religion (including atheism or lack of religious belief), religious traditions and practices, or religious dress/clothing, and includes making offensive comments about the same. It also includes religious slurs or epithets, harassing conduct based on religious stereotypes, and harassment associated with a person's request for and/or receipt of religious accommodation. Religious harassment also involves explicitly or implicitly coercing an employee to engage in religious practices at work.

F. **Sexual Harassment** means (for purposes of this policy and consistent with Title VII of the Civil Rights Act of 1964): unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when: (a) submission to such conduct is made either implicitly or explicitly a term or condition of an individual's employment; (b) submission or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (c) such conduct has the purpose or effect of interfering with the individual's work performance; or creating an intimidating, hostile, or offensive working environment. Sexual harassment may involve the behavior of a person of any gender against a person of the same or another gender.

1. Sexual Harassment covered by Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities is not included in this policy. Allegations of such conduct shall be addressed solely by Policy 2266.

2. Prohibited acts that constitute sexual harassment under this policy may take a variety of forms. Examples of the kinds of conduct that may constitute sexual harassment include, but are not limited to:

    a. Conduct of a sexualized nature, such as unwanted conduct expressing sexual attraction or involving sexual activity (e.g., unwelcome sexual propositions, invitations, solicitations, and flirtations; unwanted physical and/or sexual contact, including unwelcome and inappropriate touching, patting, or pinching **(x)**; and obscene gestures **[END OF OPTION]**.

    b. Sexual attention or sexual coercion, such as demands or pressure for sexual favors (e.g., threats or insinuations that a person's employment, wages, or other conditions of employment may be adversely affected by not submitting to sexual advances; giving unwelcome personal gifts such as lingerie that suggest the desire for a romantic relationship; leering or staring at someone in a sexual way, such as staring at a person's breasts, buttocks, or groin).

    c. Rape, sexual assault, or other acts of sexual violence.

    d. Discussing or displaying visual depictions of sex acts or sexual remarks (e.g., unwelcome verbal expressions of a sexual nature, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, profanity, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls, texts, etc.; sexually suggestive objects, pictures, graffiti, videos, posters, audio recordings or literature placed in the work environment; asking or telling about sexual fantasies, sexual preferences, or sexual activities; speculations about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history).

    e. A consensual sexual relationship where such relationship leads to favoritism of a subordinate employee with whom the superior is sexually involved and where such favoritism adversely affects other employees or otherwise creates a hostile work environment.

    f. Verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping that does not involve conduct of a sexual nature.

    g. Non-sexual conduct based on sex, such as sex-based epithets; sexist comments (such as remarks that women do not belong in management or that men do not belong in the nursing profession); or facially sex-neutral offensive conduct motivated by sex (such as bullying directed toward employees of one sex).

    h. Harassment based on pregnancy, childbirth, or related medical condition, which may include issues pertaining to lactation, using or not using contraception, or deciding whether to have, or not to have, an abortion.

Not all behavior with sexual connotations constitutes unlawful sexual harassment. Sex-based or gender-based conduct must be objectively offensive (a reasonable person would find it hostile or abusive), subjectively offensive (the complainant actually perceived it as abusive), and either sufficiently severe (a single extremely serious incident) or pervasive (a pattern of behavior), such that it adversely affects, limits, or denies an individual's employment, or creates a hostile or abusive employment environment.

Inculpatory evidence means: evidence that links a respondent to alleged wrongdoing and tends to establish a respondent engaged in Prohibited Conduct (i.e., has culpability).

Military status means: a person's past, current, or future membership, service, or obligation in a uniformed service (e.g., Army, Marine Corps, Navy, Air Force, Space Force, Coast Guard, Public Health Service Commissioned Corps, and National Oceanic and Atmospheric Administration Commissioned Officer Corps). Service in the uniformed services also means the performance of duty, on a voluntary basis, or involuntary basis, in a uniformed service, under competent authority, and includes active duty, active duty for training, initial active duty for training, inactive duty for training, and full-time National Guard duty. It further includes the period of time for which a person is absent from employment for the purpose of an examination to determine the fitness of the person to perform any such duty as listed above.

Party means: a complainant or respondent.

Pregnancy, childbirth, or related medical conditions means:

A. "Pregnancy" and "childbirth" refer to the pregnancy or childbirth of a specific employee and include, but are not limited to, current pregnancy; past pregnancy; potential or intended pregnancy (which can include infertility, fertility treatment, and the use of contraception); labor; and childbirth (including vaginal and cesarean delivery).

B. "Related medical conditions" are medical conditions relating to the pregnancy or childbirth of a specific employee, and may include termination of pregnancy, including via miscarriage, stillbirth, or abortion; ectopic pregnancy; preterm labor; pelvic prolapse; nerve injuries; cesarean or perineal wound infection; maternal cardiometabolic disease; gestational diabetes; preeclampsia; HELLP (hemolysis, elevated liver enzymes and low platelets) syndrome; hyperemesis gravidarum; anemia; endometriosis; sciatica; lumbar lordosis; carpal tunnel syndrome; chronic migraines; dehydration; hemorrhoids; nausea or vomiting; edema of the legs, ankles, feet, or fingers; high blood pressure; infection; antenatal (during pregnancy) anxiety, depression, or psychosis; postpartum depression, anxiety, or psychosis; frequent urination; incontinence; loss of balance; vision changes; varicose veins; changes in hormone levels; vaginal bleeding; menstruation; and lactation and conditions related to lactation, such as low milk supply, engorgement, plugged ducts, mastitis, or fungal infections. The preceding list of related medical conditions is not exhaustive.

Prohibited Conduct means: unlawful discrimination or harassment based on a person's Protected Class(es) or retaliation. Such misconduct involves a violation of Federal and/or State civil rights laws.

Relevant means: related to the allegations of Prohibited Conduct under investigation as part of the Board's grievance procedures. Questions are relevant when they seek evidence that may aid in showing whether the alleged Prohibited Conduct occurred, and evidence is relevant when it may aid a decisionmaker in determining whether the alleged Prohibited Conduct occurred.

Remedies means: measures provided, as appropriate, to a complainant or any other person the District identifies as having had their equal access to the District's education programs or activities limited or denied by Prohibited Conduct. These measures are provided to restore or preserve that person's access to the District's education program or activity after the District determines that Prohibited Conduct occurred.

Respondent means: a person who is alleged to have engaged in Prohibited Conduct.

Retaliation means: intimidation, threats, coercion, or discrimination against any person by the District, a student, a Board employee, or any other person authorized by the Board to provide aid, benefit, or service under the District's education programs or activities, for the purpose of interfering with any right or privilege secured by Federal or State law, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under applicable Federal or State laws or regulations.

School District community means: students and Board employees (i.e., administrators and professional and classified staff), as well as Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

Supportive measures means: non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, without fee or charge to the complainant or the respondent before or after making a report or filing a complaint. Such measures are designed to restore or preserve that party's access to the District's education programs or activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the District's educational environment or deter Prohibited Conduct. Supportive measures may include modifications of work schedules, mutual restrictions of contact between the parties, changes in work locations, leaves of absence, increased security and monitoring of certain work settings; training related to Prohibited Conduct, **(x)** referral to Employee Assistance Program, **[END OF OPTION]** and other similar measures.

Third Parties means: guests and/or visitors on District property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with, or seeking to do business with, the Board, and other individuals who come in contact with members of the School District community at school-related events/activities (whether on or off District property).

Pregnancy, Childbirth, and Related Medical Conditions

The Board will not discriminate against an employee based on the person's current pregnancy, potential or intent to become pregnant, past pregnancy, or medical condition related to pregnancy or childbirth, or because the person uses birth control, or has had or not had an abortion.

Additionally, the Board will provide a reasonable accommodation to an employee's known limitation related to pregnancy, childbirth, or a related medical condition, unless the accommodation will cause the District undue hardship.

The Board will treat pregnancy, childbirth, and related medical conditions as any other temporary medical conditions for all job-related purposes, including commencement, duration, and extensions of leave; accrual of seniority and any other benefit or service; reinstatement; and under any fringe benefit offered to employees by virtue of employment.

The Board will provide reasonable break time for an employee to express breast milk while at work for the first year after the

employee's child's birth. The Board will provide the employee with a space, other than a bathroom, that is clean, shielded from view, free from intrusion from coworkers and the public, and which the employee can use as needed to express breast milk. See Board Policy 6700 – Fair Labor Standards Act.

Nondiscrimination Based on Employee's Genetic Information

The Board prohibits discrimination on the basis of genetic information in all aspects of employment, including hiring, firing, compensation, job assignments, promotions, layoffs, training, fringe benefits, or any other terms, conditions, or privileges of employment. The Board also does not limit, segregate, or classify employees in any way that would deprive or tend to deprive them of employment opportunities or otherwise adversely affect the status of an employee as an employee, based on genetic information. Harassment of a person because of the individual's genetic information is also prohibited. Likewise, retaliation against an applicant or employee for engaging in protected activity is prohibited.

In accordance with the Genetic Information Nondiscrimination Act ("GINA"), the Board shall not request, require, or purchase genetic information of employees, their family members, or applicants for employment. Further, in compliance with GINA, employees are directed not to provide any genetic information, including the individual's family medical history, in response to necessary requests for medical information, with the exception that family medical history may be acquired as part of the certification process for FMLA leave, when an employee is asking for leave to care for an immediate family member with a serious health condition. Applicants for employment are directed not to provide any genetic information, including the individual's family medical history, in response to requests for medical information as part of the District's application process.

~~**[ ]** The District recognizes that genetic information may be acquired through commercially and publicly available documents like newspapers, books, magazines, periodicals, television shows, or the Internet. The District prohibits, however, its employees from searching such sources with the intent of finding or obtaining genetic information or accessing sources from which they are likely to acquire genetic information. **[END OF OPTION]**~~

If the District either legally and/or inadvertently receives genetic information about an employee or applicant for employment from the employee, applicant for employment, or a medical provider, it shall be treated as a confidential medical record in accordance with law.

The District Compliance Officer (see below) shall be responsible for overseeing the District's compliance with applicable Federal regulations and promptly dealing with any inquiries or complaints. The District Compliance Officer or designee shall also verify that proper notice of nondiscrimination for Title II of the Genetic Information Nondiscrimination Act of 2008 is provided to staff members, and that all District requests for health-related information (e.g., to support an employee's request for reasonable accommodation under the Americans with Disabilities Act ("ADA") or a request for sick leave) is accompanied by a written warning that directs the employee or health care provider not to collect or provide genetic information. The warning shall read as follows:

The Genetic Information Nondiscrimination Act of 2008 ("GINA") prohibits employers and other entities covered by GINA Title II, including the Board of Education, from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by law. To comply with this law, do not provide any genetic information when responding to this request for medical information (unless the request pertains to a request for FMLA leave for purposes of caring for an immediate family member with a serious health condition). "Genetic information," as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic test, the fact that an individual or an individual's family member sought or received genetic services or participated in clinical research that includes genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

~~**[ ]** The District offers health services **( )**, including a wellness program **[END OF INTERNAL OPTION]**. Participation in the services/program is voluntary. Genetic information (such as family medical history) may be obtained as part of an individual's participation in the service/program. If that occurs, individual genetic information may be provided to the individual receiving the services and to the person's health services providers, but only genetic information in aggregate form will be provided to the Board. **[END OF OPTION]**~~

District Compliance Officer(s)

[DRAFTING NOTES:

1. **Neola suggests the Board appoint both a male and a female to serve as the District Compliance Officers. By appointing two (2) District Compliance Officers, there should always be a District Compliance Officer available to address a claim that pertains to the other District Compliance Officer. If, however, the Board appoints more than one (1) District Compliance Officer, Neola recommends that it designate one (1) of the District Compliance Officers to retain ultimate oversight over the assigned responsibilities and ensure the Board's consistent compliance with its responsibilities under applicable Federal and State laws that prohibit unlawful discrimination/harassment based on protected classes and retaliation. Alternatively, the Board could appoint a District Compliance Officer and one (1) or more persons to assist the District Compliance Officer with performance of the responsibilities identified in this policy and its accompanying administrative guidelines. Often the person(s) designated to assist a District Compliance Officer is/are called Deputy or Assistant Compliance Officer(s). If the Board elects this alternative approach, it would designate a District Compliance Officer for purposes of this policy, and then designate the other position(s) through its AG. The person(s) in the alternative support role(s) will need to be trained in the same manner as the District Compliance Officer (see**

AG 4122).

2. **The Board must list in this policy either the Name(s) or Title(s) of the District Compliance Officer(s); while the Board may list both the Name(s) and Title(s), Neola suggests that the Board only list the Title(s) in this policy (so the Board does not need to revise/amend the policy whenever there is a change in the actual person(s) holding the designated position(s)), but list both the Name(s) and Title(s) in the requisite notices/postings (e.g., website) and publications (e.g., handbooks). The District will also need to decide whether to list the Name(s) and Title(s), or just the Title(s), in Administrative Guideline 4122 if the District elects to identify the District Compliance Officer in the AG (see DRAFTING NOTE in the AG; again, if the District lists the Name(s) and Title(s), it will need to remember to update the AG whenever there is a change in the actual person(s) holding the designated position(s). No matter what, the Board will need to amend its policy and update its AG, requisite notices/postings, and publications, whenever it changes the Title of the position(s) designated to serve as the District Compliance Officer(s).**

3. **Reminder: Whenever a new person begins to serve as the District Compliance Officer (or in a support role to the District Compliance Officer), the District needs to make sure the new person is appropriately trained, in a timely manner, to fulfill the responsibilities of the position to which the person is assigned.]**

[END OF DRAFTING NOTES]

The Board designates and authorizes the following individual(s) to coordinate its efforts to comply with the Board's responsibilities under Federal and State laws that prohibit discrimination, including harassment, based on Protected Classes and retaliation (also known as "Civil Rights Coordinator(s)" or "Anti-Harassment Compliance Officer(s)") (hereinafter referred to as the "District Compliance Officer(s)" or "CO(s)"):

~~[Name and/or School District Title]~~

~~[Office Address]~~

~~[Email Address]~~

~~[Telephone Number]~~

Patrick Wolynski

Executive Director Staff & Student Services

248-435-8400 x1211

800 Devillen, Royal Oak, MI 48073

patrick.wolysnki@royaloakschools.org

[DRAFTING NOTE: The District may want to create a static (i.e., fixed) District Compliance Officer -specific email address and phone number that will not change when the person(s) and/or position(s) designated to be the CO(s) change(s) – e.g., CO4CivilRights@(insert District's domain) – which the Technology Director/Department can program to be forwarded to the actual individual(s) serving as the District Compliance Officer(s) at any given time. Likewise, the District may want to establish a static Telephone Number for the position of District Compliance Officer that can be forwarded to, and accessed by, the actual person(s) serving in the CO position(s) at any given time. These two (2) steps will help reduce the information that needs to be updated in policy, AG, and/or the requisite notices/postings and publications when changes occur to the specific person(s)/position(s) designated to serve as the CO(s).]

[DRAFTING NOTE: Complete the following information if the Board appoints more than one (1) District Compliance Officer.]

[x] [DESIGNATION OF A SECOND DISTRICT COMPLIANCE OFFICER]

~~[Name and/or School District Title]~~

~~[Office Address]~~

~~[Email Address]~~

~~[Telephone Number]~~

Katherine Abela

Executive Director Finance and Facilities

248-435-8400 x1232

800 Devillen, Royal Oak, MI 48073

katherine.abela@royaloakschools.org

[END OF OPTION]

[DRAFTING NOTE: As discussed above, if the Board designates more than one (1) CO, Neola recommends that the District select the following option.]

x] The Board designates Patrick Wolynski, Executive Director Staff & Student Services_____ **[DRAFTING NOTE: Insert Name and/or Title of the District Compliance Officer who is ultimately responsible for the District's compliance with its responsibilities under Federal and State laws that prohibit discrimination/harassment based on Protected Classes and retaliation** as the individual who is ultimately responsible for oversight over the Board's compliance with applicable Federal and State laws and regulations that prohibit discrimination based on the basis of Protected Classes and retaliation. **[END OF OPTION]**

~~**[ ]** The District Compliance Officer may delegate specific duties to one (1) or more designees. **[END OF OPTION]**~~

~~The contact information concerning the District Compliance Officer(s) will be published on the School District's website **( )** and annually **[END OF OPTION]**.~~

A. ~~**( )** in parent/student and staff handbooks.~~

B. ~~**( )** in the School District Annual Report to the public.~~

C. ~~**( )** on each individual school's website.~~

D. ~~**( )** in the School District's calendar.~~

E. ~~**( )** _____.~~

[DRAFTING NOTE: The Board may want to select the following option when the Superintendent is not the CO. While Neola recognizes that this may not always be possible, it may be preferable to have the CO be someone other than the Superintendent because then – if the CO serves as the investigator and decisionmaker – the Superintendent can serve as the appeal decisionmaker or the facilitator for the informal resolution process.]

x] The District Compliance Officer(s) shall report directly to the Superintendent except when the Superintendent is a party to a complaint (i.e., either the complainant or the respondent). Under such circumstances, the CO(s) shall report directly to **[SELECT ONE OF THE FOLLOWING]** ~~**( )** the Board President~~ **(x)** the Board's Legal Counsel ~~( ) _____ **[OTHER]**~~ **[END OF INTERNAL OPTIONS]** until the matter in which the Superintendent is a party is concluded. **[END OF OPTION]**

Questions about this policy **(** ~~-~~**x)** and AG 4122 **[END OF OPTION]** should be directed to the District Compliance Officer(s).

The CO(s) is/are responsible for coordinating the District's efforts to comply with applicable Federal and State laws and regulations, including the District's duty to address in a prompt and equitable manner any inquiries or complaints regarding discrimination, harassment, retaliation, or denial of equal opportunity/access. The CO(s) shall also verify that proper notice of nondiscrimination for Title II of the Americans with Disabilities Act (as amended), Title VI and Title VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973 (as amended), Genetic Information Nondiscrimination Act (GINA), and the Age Discrimination in Employment Act of 1975 is provided to staff members and the general public. ~~**[ ]** Any sections of the District's collective bargaining agreements dealing with hiring, promotion, demotion, discipline, and tenure need to contain a statement of nondiscrimination similar to that in the Board's statement set forth above. **[END OF OPTION] [ ]** In addition, as practical, gender specific terms should be eliminated from such contracts. **[END OF OPTION]** Copies of the laws and regulations listed above are available upon request from the CO(s).~~

The CO(s) will be available during regular work hours to discuss concerns related to Prohibited Conduct, to assist employees, other members of the District community, and third parties who seek support or advice when informing another individual about Prohibited Conduct, including unwelcome conduct, or to intercede informally on behalf of the individual in those instances where concerns have not resulted in the filing of a formal complaint and where all parties are in agreement to participate in an informal process.

The CO(s) shall monitor the District's education programs and activities for barriers to reporting information about conduct that reasonably may constitute Prohibited Conduct pursuant to Federal and/or State laws that prohibit discrimination/harassment based on the basis of a Protected Class/Category and retaliation, and take steps reasonably calculated to address such barriers.

Notice of Nondiscrimination

The Superintendent shall provide a notice of nondiscrimination to students, parents, guardians, or other authorized legal representatives of elementary and secondary students; employees; applicants for admission and employment; and all unions and professional organizations holding collective bargaining or professional agreements with the Board. Specifically, the Superintendent shall post the notice of nondiscrimination on the District's website and in each handbook, catalog, announcement, bulletin, and

application form that it makes available to the persons listed above, or which are otherwise used in connection with the recruitment of employees. **(x)** See AG 4122 and Form 4122F1 – Notice and Statement of Nondiscrimination. **[END OF OPTION]**

NOTIFICATION/REPORTS OF PROHIBITED CONDUCT

Any person may provide information to the CO(s) concerning conduct that reasonably may constitute Prohibited Conduct. Such information may be submitted in person, by mail, by telephone, or by electronic mail using the CO's(s') published contact information, or by any other means (oral or written) that results in the CO(s) receiving the information. Information may be provided at any time (including during non-work hours). ~~**[ ]** Anonymous reports may be submitted using **( )** the online reporting form posted at _____ **[insert the web address for the reporting form, or insert a hyperlink tied to the phrase "online reporting form"] [or] ( )** the hotline reporting number (_____**[insert phone number]**). **[END OF OPTION]**~~

All Board employees are required to notify the CO(s) of conduct that reasonably may constitute Prohibited Conduct. For the Board to fulfill its responsibilities under applicable Federal and/or State laws, if a Board employee has knowledge of conduct that reasonably may constitute Prohibited Conduct, the Board employee must notify the/a CO within two (2) business days of learning the information or receiving the report. **[DRAFTING NOTE: The applicable statutes and regulations do not specify within how many days the Board employee must notify the CO of receiving notification/a report of Prohibited Conduct; Neola suggests "two (2) days". Alternatively, the Board could make this language more open-ended – e.g., "* * * must immediately/promptly notify the/a CO of such information or report."]** The Board employee must also comply with mandatory reporting responsibilities pursuant to Policy 8462 – Student Abuse and Neglect, if applicable. If the Board employee's knowledge about the alleged Prohibited Conduct is based on another individual bringing the information to the Board employee's attention, and the reporting individual submitted a written notification/report or complaint to the Board employee, the Board employee must provide the written notification/report or complaint to the CO.

Notification can be provided orally or in writing and should be as specific as possible. The person making the notification/report should, to the extent known, identify the alleged victim(s), perpetrator(s), and witness(es), and describe in detail what occurred, including date(s), time(s), and location(s).

If a notification/report or complaint involves allegations of Prohibited Conduct by or involving the CO, the person making the report (i.e., providing the notification or filing the complaint) should submit it to the Superintendent or another Board employee who, in turn, will notify the Superintendent of the report/complaint. The Superintendent will then serve in place of the CO for purposes of addressing that report of Prohibited Conduct. **[DRAFTING NOTE: If the Superintendent is the CO, substitute "Board President" in place of "Superintendent."]**

When a Board employee notifies the CO of suspected Prohibited Conduct, the employee is required to report all known details about the alleged Prohibited Conduct including: (1) the name of the alleged respondent(s); (2) the person who experienced the alleged Prohibited Conduct (i.e., the complainant); (3) other persons involved in the alleged Prohibited Conduct (e.g., witnesses); and (4) any other relevant facts, such as date, time, and location. Failure to provide such notification may result in discipline, up to and including suspension or termination of employment.

Any allegations of misconduct not involving Prohibited Conduct as defined in this policy will be addressed through the procedures outlined in other Board policies **(x)** and/or administrative guidelines **[END OF OPTION]**, the applicable Student Code of Conduct, applicable collective bargaining agreement, and/or Employee/Administrator Handbook.

When a notification/report or complaint of Prohibited Conduct is made, the CO shall promptly ~~(i.e.,~~ within two (2) business days **[DRAFTING NOTE: The applicable laws and/or regulations do not define "promptly" or otherwise specify within how many days the contact has to be made; Neola suggests "two (2) days."]** of the CO's receipt of the notification/report or complaint of Prohibited Conduct) contact the purported 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 complaint, and explain to the complainant the process for filing a complaint. The CO is responsible for coordinating the effective implementation of supportive measures. Any supportive measures provided to the complainant or respondent shall be maintained as confidential, to the extent that maintaining such confidentiality will not impair the ability of the District to provide the supportive measures.

GRIEVANCE PROCEDURES

Overview:

The Board adopts the following grievance procedures to provide for the prompt, effective, and equitable resolution of complaints made by employees, applicants, or other individuals who are participating or attempting to participate in the District's education programs or activities (i.e., members of the School District community and Third Parties), or by the CO alleging any act of Prohibited Conduct.

These grievance procedures shall be used for all complaints of Prohibited Conduct unless it involves conduct involving a student, in which case the grievance procedures set forth in Policy 2260 or Policy 5517.01 shall apply. These grievances procedures set forth the means for investigating and resolving claims involving such Prohibited Conduct; in particular, the procedures provide a method for assessing – in a prompt, effective, and equitable manner – whether an applicable Federal or State law was violated and, if it was, how best to end the Prohibited Conduct, prevent its recurrence, and remedy its effects.

Due to the sensitivity surrounding complaints of Prohibited Conduct, timelines are flexible for initiating the grievance procedures; however, individuals are encouraged to file a complaint within thirty (30) days after the conduct occurs. Once the formal complaint process is begun, the investigation will be completed in a timely manner.

[DRAFTING NOTE: Title VII of the Civil Rights Act of 1964 ("Title VII") prohibits discrimination in employment. Specifically, it prohibits employment discrimination based on race, color, religion, sex, or national origin, and applies to employers with fifteen (15) or more employees. Title IX, on the other hand, specifically prohibits discrimination based on sex in education programs and activities that receive Federal financial assistance, including employment within those institutions. Title IX is addressed by Board Policy 2266 and AG 2266. While both laws aim to prevent sex-based discrimination in the workplace, Title VII applies more broadly to various types of employers, whereas Title IX is limited to educational institutions receiving Federal funds. Ultimately, both laws aim to ensure equal employment opportunities and protect individuals from discrimination. When a District Compliance Officer receives a complaint or notification of alleged misconduct involving sex discrimination (in particular, sexual harassment) that involves an employee complainant and an employee respondent, the District Compliance Officer should consult with the Title IX Coordinator and/or the Board's Legal Counsel concerning which law – it may be both – the District will need to comply with when investigating the allegations.]

Under all circumstances, the CO shall offer and coordinate supportive measures, as appropriate, in accordance with this policy **(x)** and AG 4122 **[END OF OPTION]**.

Complaints:

The following people may make a complaint of Prohibited Conduct – i.e., request that the District investigate and determine whether Prohibited Conduct occurred:

A. a "complainant," which includes:

   1. an employee of the District who is alleged to have been subjected to conduct that could constitute Prohibited Conduct; or

   2. a person other than an employee of the District who is alleged to have been subjected to conduct that could constitute Prohibited Conduct at a time when that individual was participating or attempting to participate in the District's education programs or activities;

B. an authorized legal representative with the legal right to act on behalf of a complainant;

C. the District Compliance Officer.

A person is entitled to make a complaint of unlawful harassment only if they themselves are alleged to have been subjected to the unlawful harassment, or if the CO initiates a complaint.

[DRAFTING NOTE: This paragraph emphasizes that in order for a person to file a complaint of unlawful harassment, the person has to have been subjected to the alleged misconduct directly or be a person who has a legal right to act on behalf of the person who was subjected to the alleged misconduct. This is consistent with the prior paragraph, where the complainant is identified as an employee who was "subjected to conduct that could constitute Prohibited Conduct." The following paragraph, on the other hand, expands who can file a complaint – when the alleged Prohibited Conduct does not involve unlawful harassment, or the complaint involves allegations of retaliation – to persons who are aware of the alleged Prohibited Conduct, even if that person was not directly affected by or subject to the alleged Prohibited Conduct.]

With respect to complaints of Prohibited Conduct other than unlawful harassment, or complaints involving allegations of retaliation, in addition to the people listed above, the following persons have a right to make a complaint:

A. any employee of the District; or

B. any person other than an employee who was participating or attempting to participate in the District's education programs or activities at the time of the alleged Prohibited Conduct.

The District may consolidate complaints of Prohibited Conduct against more than one (1) respondent, or by more than one (1) complainant against one (1) or more respondents, or by one (1) party against another party, when the allegations of Prohibited Conduct arise out of the same facts or circumstances. When more than one (1) complainant or more than one (1) respondent is involved, references below to a party, complainant, or respondent include the plural, as applicable.

A person may file criminal charges simultaneously with filing a complaint. A person does not need to wait until the District's internal grievance procedures are completed before filing a criminal complaint. Likewise, questions or complaints relating to alleged violations of applicable Federal or State laws may be filed with the U.S. Department of Education's Office for Civil Rights, the U.S. Department of Justice's Civil Rights Division, the U.S. Equal Employment Opportunity Commission, or the Michigan Department of Civil Rights, at any time based on the underlying statutory basis for the complaint.

Basic Requirements:

The District will treat complainants and respondents equitably.

All persons involved with implementing the grievance procedures and any other aspects of this Policy, including the District Compliance Officer, the investigator, the decisionmaker, and the appeal decisionmaker, ~~**( ) and the facilitator of the informal resolution process, [END OF OPTION]**~~ shall be free from any conflicts of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

[x] The CO may serve simultaneously as an investigator and/or a decisionmaker. **[END OF OPTION] [DRAFTING NOTE: Neola recommends the Board select this OPTION; note it is "may" (i.e., optional) so the CO can decide when to serve in both roles and when to designate one or more persons to perform these responsibilities in a given case.]**

If the CO does not intend to serve as the investigator/decisionmaker in a specific case, the CO shall designate one (1) or more administrators who are appropriately trained to serve in the role.

In circumstances when the CO and trained administrators do not have time/capacity to serve, or are prevented due to a conflict of interest, bias, or partiality, or other reasons impair the CO and other trained administrators from serving as an investigator/decisionmaker in a specific case, the CO shall **(x)**, in consultation with ~~**( ) and approval of [END OF OPTION]** the~~ Superintendent or ~~**( )** Board~~ **(x)** Board President (as appropriate), **[END OF OPTION]** secure one (1) or more independent third parties to serve as the investigator and/or decisionmaker.

The District presumes that the respondent is not responsible for the alleged Prohibited Conduct until a determination is made at the conclusion of its grievance procedures.

Under ordinary circumstances, the Board expects to complete the major stages of the grievance procedures within the timeframe specified below:

A. **Evaluation** – The District Compliance Officer will determine whether to dismiss a complaint or investigate it within _ten__ (~~_~~10_) business **[INSERT AMOUNT]** days of receiving the complaint. **[DRAFTING NOTE: Neola recommends that the evaluation stage be completed within ten (10) days of the CO receiving notice of the complaint.]**

B. **Investigation** – The CO, or designated investigator/decisionmaker, shall ordinarily complete the investigation (i.e., collect relevant evidence that is not otherwise impermissible) and issue a Determination (i.e., consider the relevant and not otherwise impermissible evidence and decide whether Prohibited Conduct occurred) within _twenty___ (20__) business **[INSERT AMOUNT]** days of the CO determining the charges require investigation. **[DRAFTING NOTE: Recognizing that it is important for investigations to be completed and Determinations issued in a prompt and equitable manner, Neola recommends that a school district typically complete an investigation and issue a Determination within twenty (20) days.]**

   [DRAFTING NOTE: If the investigator/decisionmaker is someone other than the CO, upon written request from the investigator/decisionmaker, the CO should be permitted to approve a reasonable extension of time for the investigation to be completed and the Determination issued. If the CO is the investigation/decisionmaker: upon written request from the CO, the Superintendent should be permitted to approve a reasonable extension of time for the investigation to be completed and the Determination issued. In either situation, the administrator granting the extension should communicate to the parties the new deadline along with a rationale for the extension.]

   If, however, the CO, or designated investigator/decisionmaker, determines that the investigation is going to take longer, the CO will so notify the parties **(x)** and the Superintendent **[END OF OPTION]** and will thereafter keep the parties **(x)** and the Superintendent **[END OF OPTION]** informed of the status of the matter on a _____regular_____ **[INSERT TIME PERIOD – E.G., BIWEEKLY OR REGULAR]** basis.

C. **Appeal –** A party filing an appeal of the CO's decision to dismiss a complaint **(x)**, or the Determination, **[END OF OPTION]** must do so within five___ (_5_) business **[INSERT AMOUNT]** days of receiving the Dismissal **(-x)** or Determination **[END OF OPTION]**. **[DRAFTING NOTE: Neola recommends the Board allow limited appeals based on the Determination. See DRAFTING NOTE below in the appeal section.]**

The CO, or the Superintendent if the CO is the individual requesting an extension, may approve reasonable extensions of the preceding timeframes on a case-by-case basis for good cause with notice to the parties.

The District will take reasonable steps to protect the privacy of the parties and witnesses. **[x]** These steps will not restrict the ability of the parties to present evidence or otherwise participate in the grievance procedures. **[END OF OPTION]** The parties shall not engage in retaliation, including against witnesses.

The CO, or designated investigator/decisionmaker, shall objectively evaluate all evidence that is relevant and not otherwise impermissible — including both inculpatory and exculpatory evidence. Credibility determinations shall not be based on a person's status as a complainant, respondent, or witness.

The following types of evidence, and questions seeking such evidence, are impermissible (i.e., will not be accessed or considered,

except by the District to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:

A. evidence that is protected under a privilege recognized by Federal or State law, unless the person to whom the privilege or confidentiality is owed voluntarily waived the privilege or confidentiality; and

B. a party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the District obtains that party's or witness's voluntary, written consent for use in its grievance procedures.

Notice of Allegations:

Upon initiation of the Board's grievance procedures, the District Compliance Officer shall notify the parties of the following:

A. the Board's grievance procedures **(x)** and informal resolution process **[END OF OPTION]** associated with claims involving Prohibited Conduct; **[DRAFTING NOTE: Neola encourages the Board to include an informal resolution process.]**

B. sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute Prohibited Conduct, and the date(s) and location(s) of the alleged incident(s); and

C. retaliation is prohibited.

Should the CO decide, at any point, to investigate allegations that are materially beyond the scope of the initial written notice, the CO will provide a supplemental written notice describing the additional allegations to be investigated.

Dismissal of a Complaint:

The CO may dismiss a complaint of Prohibited Conduct if:

A. the District is unable to identify the respondent after taking reasonable steps to do so;

B. the respondent is not participating in the District's education program or activity and is not employed by the Board;

C. the complainant voluntarily withdraws any or all the allegations in the complaint, the CO declines to initiate a complaint, and the District determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute Prohibited Conduct even if proven; or

D. the District determines the conduct alleged in the complaint, even if proven, would not constitute Prohibited Conduct. Before dismissing the complaint, the CO will make reasonable efforts to clarify the allegations with the complainant.

Upon dismissal, the CO will promptly notify, in writing, the complainant of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, the CO will also simultaneously notify, in writing, the respondent of the dismissal and the basis for the dismissal.

The CO will further notify the complainant that a dismissal may be appealed and will provide the complainant with an opportunity to appeal the dismissal of the complaint. If the dismissal occurs after the respondent has been notified of the allegations, then the CO will also notify the respondent that the dismissal may be appealed.

Dismissals may be appealed on the following bases:

A. procedural irregularity that would change the outcome;

B. new evidence that would change the outcome and that was not reasonably available when the dismissal was made; and

C. the CO had a conflict of interest or bias for or against complainants or respondents generally, or the individual complainant or respondent, that would change the outcome.

If the dismissal is appealed, the CO will:

A. notify the parties of any appeal, including notice of the allegations, if notice was not previously provided to the respondent;

B. implement appeal procedures equally for the parties;

C. ensure that the appeal decisionmaker did not take part in the original dismissal of the complaint;

D. ensure that the appeal decisionmaker has been trained consistent with this Policy **(x)** and AG 4122 **[END OF OPTION]**;

E. provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and

F. notify the parties of the result of the appeal and the rationale for the result.

When a complaint is dismissed, the CO will, at a minimum:

A. offer supportive measures to the complainant as appropriate;

B. if the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; and

C. take other prompt and effective steps, as appropriate, to ensure that Prohibited Conduct does not continue or recur within the District's education programs or activities.

[DRAFTING NOTE: Neola encourages the Board to select the following option so the CO can choose, in appropriate circumstances, to offer the parties the opportunity to participate in an informal resolution process, or to honor the parties' request to use an informal resolution process, to end the Prohibited Conduct, prevent its recurrence, and remedy its effects.]

[x] [OPTIONAL LANGUAGE: INFORMAL RESOLUTION PROCESS]

Informal Resolution Process:

In lieu of resolving a complaint through the Board's formal grievance procedures, the parties may instead elect to participate in an informal resolution process. The District will not offer informal resolution to resolve a complaint when such a process would conflict with Federal, State, or local law.

[END OF OPTIONAL LANGUAGE: INFORMAL RESOLUTION PROCESS]

Adding Allegations and/or Consolidating Complaints:

If, in the course of an investigation, the District decides to investigate additional allegations of Prohibited Conduct by the respondent toward the complainant that are not included in the original Notice of Allegations or to consolidate charges raised in a different complaint involving the same respondent, the CO will notify the parties of the additional allegations.

Investigation:

The District will provide for an adequate, reliable, and impartial investigation of complaints.

The burden is on the District — not on the parties — to conduct an investigation that gathers sufficient evidence to determine whether Prohibited Conduct occurred.

The CO, or the designated investigator/decisionmaker, will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible.

The CO, or the designated investigator/decisionmaker, will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible, regardless of relevance.

Determination of Whether Prohibited Conduct Occurred:

Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, the CO or designated investigator/decisionmaker will:

A. Use the preponderance of the evidence standard of proof to determine whether Prohibited Conduct occurred. This standard of proof requires the decisionmaker to evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the decisionmaker, applying the applicable standard, is not persuaded by the relevant and not otherwise impermissible evidence that Prohibited Conduct occurred, regardless of the quantity of the evidence, the decisionmaker will not determine that Prohibited Conduct occurred. **[DRAFTING NOTE: While a board of education could elect to use the "clear and convincing" evidence standard of proof, Neola does not recommend it. If a board does select the "clear and convincing" standard, it should use it in all other comparable proceedings. Neola expects it will be a rare situation when a board chooses to use a clear and convincing standard of proof.]**

B. Notify the parties, in writing, of the determination whether Prohibited Conduct occurred, including the rationale for such determination **(x)**, and the procedures and permissible bases for the complainant and respondent to appeal **[END OF OPTION]**.

C. Not impose discipline on a respondent for Prohibited Conduct unless there is a determination at the conclusion of the grievance procedures that the respondent engaged in Prohibited Conduct.

D. If there is a determination that Prohibited Conduct occurred, the CO will, as appropriate:

1. coordinate the provision and implementation of remedies to a complainant and other people the District identifies as having had equal access to the District's education programs or activities limited or denied by the Prohibited Conduct;

2. coordinate the imposition of any disciplinary sanctions on a respondent **(x)**, including notification to the complainant of any such disciplinary sanctions **[END OF OPTION]**; and

3. take other appropriate prompt and effective steps to ensure that the Prohibited Conduct does not continue or recur within the District's education programs or activities.

E. Comply with the grievance procedures before the imposition of any disciplinary sanctions against a respondent.

F. Not discipline a party, witness, or others participating in the grievance procedures for making a false statement based solely on the determination of whether Prohibited Conduct occurred.

[DRAFTING NOTE: If the CO dismisses a complaint in the Evaluation stage (i.e., prior to commencing an investigation), the complainant may appeal as set forth above. Neola also recommends the Board include an appeal process related to the Determination.]

[x] [OPTIONAL LANGUAGE - APPEAL OF DETERMINATION]

Appeal of Determinations:

If a party disagrees with the decisionmaker's determination as to whether Prohibited Conduct occurred, the party may file an appeal. Appeals must be submitted, in writing, within _five___ (_5_) business **(INSERT AMOUNT)** days of the appealing party's receipt of the Determination.

A party may appeal a Determination on the following bases:

A. procedural irregularity that would change the outcome;

B. new evidence that would change the outcome and that was not reasonably available when the investigation occurred and the Determination was made; and

C. the CO, or the designated investigator/decisionmaker, had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome;

[DRAFTING NOTE: The Board may insert additional grounds on which an appeal may be filed.]

D. ~~**( )** the recommended remedies (including disciplinary sanctions/consequences) are unreasonable in light of the findings of fact (i.e., the nature and severity of the Prohibited Conduct).~~

E. ~~**( ) [OTHER]** _____.~~

~~**[ ]** The complainant may not challenge the ultimate disciplinary sanction/consequence that is imposed. **[END OF OPTION]**~~

[DRAFTING NOTE: The following options are offered in case the Board wants the Superintendent to serve as the appeal decisionmaker or the Board wants to nominally be identified as the appeal decisionmaker but will be delegating the responsibility to a person who is properly trained. Neola does not recommend that the Board itself be named as the appeal decisionmaker because of the preference for the decisionmaker to be trained to render a decision. If the Board wants to serve as the appeal decisionmaker, it should discuss this issue with its Legal Counsel. Select OPTION 1 or OPTION 2 below.]

~~**[ ] [OPTION 1]**~~

~~The CO will designate an appeal decisionmaker, who will be a person who did not conduct the Investigation and render the Determination, and is appropriately trained **( )**, as set forth in AG 4122 **[END OF INTERNAL OPTION]**.~~

~~The CO has authority **( )**, in consultation with **( )** and approval of **[END OF OPTION]** the Superintendent or **( )** Board **( )** Board President (as appropriate), **[END OF OPTIONS]** to secure an independent Third Party to serve as the appeal decisionmaker.~~

~~**[ ]** In designating an appeal decisionmaker, the CO will work with the Board to identify and appoint an independent Third Party to serve as the appeal decisionmaker – this individual shall be considered to be the Board's designee and will submit the appeal decision to the Board who will promptly adopt it as written and forward it to the CO who will send it simultaneously to the parties. **[END OF OPTIONAL SENTENCE]**~~

~~**[END OF OPTION 1]**~~

[x] [OPTION 2]

The Superintendent shall serve as the appeal decisionmaker, provided the Superintendent has not been otherwise involved in the grievance procedures (i.e., did not serve as the investigator/decisionmaker or informal resolution process facilitator) and is appropriately trained. If the Superintendent is not eligible to serve as the appeal decisionmaker, the CO will designate an appeal

decisionmaker, who will be a person who did not conduct the Investigation and render the Determination, and is appropriately trained **(x)**, as set forth in AG 4122 **[END OF INTERNAL OPTION]**.

[END OF OPTION 2]

[END OF OPTIONS]

If a party appeals the Determination, the CO will:

A. notify the parties of the appeal;

B. implement appeal procedures equally for the parties;

C. provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the Determination;

D. provide the appeal decisionmaker with the relevant and not otherwise impermissible evidence and the Determination; and

E. notify the parties, in writing, of the result of the appeal and the appeal decisionmaker's rationale for the outcome.

Parties Provided a Reasonable and Equal Opportunity to Make a Statement in Support of, or Challenging, the Dismissal (x) or Determination [END OF OPTION]

When a party files an appeal, the party must set forth the reason(s)/basis/bases for the appeal, and the other party will have _five___ (_5_) business **[INSERT AMOUNT]** days to provide the appeal decisionmaker with a statement in support of their position. Once the decisionmaker receives the statement (or the deadline for filing such a statement expires), the appeal decisionmaker will have _five___ (_5_) business **[INSERT AMOUNT]** days to issue a decision on the appeal.

[DRAFTING NOTE: Neola suggests any appeals should be filed within five (5) days of the parties receiving written notice of the Determination. Neola further suggests that the timeline for the other party submitting a statement be equivalent to the timeframe in which an appeal has to be filed. Finally, Neola suggests the appeal decisionmaker have ten (10) days from receipt of the statements to issue a decision.]

While a party appealing a Determination may argue the reason/basis for the appeal is that new evidence has been discovered/obtained that would change the outcome and that said new evidence was not reasonably available when the Determination was originally made, the party may not submit the new or additional evidence during the appeal process. Rather, the party appealing should identify/describe in detail the evidence, including how and when it was discovered/obtained, and explain why it was not reasonably available during the Investigation (i.e., prior to the Determination). If the appeal decisionmaker accepts the proffered explanation, the appeal decisionmaker should remand the case back to the investigator/decisionmaker (i.e., reopen the investigation) so the new evidence may be submitted and considered by the other party and the investigator/decisionmaker.

The appeal decisionmaker shall determine the outcome of the appeal based on the appeal decisionmaker's independent review of the record (i.e., the relevant and not otherwise impermissible evidence and the written determination) and the appeal decisionmaker's application of the law and Board policy to the facts in the record. The appeal decisionmaker must give due deference and due weight to the decisionmaker's factual findings and credibility determinations and should not overturn them unless non-testimonial extrinsic evidence in the record justifies a contrary conclusion or unless the record read in its entirety compels a contrary conclusion. Generally, the appeal decisionmaker is expected to uphold the original Determination unless the appeal decisionmaker concludes the original Determination is unlawful, unreasonable, or against the manifest weight of the evidence. Every reasonable presumption must be made in favor of the original Determination.

The appeal decisionmaker shall

[DRAFTING NOTE: The Board must select either OPTION 1 or OPTION 2 unless the Board appointed an independent Third Party to serve as the Board's appeal decisionmaker, in which case the Board should select OPTION 3.]

(x) [OPTION 1]

simultaneously notify the parties, in writing, of the result of the appeal and the rationale for the outcome.

[END OF OPTION 1]

~~**[OR]**~~

~~**( ) [OPTION 2]**~~

~~notify the CO, in writing, of the result of the appeal and the rationale for the outcome. The CO will then simultaneously notify the parties, in writing, of the result of the appeal and the appeal decisionmaker's rationale for the outcome.~~

~~**[END OF OPTION 2]**~~

~~**[OR]**~~

~~**( ) [OPTION 3]**~~

~~submit the appeal decision to the Board who will promptly adopt it as written and forward it to the CO, who will send it simultaneously to the parties. The appeal decision shall set forth the result of the appeal and the appeal decisionmaker's rationale for the outcome.~~

[END OF OPTION 3]

The **(x)** appeal decisionmaker's ~~**( ) Board's**~~ **[END OF OPTION]** decision shall be final.

[END OF OPTIONAL LANGUAGE - APPEAL OF DETERMINATION]

Supportive Measures:

The District will offer and coordinate supportive measures as appropriate for the complainant and/or respondent to restore or preserve that person's access to the District's education programs or activities or provide support during the grievance procedures and/or during the informal resolution process. For allegations of Prohibited Conduct other than prohibited harassment or retaliation, the District's provision of support measures does not require the District, Board employees, or any other person authorized to provide aid, benefit, or service on the District's behalf to alter the alleged discriminatory/retaliatory conduct for the purpose of providing a supportive measure.

The CO shall determine appropriate supportive measures on a case-by-case basis. Supportive measures may vary depending on what the CO deems to be reasonably available. Supportive measures may include, but are not limited to: modifications of work schedules, mutual restrictions on contact between the parties; changes in work locations; leaves of absence; increased security and monitoring of certain work settings; training related to Prohibited Conduct; **(x)** referral to Employee Assistance Program; **[END OF OPTION** and other similar measures.

Supportive measures must not unreasonably burden either party and must be designed to protect the safety of the parties and/or the District's educational environment, or to provide support during the Board's grievance procedures or the informal resolution process.

The District will not impose such measures for punitive or disciplinary reasons.

The CO may, as appropriate, modify or terminate supportive measures at the conclusion of the grievance procedures, or at the conclusion of the informal resolution process, or the District may continue them beyond that point.

A party may seek additional modification or termination of a supportive measure applicable to them if circumstances change materially.

The District will not disclose information about any supportive measures to persons other than the person to whom they apply, including informing one party of supportive measures provided to another party, unless necessary to provide the supportive measure or restore or preserve a party's access to the District's education programs or activities, or as otherwise permitted under existing law and/or policy.

The Superintendent may place an employee respondent on administrative leave from employment responsibilities during the pendency of the Board's grievance procedures.

Disciplinary Sanctions and Remedies:

Following a determination that Prohibited Conduct occurred, the District may impose disciplinary sanctions, which may include:

A. **(x)** oral or written warning;

B. **(x)** written reprimands;

C. **(x)** required counseling;

D. **(x)** required training or education;

E. **(x)** demotion;

F. **(x)** suspension with pay;

[END OF OPTIONS]

G. suspension without pay;

H. termination; and

I. any other sanction authorized by any applicable Board policy, Employee/Administrator Handbook, and/or collective bargaining agreement.

The District may also provide remedies, which may include disciplinary sanctions/consequences. The CO will notify the Superintendent of the recommended remedies, so an authorized administrator can consider the recommendation and implement appropriate remedies in compliance with applicable due process procedures, whether statutory or contractual.

[DRAFTING NOTE: The Board should review applicable policy(ies)/administrative guidelines/employee handbooks to determine whether changes are needed to establish timelines associated with imposition of discipline as a result of possible delays caused by the Board implementing the preceding grievance procedures; likewise, the Board may need to discuss with union representatives how implementation of the grievance procedures may impact any disciplinary provisions contained in applicable collective bargaining (e.g., timelines, permitted attendees at investigative interviews, etc.).]

Discipline of an employee will be implemented in accordance with Federal and State law, Board policy, and applicable provisions of any relevant collective bargaining agreement.

Retaliation

Retaliation against a person who makes a report or files a complaint alleging Prohibited Conduct or retaliation, or participates in an investigation, is prohibited. Neither the Board nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by the U.S. Constitution, the Michigan Constitution, Federal or State law, or this policy, or because the individual made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy. Intimidation, threats, coercion, or discrimination, including initiating a disciplinary process against a person for a code of conduct violation that does not involve Prohibited Conduct but arises out of the same facts and circumstances as a complaint or information reported about possible Prohibited Conduct, for the purpose of interfering with the exercise of any right or privilege secured by Federal or State law constitutes retaliation. Retaliation against a person for making a complaint or participating in an investigation is a serious violation of this policy that can result in the imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Complaints alleging retaliation may be filed according to the grievance procedures set forth above. The District shall initiate its grievance procedures upon receiving any complaint alleging retaliation.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under this policy.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this policy shall not constitute retaliation, provided, however, that a determination that Prohibited Conduct occurred, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

Privacy/Confidentiality

The District will employ all reasonable efforts to protect the rights of the complainant, the respondent(s), and the witnesses as much as possible, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. The District will keep confidential the identity of any individual who has made a complaint of Prohibited Conduct, any complainant, any individual who has been reported to be the perpetrator of Prohibited Conduct, any respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. 1232g, or FERPA regulations, 34 C.F.R. part 99, or as required by law, or to carry out the purposes of relevant Federal or State law or regulations, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder (i.e., the District's obligation to maintain confidentiality shall not impair or otherwise affect the complainant's and respondent's receipt of the information to which they are entitled related to the investigation and determination of whether Prohibited Conduct occurred). All records generated under the terms of this policy shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. Additionally, the respondent must be provided the complainant's identity.

During an investigation, the CO or designated investigator/decisionmaker will instruct each person who is interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of an investigation is expected not to disclose to other members of the School District Community or Third Parties any information that is learned or provided during the course of the investigation.

Sanctions and Monitoring

The Board shall vigorously enforce its prohibitions against Prohibited Conduct by taking appropriate action reasonably calculated to stop and prevent further misconduct. While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee. All disciplinary action will be taken in accordance with applicable State law and the terms of the relevant collective bargaining agreement(s). When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter. In those cases where Prohibited Conduct is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, consistent with the terms of the relevant collective bargaining agreement(s).

Where the Board becomes aware that a prior remedial action has been taken against a member of the School District community, all subsequent sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its reoccurrence, and remedy its effects.

Application of the First Amendment

The Board will construe and apply this policy consistent with the First Amendment to the U.S. Constitution **( )** and the principles of academic freedom as set forth in the applicable collective bargaining agreement **[END OF OPTION]**. In no case will a respondent be found to have committed Prohibited Conduct based on expressive conduct that is protected by the First Amendment **(x)** and/or the principles of academic freedom specified in the Board's collective bargaining agreement with its teachers **[END OF OPTION].**

Training

All employees, investigators, decisionmakers, facilitators of informal resolution process, the District Compliance Officer(s), and other persons who are responsible for implementing the Board's grievance procedures or have the authority to modify or terminate supportive measures shall receive training related to their duties under applicable Federal and State laws and this policy. **[x]** The training shall be provided promptly upon hiring or a change of position that alters their duties under this policy, and annually thereafter. **[END OF OPTIONAL SENTENCE]** The training shall not rely on stereotypes involving Protected Classes.

~~**[ ]** Training materials will be made available for inspection upon request by members of the public. **[END OF OPTION]**~~

Recordkeeping (including retention of investigatory records and materials)

The District Compliance Officer(s) is/are responsible for overseeing retention of all records that must be maintained pursuant to this policy. All individuals charged with conducting investigations under this policy must retain all information, documents, electronically stored information, and electronic media (as defined in Policy 8315) created and received as part of an investigation. Records and materials associated with the implementation of this policy shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, and Policy 8330 for the period set forth below, unless required to be maintained for a longer period pursuant to the District's records retention schedule.

[DRAFTING NOTE: For purposes of uniformity, Neola recommends that the Board use the same seven (7) year period for recordkeeping that is required by the 2020 Title IX regulations - see Board Policy 2266; if the Board selects a different timeframe for maintaining the below specified records, it should verify the time period selected is consistent with and/or reflected in its record retention schedule – see AG 8310.]

The District shall maintain for a period of seven (7) calendar years the following records:

A. for each complaint of Prohibited Conduct, records documenting the informal resolution process and/or the grievance procedures followed and the resulting outcome;

B. for each notification that the District Compliance Officer receives of information about conduct that reasonably may constitute Prohibited Conduct, records documenting the actions the District took to implement this policy; and

C. all materials used to provide the training referenced above **(x)** and in AG 4122 **[END OF OPTION]**.

The information, documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal and/or State law (e.g., student records, medical records).

Outside Appointments, Dual Appointments, and Delegations

The Board retains discretion to appoint suitably qualified persons who are not Board employees to fulfill any function of the Board under this policy including, but not limited to, District Compliance Officer, investigator, decisionmaker, appeal decisionmaker, or facilitator of the informal resolution process.

The Board also retains discretion to appoint two (2) or more persons to jointly fulfill the role of District Compliance Officer, investigator, decisionmaker, appeal decisionmaker, and facilitator of the informal resolution process.

The Superintendent may delegate functions assigned to a specific Board employee under this policy including, but not limited to, the functions assigned to the District Compliance Officer, investigator, decisionmaker, appeal decisionmaker, and facilitator of the informal resolution process to any suitably qualified individual, and such delegation may be rescinded by the Superintendent at any time.

[DRAFTING NOTE: The following option expressly sets forth authority that the Board has, regardless of whether it is included in this policy, but is offered for those boards of education that may want to affirmatively communicate to/address these issues for readers of this policy.]

~~**[ ] Discretion in Application**~~

~~The Board retains discretion to interpret and apply this policy in a manner that is not clearly unreasonable, even if the Board's interpretation or application differs from the interpretation of any specific complainant and/or respondent.~~

~~Despite the Board's reasonable efforts to anticipate all eventualities in drafting this policy, it is possible that unanticipated or extraordinary circumstances may not be specifically or reasonably addressed by the express policy language, in which case the Board retains discretion to respond to the unanticipated or extraordinary circumstance in a way that is not clearly unreasonable.~~

~~The provisions of this policy are not contractual in nature, whether in their own right or as part of any other express or implied contract. Accordingly, the Board retains discretion to revise this policy at any time and for any reason. The Board may apply policy revisions to an active case provided that doing so is not clearly unreasonable.~~

[END OF OPTION]

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Legal	M.C.L. 37.2101 et seq., 37.1101 et seq.
	20 U.S.C. 1092(F)(6)(A)(v)
	20 U.S.C. 1232g
	20 U.S.C. Section 1681, Title IX of Education Amendment Act
	20 U.S.C. Section 1701 et seq., Equal Educational Opportunities Act of 1974
	20 U.S.C. Section 7905, Boy Scouts of America Equal Access Act
	29 C.F.R. Part 1635
	29 U.S.C. 201 et seq., The Fair Labor Standards Act ("FLSA")
	29 U.S.C. 218d, PUMP for Nursing Mothers Act ("PUMP Act")
	29 U.S.C. 621 et seq., Age Discrimination in Employment Act of 1967
	29 U.S.C. 701 et seq. (in particular 794), Rehabilitation Act of 1973, as amended
	34 C.F.R. Part 110 (7/27/93)
	38 U.S.C. Chapter 43 4301-4335 (see in particular 4311(a) [prohibits discrimination based on military service] and 4312 [reemployment rights]), Uniformed Services Employment and Reemployment Rights Act ("USERRA")
	42 U.S.C. 1983
	42 U.S.C. 2000d et seq.
	42 U.S.C. 2000e et seq., Civil Rights Act of 1964 (e.g., Title VI and Title VII), as amended by the Pregnancy Discrimination Act
	42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act
	42 U.S.C. 2000gg, Pregnant Workers Fairness Act ("PWFA")
	42 U.S.C. 6101 et seq., Age Discrimination Act of 1975
	42 U.S.C. 12101 et seq., The Americans with Disabilities Act of 1990, as amended
	Fourteenth Amendment, U.S. Constitution

Last Modified by Jennifer Perkins on March 19, 2026

ROYAL OAK SCHOOLS
A COMMUNITY OF EXCELLENCE

Book	Policy Manual
Section	For the Board 40-1 Nondiscrimination
Title	Copy of SECTION 504/ADA PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT
Code	po4123
Status	1st Reading
Adopted	September 13, 2012
Last Revised	March 27, 2023
Last Reviewed	March 13, 2026

4123 - **SECTION 504/ADA PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT**

The Board of Education prohibits discrimination against any employee or applicant based upon the employee's or applicant's~~his/her~~ disability. As such, the Board will not engage in employment practices or adopt policies that discriminate on the basis of disability, or otherwise discriminate against qualified individuals with disabilities in regard to job application procedures, the hiring, advancement or discharge of employees, employee compensation, job training, or other terms, conditions and privileges of employment. The Board further will not limit, segregate or classify applicants or employees in any way that adversely affects their opportunities or status because of disability. Additionally, the Board will not participate in any contractual or other relationships that have the effect of subjecting qualified individuals with disabilities who are applicants or employees to discrimination on the basis of disability.

"An individual with a disability" means a person who has, had a record of, or is regarded as having, a physical or mental impairment that substantially limits one (1) or more major life activities. Major life activities are functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, eating, sleeping, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, sitting, reaching, interacting with others, and working.

Major life activities also include the operation of a major bodily function, including, but not limited to, functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, hemic, lymphatic, musculoskeletal and reproductive functions. The operation of a major bodily function includes the operation of an individual organ within a body system.

An impairment that is episodic in nature or in remission is considered a disability if it would substantially limit a major life activity when active.

The determination of whether an impairment substantially limits a major life activity must be made without regard to the ameliorative effects of mitigating measures such as medication, medical supplies, equipment or appliances, low-vision devices (defined as devices that magnify, enhance, or otherwise augment a visual image, but not including ordinary eyeglasses or contact lenses), prosthetics (including limbs and devices), hearing aid(s) and cochlear implant(s) or other implantable hearing devices, mobility devices, oxygen therapy equipment or supplies, use of assistive technology, reasonable accommodations or "auxiliary aids or services," learned behavioral or adaptive neurological modifications, psychotherapy, behavioral therapy, or physical therapy.

A qualified person with a disability means the individual satisfies the requisite skill, experience, education and other job-related requirements of the employment position such individual holds or desires and, with or without reasonable accommodation, can perform the essential functions of the job in question.

The Board will provide a reasonable accommodation to a qualified individual who has an actual disability or who has a record of a disability, unless the accommodation would impose an undue hardship on the operation of the District's program and/or activities. A reasonable accommodation is not required for an individual who is merely regarded as having a disability.

Compliance Officer(s)

The Board designates the following individual(s) to serve as the District's 504 Compliance Officer(s)/ADA Coordinator(s) (hereinafter referred to as the "District Compliance Officer(s)").

Patrick Wolynski
Executive Director Staff & Student Services
248-435-8400 x1211
800 Devillen, Royal Oak, MI 48073
patrick.wolynski@royaloakschools.org

Katherine Abela
Executive Director Finance and Facilities
248-435-8400 x1232
800 Devillen, Royal Oak, MI 48073
katherine.abela@royaloakschools.org

The names, titles, and contact information of these individuals will be published annually on the School District's web site.

The District Compliance Officer(s) are responsible for coordinating the District's efforts to comply with and fulfill its responsibilities under Section 504 and Title II of the Americans with Disabilities Act, as amended ("ADA"). A copy of Section 504 and the ADA, including copies of their implementing regulations, may be obtained from the District Compliance Officer(s).

The District Compliance Officer(s) will oversee the investigation of any complaints of discrimination based on disability, which may be filed pursuant to the Board's adopted internal complaint procedure, and will attempt to resolve such complaints. The Board will provide for the prompt and equitable resolution of complaints alleging violations of Section 504/ADA. See below.

Training

The District Compliance Officer(s) will also oversee the training of employees in the District so that all employees understand their rights and responsibilities under Section 504 and the ADA, and are informed of the Board's policies, administrative guidelines and practices with respect to fully implementing and complying with the requirements of Section 504/ADA.

The Board will provide in-service training and consultation to staff responsible for the education of persons with disabilities, as necessary and appropriate.

Facilities

No qualified person with a disability will, because the District's facilities are inaccessible to or unusable by persons with disabilities, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity to which Section 504/ADA applies.

For facilities constructed or altered after June 3, 1977, the District will comply with applicable accessibility standards. For those existing facilities constructed prior to June 3, 1977, the District is committed to operating its programs and activities so that they are readily accessible to persons with disabilities.

Notice

Notice of the Board's policy on nondiscrimination in employment practices and the identity of the District's Compliance Officer(s) will be published on the District's website and posted throughout the District, and included the District's recruitment statements or general information publications.

Complaint Procedures

If a person believes that they have ~~s/he~~ has been discriminated against on the basis of ~~his/her~~ disability, the person may utilize the following complaint procedures as a means of reaching, at the lowest possible administrative level, a prompt and equitable resolution of the matter.

In accordance with Section 504 of the Rehabilitation Act of 1973 and its implementing regulations ("Section 504"), employees will be notified of their right to file an internal complaint regarding an alleged violation, misinterpretation or misapplication of Section 504. In addition, employees will be notified of their right to file a complaint with the U.S. Department of Education's Office for Civil Rights.

Internal complaints must be put in writing and must identify the specific circumstances or areas of dispute that have given rise to the complaint, and offer possible solutions to the dispute. The complaint must be filed with a District Compliance Officer within the time limits specified below. The District's Compliance Officer is available to assist individuals in filing a complaint.

Unless expressly stated otherwise, the term "day" or "days" as used in this policy means business day(s) (i.e, a day(s) that the Board office is open for normal operating hours, Monday - Friday, excluding State-recognized holidays).

Internal Complaint Procedure

The following internal complaint procedure is available to employees for the prompt and equitable resolution of complaints alleging discrimination based upon disability. This complaint procedure is not available to unsuccessful applicants. Use of the internal complaint procedure is not a prerequisite to the pursuit of other remedies, including the filing of a complaint with the U.S. Department of Education's Office for Civil Rights.

A. An employee with a complaint based on alleged discrimination on the basis of disability may first discuss the problem with the District Compliance Officer.

B. If the informal discussion does not resolve the matter, or if the employee skips Step A, the individual may file a formal written complaint with the District Compliance Officer. The written complaint must contain the name and address of the individual or representative filing the complaint, be signed by the complainant or someone authorized to sign for the complainant, describe the alleged discriminatory action in sufficient detail to inform the District Compliance Officer of the nature and date of the alleged violation, and propose a resolution. The complaint must be filed within thirty (30) days of the circumstances or event giving rise to the complaint, unless the time for filing is extended by the District Compliance Officer for good cause.

C. The District Compliance Officer will conduct an independent investigation of the matter (which may or may not include a hearing). This complaint procedure contemplates informal, but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to present witnesses and other evidence relevant to the complaint. The District Compliance Officer will provide the complainant with a written disposition of the complaint within ten (10) days. If no decision is rendered within ten (10) days, or the decision is unsatisfactory in the opinion of the complainant, the employee may file, in writing, an appeal with the Superintendent. The District Compliance Officer shall maintain the District's files and records relating to the complaint.

D. The Superintendent will, within ten (10) days of receiving the written appeal, conduct a hearing with all parties involved in an attempt to resolve the complaint.

   The Superintendent will render a ~~his/her~~ decision within ten (10) days of the hearing.

E. The employee may be represented, at the employee's ~~his/her~~ own cost, at any of the above-described meetings/hearings.

F. The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights or the filing of a court case. Use of this internal complaint procedure is not a prerequisite to the pursuit of other remedies.

If it is determined that the Complainant was subjected to unlawful discrimination, the CO must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retaliation. The corrective action should be reasonable, timely, age-appropriate and effective, and tailored to the specific situation.

OCR Complaint

At any time, if an employee believes that they have ~~s/he~~ has been subjected to discrimination based upon ~~his/her~~ disability in violation of Section 504 or the ADA, the individual may file a complaint with the U.S. Department of Education's Office for Civil Rights ("OCR"). The OCR can be reached at:

U.S. Department of Education

Office for Civil Rights
Lyndon Baines Johnson Department of Education Building
400 Maryland Ave., SW
Washington, DC 20202-1100
Telephone: (800) 421-3481
FAX: (202) 453-6012
TDD: 800-877-8339
E-mail: OCR@ed.gov
Web: http://www.ed.gov/ocr

~~U.S. Department of Education~~
~~Office for Civil Rights~~
~~Cleveland Office~~
~~1350 Euclid Avenue~~
~~Suite 325~~
~~Cleveland, Ohio 44115~~
~~(216) 522-4970~~
~~FAX: (216) 522-2573~~
~~TDD: (216) 522-4944~~
~~E-mail: OCR.Cleveland@ed.gov~~
~~Web: http://www.ed.gov/ocr~~

Retaliation

Retaliation against a person who makes a report or files a complaint alleging unlawful harassment/retaliation or participates as a witness in an investigation is prohibited. Neither the Board nor any other person may intimidate, threaten, coerce or interfere with any individual because the person opposed any act or practice made unlawful by any Federal or State civil rights law, or because that individual made a report, formal complaint, testified, assisted or participated or refused to participate in any manner in an investigation, proceeding, or hearing under those laws and/or this policy, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws and/or this policy.

Retaliation against a person for making a report of discrimination, filing a formal complaint, or participating in an investigation or meeting is a serious violation of this policy that can result in imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Formal complaints alleging retaliation may be filed according to the internal complaint process set forth above.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under this policy.

Revised 7/10/14
Revised 11/12/15
Revised 6/10/21
Revised 12/8/22
T.C. 3/27/23

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Legal	29 C.F.R. Part 1630
	29 U.S.C. 794, Section 504 Rehabilitation Act of 1973, as amended
	34 C.F.R. Part 104
	42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended

Last Modified by Jennifer Perkins on March 19, 2026

ROYAL OAK SCHOOLS
A COMMUNITY OF EXCELLENCE

Book	Policy Manual
Section	For the Board 40-1 Nondiscrimination
Title	Vol. 40, No. 1 - Nondiscrimination - September 2025 Rescind ANTI-HARASSMENT
Code	po4362
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Last Revised	March 27, 2023

Rescind Policy - Vol. 40, No. 1

~~4362 **ANTI-HARASSMENT**~~

~~**General Policy Statement**~~

~~It is the policy of the Board of Education to maintain an education and work environment that is free from all forms of unlawful harassment, including sexual harassment. This commitment applies to all School District operations, programs, and activities. All students, administrators, teachers, staff, and all other school personnel share responsibility for avoiding, discouraging, and reporting any form of unlawful harassment. This policy applies to unlawful conduct occurring on school property, or at another location if such conduct occurs during an activity sponsored by the Board.~~

~~The Board will vigorously enforce its prohibition against harassment based on race, color, national origin, sex (including sexual orientation and gender identity), disability, age (except as authorized by law), religion, height, weight, marital or family status, military status, ancestry, or genetic information (collectively, Protected Classes) that are protected by Federal civil rights laws (hereinafter referred to as unlawful harassment) and encourages those within the School District community, as well as Third Parties, who feel aggrieved to seek assistance to rectify such problems. The Board will investigate all allegations of harassment and in those cases where unlawful harassment is substantiated, the Board will take immediate steps to end the harassment, prevent its recurrence, and remedy its effects. Individuals who are found to have engaged in unlawful harassment will be subject to appropriate disciplinary action.~~

~~**[ ]** The District will offer counseling services to any person found to have been subjected to unlawful harassment, and, where appropriate, the person(s) who committed the unlawful harassment.~~

~~**Other Violations of the Anti-Harassment Policy**~~

~~The Board will also take immediate steps to impose disciplinary action on individuals engaging in any of the following prohibited acts:~~

A. ~~Retaliating against a person who has made a report or filed a complaint alleging unlawful harassment, or who has participated as a witness in a harassment investigation.~~

B. ~~Filing a malicious or knowingly false report or complaint of unlawful harassment.~~

C. ~~Disregarding, failing to investigate adequately, or delaying investigation of allegations of harassment, when responsibility for reporting and/or investigating unlawful harassment charges comprises part of one's supervisory duties.~~

~~**Definitions**~~

~~Words used in this policy shall have those meanings defined herein; words not defined herein shall be construed according to their plain and ordinary meanings.~~

~~**Complainant** is the individual who alleges or is alleged to have been subjected to unlawful harassment, regardless of whether the person files a formal complaint or is pursuing an informal resolution to the alleged harassment.~~

Respondent is the individual who has been alleged to have engaged in unlawful harassment, regardless of whether the Reporting Party files a formal complaint or is seeking an informal resolution to the alleged harassment.

School District community means students and Board employees (i.e., administrators and professional and support staff), as well as Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

Third Parties include, but are not limited to, guests and/or visitors on School District property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with or seeking to do business with the Board, and other individuals who come in contact with members of the School District community at school-related events/activities (whether on or off District property).

Day(s): Unless expressly stated otherwise, the term "day" or "days" as used in this policy means business day(s) (i.e., a day(s) that the Board office is open for normal operating hours, Monday – Friday, excluding State-recognized holidays).

Bullying

Bullying rises to the level of unlawful harassment when one (1) or more persons systematically and chronically inflict physical hurt or psychological distress on one (1) or more students or employees and that bullying is based upon one (1) or more Protected Classes, that is, characteristics that are protected by Federal civil rights laws. It is defined as any unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by an adult or student that is severe or pervasive enough to create an intimidating, hostile, or offensive educational or work environment; cause discomfort or humiliation; or unreasonably interfere with the individual's school or work performance or participation; and may involve:

A. teasing;

B. threats;

C. intimidation;

D. stalking;

E. cyberstalking;

F. cyberbullying;

G. physical violence;

H. theft;

I. sexual, religious, or racial harassment;

J. public humiliation; or

K. destruction of property.

Harassment means any threatening, insulting, or dehumanizing gesture, use of technology, or written, verbal, or physical conduct directed against a student or school employee that:

A. places a student or school employee in reasonable fear of harm to his/her person or damage to his/her property;

B. has the effect of substantially interfering with a student's educational performance, opportunities, or benefits, or an employee's work performance; or

C. has the effect of substantially disrupting the orderly operation of a school.

Sexual Harassment

For purposes of this policy and consistent with Title VII of the Civil Rights Act of 1964, sexual harassment is defined as:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:

A. Submission to such conduct is made either implicitly or explicitly a term or condition of an individual's employment, or status in a class, educational program, or activity.

B. Submission or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual.

C. Such conduct has the purpose or effect of interfering with the individual's work or educational performance; creating an intimidating, hostile, or offensive working and/or learning environment; or interfering with one's ability to participate in or benefit from a class or an educational program or activity.

Sexual harassment may involve the behavior of a person of any gender against a person of the same or another gender.

Sexual Harassment covered by Policy 2266 – Nondiscrimination on the Basis of Sex in Education Programs or Activities is not included in this policy. Allegations of such conduct shall be addressed solely by Policy 2266.

Prohibited acts that constitute sexual harassment under this policy may take a variety of forms. Examples of the kinds of conduct that may constitute sexual harassment include, but are not limited to:

A. Unwelcome sexual propositions, invitations, solicitations, and flirtations.

B. Unwanted physical and/or sexual contact.

C. 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, activities, or events, or other conditions of employment or education may be adversely affected by not submitting to sexual advances.

D. Unwelcome verbal expressions, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, profanity, jokes, or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls.

E. Sexually suggestive objects, pictures, graffiti, videos, posters, audio recordings, or literature placed in the work or educational environment that may reasonably embarrass or offend individuals.

F. Unwelcome and inappropriate touching, patting, or pinching; obscene gestures.

G. Asking about, or telling about, sexual fantasies, sexual preferences, or sexual activities.

H. Speculations about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history.

I. Giving unwelcome personal gifts such as lingerie that suggest the desire for a romantic relationship.

J. Leering or staring at someone in a sexual way, such as staring at a person's breasts, buttocks, or groin.

K. A pattern of conduct, which can be subtle in nature, that has sexual overtones and is intended to create or has the effect of creating discomfort and/or humiliation to another.

L. In the context of employees, consensual sexual relationships where such relationship leads to favoritism of a subordinate employee with whom the superior is sexually involved and where such favoritism adversely affects other employees or otherwise creates a hostile work environment.

M. Inappropriate boundary invasions by a District employee or other adult member of the School District community into a student's personal space and personal life.

N. Verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex stereotyping that does not involve conduct of a sexual nature.

Not all behavior with sexual connotations constitutes unlawful sexual harassment. Sex-based or gender-based conduct must be sufficiently severe, pervasive, and persistent 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.

[DRAFTING NOTE: Sexual conduct/relationships with students by District employees or any other adult member of the School District community is prohibited, and any teacher, administrator, coach, or other school authority who engages in sexual conduct with a student may also be guilty of the criminal charge of sexual battery. The issue of consent is irrelevant in regard to such criminal charge and/or with respect to the application of this policy to District employees or other adult members of the School District community.]

Race/Color Harassment

Prohibited racial harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's race or color and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; creating an intimidating, hostile, or offensive working, and/or learning environment; or interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's race or color, such as racial slurs, nicknames implying stereotypes, epithets, and/or negative references relative to racial customs.

Religious (Creed) Harassment

Prohibited religious harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's religion or creed and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; creating an intimidating, hostile, or offensive working and/or learning environment; or interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's religious tradition, clothing, or surnames, and/or involves religious slurs.

National Origin/Ancestry Harassment

Prohibited national origin/ancestry harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's national origin or ancestry and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; creating an intimidating, hostile, or offensive working and/or learning environment; or interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's national origin or ancestry, such as negative comments regarding customs, manner of speaking, language, surnames, or ethnic slurs.

Disability Harassment

Prohibited disability harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's disability and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; creating an intimidating, hostile, or offensive working and/or learning environment; or interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's disability, such as negative comments about speech patterns, movement, physical impairments or defects/appearances, or the like. Such harassment may further occur where conduct is directed at or pertains to a person's genetic information.

Anti-Harassment Compliance Officers

The following individual(s) shall serve as the District's Anti-Harassment Compliance Officer(s) (hereinafter, "the Compliance Officer(s)"):

[DRAFTING NOTE: Neola suggests the Board **appoint both a male and a female Compliance Officer in order to provide Complainants with the option to report their concerns to an individual of the gender with which they feel most comfortable. The same individual(s) assigned to serve as Compliance Officer(s) may also be assigned to serve as the District's Section 504 Compliance Officer(s)/ADA Coordinator(s) and/or Title IX Coordinator(s). Additionally, by appointing two (2) Compliance Officers, there should also be a Compliance Officer available to investigate a claim of harassment that pertains to the other Compliance Officer.]**

_____
(Name)

_____
(School District Title)

_____
(Telephone Number)

_____
(Office Address)

_____
(E-mail Address)

_____
(Name)

_____
(School District Title)

_____
(Telephone Number)

_____
(Office Address)

_____
(E-mail Address)

The names, titles, and contact information of these individuals will be published annually on the School District's website **( )** and:

A. ( ) in the parent and staff handbooks.

B. ( ) in the School District Annual Report to the public.

C. ( ) on each individual school's website.

D. ( ) in the School District's calendar.

E. ( ) _____.

The Compliance Officer(s) ( ) is ( ) are responsible for coordinating the District's efforts to comply with applicable Federal and State laws and regulations, including the District's duty to address in a prompt and equitable manner any inquiries or complaints regarding harassment.

The Compliance Officer(s) will be available during regular school/work hours to discuss concerns related to unlawful harassment, to assist students, other members of the District community, and third parties who seek support or advice when informing another individual about unwelcome conduct, or to intercede informally on behalf of the individual in those instances where concerns have not resulted in the filing of a formal complaint and where all parties are in agreement to participate in an informal process.

The Compliance Officers shall accept reports of unlawful harassment directly from any member of the School District community or a Third Party or receive reports that are initially filed with an administrator, supervisor, or other District level official. Upon receipt of a report of alleged harassment, the Compliance Officer(s) will contact the Complainant and begin either an informal or formal complaint process (depending on the request of the Complainant or the nature of the alleged harassment) or the Compliance Officer(s) will designate a specific individual to conduct such a process. The Compliance Officer(s) will provide a copy of this policy to the Complainant and Respondent. In the case of a formal complaint, the Compliance Officer(s) will prepare recommendations for the Superintendent or will oversee the preparation of such recommendations by a designee. All Board employees must report incidents of harassment that are reported to them to a Compliance Officer within two (2) days of learning of the incident.

Any Board employee who directly observes unlawful harassment is obligated, in accordance with this policy, to report such observations to a Compliance Officer within two (2) days. Additionally, any Board employee who observes an act of unlawful harassment is expected to intervene to stop the harassment unless circumstances make such an intervention dangerous, in which case the staff member should immediately notify other Board employees and/or local law enforcement officials, as necessary, to stop the harassment. Thereafter, the Compliance Officer(s) or designee must contact the Complainant if age eighteen (18) or older, or the Complainant's parents/guardians if the Complainant is under the age of eighteen (18), within two (2) days to advise of the Board's intent to investigate the alleged wrongdoing.

Reports and Complaints of Harassing Conduct

Members of the School District community, along with Third Parties, are encouraged to promptly report incidents of harassing conduct to an administrator, supervisor, or other School District official so that the Board may address the conduct before it becomes severe, pervasive, or persistent. Any administrator, supervisor, or other District official who receives such a report shall file it with a Compliance Officer within two (2) days of receiving the report of harassment.

Members of the School District community and Third Parties who believe they have been unlawfully harassed by another member of the School District community or a Third Party are entitled to utilize the Board's complaint process that is set forth below. Initiating a complaint, whether formally or informally, will not adversely affect the Complainant's employment or participation in educational or extra-curricular programs. While there are no time limits for initiating complaints of harassment under this policy, individuals should make every effort to file a complaint as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

If, during an investigation of alleged bullying, aggressive behavior, and/or harassment in accordance with Policy 5517.01 – Bullying and Other Forms of Aggressive Behavior, the Principal believes that the reported misconduct may have created a hostile work environment and may have constituted unlawful discriminatory harassment based on a Protected Class, the Principal will report the act of bullying, aggressive behavior, and/or harassment to the Compliance Officer(s) who shall investigate the allegation in accordance with this policy. If the alleged harassment involves Sexual Harassment as defined by Policy 2266, the matter will be handled in accordance with the grievance process and procedures outlined in Policy 2266. While the Compliance Officer investigates the allegation, or the matter is being addressed pursuant to Policy 2266, the Principal shall suspend the Policy 5517.01 investigation to await the Compliance Officer's written report or the determination of responsibility pursuant to Policy 2266. The Compliance Officer shall keep the Principal informed of the status of the Policy 4362 investigation and provide the Principal with a copy of the resulting written report. Likewise, the Title IX Coordinator will provide the Principal with the determination of responsibility that results from the Policy 2266 grievance process.

Investigation and Complaint Procedure (See Form 4362 F1)

Except for Sexual Harassment that is covered by Policy 2266 – Nondiscrimination on the Basis of Sex in Education Programs or Activities, any employee or other member of the School District community or Third Party (e.g., visitor to the District) who believes that they have been subjected to unlawful harassment may seek resolution of the complaint through the procedures described below. The formal complaint process involves an investigation of the Complainant's claims of harassment or retaliation and a process for rendering a decision regarding whether the charges are substantiated.

Due to the sensitivity surrounding complaints of unlawful harassment, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) days after the conduct occurs while the facts are known and potential witnesses are available. Once the formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within fifteen (15) business days of the complaint being received).

The procedures set forth below are not intended to interfere with the rights of any individual to pursue a complaint of unlawful harassment or retaliation with the United States Department of Education Office for Civil Rights and/or Equal Employment Opportunity Commission (EEOC).

Informal Complaint Procedure

The goal of the informal complaint procedure is to promptly stop inappropriate behavior and to facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for a student, other member of the School District community, or Third Party who alleges unlawful harassment or retaliation. This informal procedure is not required as a precursor to the filing of a formal complaint. The informal process is only available in those circumstances where the Complainant and the Respondent mutually agree to participate in it.

The Complainant may proceed immediately to the formal complaint process and individuals who seek resolution through the informal procedure may request that the informal process be terminated at any time to move to the formal complaint process.

All complaints involving a District employee, any other adult member of the School District community, or a Third Party and a student will be formally investigated.

As an initial course of action, if a Complainant feels comfortable and safe in doing so, the individual should tell or otherwise inform the Respondent that the allegedly harassing conduct is unwelcome and must stop. The Complainant should address the allegedly harassing conduct as soon after it occurs as possible. The Compliance Officers are available to support and counsel individuals when taking this initial step or to intervene on behalf of the Complainant if requested to do so. A Complainant who is uncomfortable or unwilling to directly approach the Respondent about the alleged inappropriate conduct may file an informal or a formal complaint. In addition, with regard to certain types of unlawful harassment, such as sexual harassment, the Compliance Officer may advise against the use of the informal complaint process.

A complainant may make an informal complaint, either orally or in writing: 1) to a teacher, other employee, or building administrator; 2) directly to one (1) of the Compliance Officers; and/or 3) to the Superintendent or other District level employee.

All informal complaints must be reported to one (1) of the Compliance Officers, who will either facilitate an informal resolution as described below or appoint another individual to facilitate an informal resolution.

The Board's informal complaint procedure is designed to provide employees, other members of the School District community, or third parties who believe they are being unlawfully harassed with a range of options designed to bring about a resolution of their concerns. Depending upon the nature of the complaint and the wishes of the Complainant, informal resolution may involve, but not be limited to, one (1) or more of the following:

A. Advising the Complainant about how to communicate the unwelcome nature of the behavior to the Respondent.

B. Distributing a copy of this policy as a reminder to the individuals in the school building or office where the Respondent works or attends.

C. If both parties agree, the Compliance Officer may arrange and facilitate a meeting or mediation between the Complainant and the Respondent to work out a mutual resolution.

While there are no set time limits within which an informal complaint must be resolved, the Compliance Officer/designee is directed to attempt to resolve all informal complaints within fifteen (15) business days of receiving the informal complaint. If the Complainant is dissatisfied with the informal complaint process, the Complainant may proceed to file a formal complaint. And, as stated above, either party may request that the informal process be terminated at any time to move to the formal complaint process.

Formal Complaint Procedure

If a complaint is not resolved through the informal complaint process, if one of the parties has requested that the informal complaint process be terminated to move to the formal complaint process, or the Complainant, from the outset, elects to file a formal complaint, or the CO determines the allegations are not appropriate for resolution through the informal process, the formal complaint process shall be implemented.

The Complainant may file a formal complaint, either orally or in writing, with a teacher, Principal, Compliance Officer, the Superintendent, or other District official. Due to the sensitivity surrounding complaints of unlawful harassment and retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a formal complaint within thirty (30) days after the conduct occurs while the facts are known and potential witnesses are available. If a Complainant informs a teacher, Principal, Superintendent, or other District official, either orally or in writing, about any complaint of harassment or retaliation, that employee must report such information to a Compliance Officer/designee within two (2) business days.

~~Throughout the course of the process, the Compliance Officer should keep the parties reasonably informed of the status of the investigation and the decision-making process.~~

~~All formal complaints must include the following information to the extent known: the identity of the Respondent; a detailed description of the facts upon which the complaint is based (i.e., when, where, and what occurred); a list of potential witnesses; and the resolution sought by the Complainant.~~

~~If the Complainant is unwilling or unable to provide a written statement including the information set forth above, the Compliance Officer shall ask for such details in an oral interview. Thereafter, the Compliance Officer will prepare a written summary of the oral interview and the Complainant will be asked to verify the accuracy of the reported charge by signing the document.~~

~~Upon receiving a formal complaint, the Compliance Officer will consider whether any action should be taken in the investigatory phase to protect the Complainant from further harassment or retaliation including, but not limited to, a change of work assignment or schedule for the Complainant and/or the Respondent. In making such a determination, the Compliance Officer should consult the Complainant to assess whether the individual agrees with the proposed action. If the Complainant is unwilling to consent to the proposed change, the Compliance Officer may still take whatever actions deemed appropriate in consultation with the Superintendent.~~

~~Within two (2) business days of receiving the complaint, the Compliance Officer/designee will initiate a formal investigation to determine whether the Complainant has been subjected to offensive conduct/harassment/retaliation. The Principal will not conduct an investigation unless directed to do so by the Compliance Officer.~~

~~Simultaneously, the Compliance Officer will inform the Respondent that a formal complaint has been received. The Respondent will be informed about the nature of the allegations and provided with a copy of any relevant policies and/or administrative guidelines, including the Board's Anti-Harassment policy. The Respondent must also be informed of the opportunity to submit a written response to the formal complaint within five (5) days.~~

~~Although certain cases may require additional time, the Compliance Officer/designee will attempt to complete an investigation into the allegations of harassment/retaliation within fifteen (15) business days of receiving the formal complaint. The investigation will include:~~

A. ~~interviews with the Complainant;~~

B. ~~interviews with the Respondent;~~

C. ~~interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations;~~

D. ~~consideration of any documentation or other information presented by the Complainant, Respondent, or any other witness that is reasonably believed to be relevant to the allegations.~~

~~At the conclusion of the investigation, the Compliance Officer/designee shall prepare and deliver a written report to the Superintendent that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful harassment as provided in Board policy and State and Federal law as to whether the Respondent engaged in unlawful harassment/retaliation of the Complainant. The Compliance Officer's recommendations must be based upon the totality of the circumstances. In determining if discriminatory harassment or retaliation occurred, a preponderance of evidence standard will be used. The Compliance Officer may consult with the Board's legal counsel before finalizing the report to the Superintendent.~~

~~Absent extenuating circumstances, within five (5) business days of receiving the report of the Compliance Officer/designee, the Superintendent must either issue a final decision regarding whether the complaint of harassment has been substantiated or request further investigation. A copy of the Superintendent's written decision will be delivered to both the Complainant and the Respondent.~~

~~If the Superintendent requests additional investigation, the Superintendent must specify the additional information that is to be gathered, and such additional investigation must be completed within five (5) business days. At the conclusion of the additional investigation, the Superintendent must issue a written decision as described above.~~

~~**[ ]** The decision of the Superintendent shall be final.~~

~~**[OR]**~~

~~**[ ]** A Complainant or Respondent who is dissatisfied with the final decision of the Superintendent may appeal through a signed written statement to the Board within five (5) business days of the party's receipt of the Superintendent's decision.~~

~~In an attempt to resolve the complaint, the Board shall meet with the concerned parties and their representative within twenty (20) business days of the receipt of such an appeal. A copy of the Board's disposition of the appeal shall be sent to each party within ten (10) business days of this meeting. The decision of the Board will be final.~~

~~**[END OF OPTIONS]**~~

The Board reserves the right to investigate and resolve a complaint or report of unlawful harassment/retaliation regardless of whether the member of the School District community or Third Party alleging the unlawful harassment/retaliation pursues the complaint. The Board also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board or its designee.

[ ] The parties may be represented, at their own cost, at any of the above-described meetings/hearings.

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights, the filing of charges with local law enforcement, or the filing of a civil action in court. Use of this internal complaint process is not a prerequisite to the pursuit of other remedies.

Privacy/Confidentiality

The District will employ all reasonable efforts to protect the rights of the Complainant, the Respondent, and the witnesses as much as possible, consistent with the Board's legal obligations to investigate, take appropriate action, and conform with any discovery or disclosure obligations. All records generated under the terms of this policy and related administrative guidelines shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. Additionally, the Respondent must be provided with the Complainant's identity.

During the course of a formal investigation, the Compliance Officer/designee will instruct all members of the School District community and Third Parties who are interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of a harassment investigation is expected not to disclose any information that is learned or provided during the course of the investigation.

Sanctions and Monitoring

The Board shall vigorously enforce its prohibitions against unlawful harassment/retaliation by taking appropriate action reasonably calculated to stop the harassment and prevent further such harassment. While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable State law and the terms of the relevant collective bargaining agreement(s). When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter, including the ages and maturity levels of those involved. In those cases where unlawful harassment is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, consistent with the terms of the relevant collective bargaining agreement(s).

Where the Board becomes aware that a prior remedial action has been taken against a member of the School District community, all subsequent sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its recurrence, and remedy its effects.

Retaliation

Retaliation against a person who makes a report or files a complaint alleging unlawful harassment/retaliation or participates as a witness in an investigation is prohibited. Neither the Board nor any other person may intimidate, threaten, coerce, or interfere with any individual because the person opposed any act or practice made unlawful by any Federal or State civil rights law, or because that individual made a report or formal complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under those laws and/or the policy, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws and/or this policy.

Retaliation against a person for making a report of discrimination, filing a formal complaint, or participating in an investigation or meeting is a serious violation of this policy that can result in the imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Formal complaints alleging retaliation may be filed according to the internal complaint process set forth above.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under this policy.

Allegations Constituting Criminal Conduct: Child Abuse/Sexual Misconduct

State law requires any school teacher or school employee who knows or suspects that a child under the age of eighteen (18) or that a person with a disability receiving services as a student from the school regardless of age has suffered or faces a threat of suffering a physical or mental wound, disability or condition of a nature that reasonably indicates abuse or neglect of a child to immediately report that knowledge or suspicion to the county children's services agency. If, during the course of a harassment investigation, the Compliance Officer or a designee has reason to believe or suspect that the alleged conduct reasonably indicates abuse or neglect of the Complainant, a report of such knowledge must be made in accordance with State law and Board Policy.

Any reports made to a county children's services agency or to local law enforcement shall not terminate the Compliance Officer's or a designee's obligation and responsibility to continue to investigate a complaint of harassment. While the Compliance Officer or a designee may work cooperatively with outside agencies to conduct concurrent investigations, in no event shall the harassment investigation be inhibited by the involvement of outside agencies without good cause after consultation with the Superintendent.

Education and Training

In support of this Anti-Harassment Policy, the Board promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. The Superintendent shall provide appropriate information to all members of the School District community related to the implementation of this policy and shall provide training for District students and staff where appropriate. All training, as well as all information provided regarding the Board's policy and harassment in general, will be age and content appropriate.

Retention of Investigatory Records and Materials

The Compliance Officer(s) is responsible for overseeing the retention of all records that must be maintained pursuant to this policy. All individuals charged with conducting investigations under this policy shall retain all documents, electronically stored information (ESI), and electronic media (as defined in Policy 8315) created and/or received as part of an investigation which may include, but not be limited to:

A. all written reports/allegations/complaints/grievances/ statements/responses pertaining to an alleged violation of this policy;

B. any narratives that memorialize oral reports/allegations/ complaints/grievances/statements/responses pertaining to an alleged violation of this policy;

C. any documentation that memorializes the actions taken by District personnel or individuals contracted or appointed by the Board to fulfill its responsibilities related to the investigation and/or the District's response to the alleged violation of this policy;

D. written witness statements;

E. narratives, notes from, or audio, video, or digital recordings of witness interviews/statements;

F. e-mails, texts, or social media posts that directly relate to or constitute evidence pertaining to an alleged violation of this policy (i.e., not after-the-fact commentary about or media coverage of the incident);

G. notes or summaries prepared contemporaneously by the investigator in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.), but not including transitory notes whose content is otherwise memorialized in other documents;

H. written disciplinary sanctions issued to students or employees and other documentation that memorializes oral disciplinary sanctions issued to students or employees for violations of this policy;

I. dated written determinations/reports (including summaries of relevant exculpatory and inculpatory evidence) and other documentation that memorializes oral notifications to the parties concerning the outcome of the investigation, including any consequences imposed as a result of a violation of this policy;

J. documentation of any supportive measures offered and/or provided to the Complainant and/or the Respondent, including no contact orders issued to both parties, the dates the no contact orders were issued, and the dates the parties acknowledged receipt of the no contact orders;

K. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects;

L. copies of the Board policy and/or procedures/guidelines used by the District to conduct the investigation, and any documents used by the District at the time of the alleged violation to communicate the Board's expectations to students and staff with respect to the subject of this policy (e.g., Student Code of Conduct and/or Employee Handbooks);

M. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment;

[DRAFTING NOTE: The following options should be selected if the district concludes that the following items are not adequately encompassed in the preceding paragraphs.]

N. **( )** documentation of any training provided to District personnel related to this policy including, but not limited to, notification of the prohibitions and expectations of staff set forth in this policy and the role and responsibility of all District personnel involved in enforcing this policy, including their duty to report alleged violations of this policy and/or conducting an investigation of an alleged violation of this policy; **[REMINDER: Documentation of training should be maintained regardless of whether there is an investigation of an alleged violation of this policy. It is best practice to maintain a log of all staff members who participate in a training, along with the date, time and location of the training, and a copy of the materials reviewed and/or presented during the training.]**

O. **( )** documentation that any rights or opportunities that the District made available to one party during the investigation were made available to the other party on equal terms;

P. ~~( ) copies of any notices sent to the alleged perpetrator/responding party of the allegations constituting a potential violation of this policy;~~

Q. ~~( ) copies of any notices sent to the Complainant and the Respondent in advance of any interview, meeting, or hearing;~~

R. ~~( ) copies of any documentation or evidence used during informal and formal disciplinary meetings and hearings, including the investigation report, and any written responses submitted by the Complainant or the Respondent.~~

~~The documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal (e.g., FERPA, ADA) and/or State law – e.g., student records and confidential medical records.~~

~~The documents, ESI, and electronic media (as defined in Policy 8315) created or received as part of an investigation shall be retained in accordance with Policy 8310, Policy 8315, Policy 8320, and Policy 8330 for not less than three (3) years, but longer if required by the District's records retention schedule.~~

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Legal

20 U.S.C. 1400 et seq., The Individuals with Disabilities Education Improvement Act of 2004 (IDEIA)

29 C.F.R. Part 1635

29 U.S.C. 621 et seq., Age Discrimination in Employment Act of 1967

29 U.S.C. 794, Rehabilitation Act of 1973, as amended

42 U.S.C. 1983

42 U.S.C. 2000e et seq.

42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act

42 U.S.C. 6101, The Age Discrimination Act of 1975

42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended

Titles VI and VII of the Civil Rights Act of 1964, 42 U.S.C. 2000d et seq.

Title IX of the Educational Amendments of 1972, 20 U.S.C. 1681 et seq.

The Handicappers Civil Rights Act, M.C.L. 37.1101 et seq.

The Elliott-Larsen Civil Rights Act, M.C.L. 37.2101, et seq.

Policies on Bullying, Michigan State Board of Education, 7-19-01

Model Anti-Bullying Policy, Michigan State Board of Education, 09-2006

National School Boards Association Inquiry and Analysis May 2008

Last Modified by Wayne Wright on October 20, 2025

ROYAL OAK SCHOOLS
A COMMUNITY OF EXCELLENCE

Book	Policy Manual
Section	For the Board 40-1 Nondiscrimination
Title	Copy of SECTION 504/ADA PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT
Code	po3123
Status	
Adopted	September 13, 2012
Last Revised	March 27, 2023

3123 - **SECTION 504/ADA PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT**

The Board of Education prohibits discrimination against any employee or applicant based upon the employee's or applicant's~~his/her~~ disability. As such, the Board will not engage in employment practices or adopt policies that discriminate on the basis of disability, or otherwise discriminate against qualified individuals with disabilities in regard to job application procedures, the hiring, advancement or discharge of employees, employee compensation, job training, or other terms, conditions and privileges of employment. The Board further will not limit, segregate or classify applicants or employees in any way that adversely affects their opportunities or status because of disability. Additionally, the Board will not participate in any contractual or other relationships that have the effect of subjecting qualified individuals with disabilities who are applicants or employees to discrimination on the basis of disability.

"An individual with a disability" means a person who has, had a record of, or is regarded as having, a physical or mental impairment that substantially limits one (1) or more major life activities. Major life activities are functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, eating, sleeping, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, sitting, reaching, interacting with others, and working.

Major life activities also include the operation of a major bodily function, including, but not limited to, functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, hemic, lymphatic, musculoskeletal and reproductive functions. The operation of a major bodily function includes the operation of an individual organ within a body system.

An impairment that is episodic in nature or in remission is considered a disability if it would substantially limit a major life activity when active.

The determination of whether an impairment substantially limits a major life activity must be made without regard to the ameliorative effects of mitigating measures such as medication, medical supplies, equipment or appliances, low-vision devices (defined as devices that magnify, enhance, or otherwise augment a visual image, but not including ordinary eyeglasses or contact lenses), prosthetics (including limbs and devices), hearing aid(s) and cochlear implant(s) or other implantable hearing devices, mobility devices, oxygen therapy equipment or supplies, use of assistive technology, reasonable accommodations or "auxiliary aids or services," learned behavioral or adaptive neurological modifications, psychotherapy, behavioral therapy, or physical therapy.

A qualified person with a disability means the individual satisfies the requisite skill, experience, education and other job-related requirements of the employment position such individual holds or desires and, with or without reasonable accommodation, can perform the essential functions of the job in question.

The Board will provide a reasonable accommodation to a qualified individual who has an actual disability or who has a record of a disability, unless the accommodation would impose an undue hardship on the operation of the District's program and/or activities. A reasonable accommodation is not required for an individual who is merely regarded as having a disability.

Compliance Officer(s)

The Board designates the following individual(s) to serve as the District's 504 Compliance Officer(s)/ADA Coordinator(s) (hereinafter referred to as the "District Compliance Officer(s)").

Patrick Wolynski

Executive Director Staff & Student Services
248-435-8400 x1211
800 Devillen, Royal Oak, MI 48073
patrick.wolynski@royaloakschools.org

Katherine Abela
Executive Director Finance and Facilities
248-435-8400 x1232
800 Devillen, Royal Oak, MI 48073
katherine.abela@royaloakschools.org

The names, titles, and contact information of these individuals will be published annually on the School District's web site.

The District Compliance Officer(s) are responsible for coordinating the District's efforts to comply with and fulfill its responsibilities under Section 504 and Title II of the Americans with Disabilities Act, as amended ("ADA"). A copy of Section 504 and the ADA, including copies of their implementing regulations, may be obtained from the District Compliance Officer(s).

The District Compliance Officer(s) will oversee the investigation of any complaints of discrimination based on disability, which may be filed pursuant to the Board's adopted internal complaint procedure, and will attempt to resolve such complaints. The Board will provide for the prompt and equitable resolution of complaints alleging violations of Section 504/ADA. See below.

Training

The District Compliance Officer(s) will also oversee the training of employees in the District so that all employees understand their rights and responsibilities under Section 504 and the ADA, and are informed of the Board's policies, administrative guidelines and practices with respect to fully implementing and complying with the requirements of Section 504/ADA.

The Board will provide in-service training and consultation to staff responsible for the education of persons with disabilities, as necessary and appropriate.

Facilities

No qualified person with a disability will, because the District's facilities are inaccessible to or unusable by persons with disabilities, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity to which Section 504/ADA applies.

For facilities constructed or altered after June 3, 1977, the District will comply with applicable accessibility standards. For those existing facilities constructed prior to June 3, 1977, the District is committed to operating its programs and activities so that they are readily accessible to persons with disabilities.

Notice

Notice of the Board's policy on nondiscrimination in employment practices and the identity of the District's Compliance Officer(s) will be published on the District's website and posted throughout the District, and included the District's recruitment statements or general information publications.

Complaint Procedures

If a person believes that they have ~~s/he~~ has been discriminated against on the basis of ~~his/her~~ disability, the person may utilize the following complaint procedures as a means of reaching, at the lowest possible administrative level, a prompt and equitable resolution of the matter.

In accordance with Section 504 of the Rehabilitation Act of 1973 and its implementing regulations ("Section 504"), employees will be notified of their right to file an internal complaint regarding an alleged violation, misinterpretation or misapplication of Section 504. In addition, employees will be notified of their right to file a complaint with the U.S. Department of Education's Office for Civil Rights.

Internal complaints must be put in writing and must identify the specific circumstances or areas of dispute that have given rise to the complaint, and offer possible solutions to the dispute. The complaint must be filed with a District Compliance Officer within the time limits specified below. The District's Compliance Officer is available to assist individuals in filing a complaint.

Unless expressly stated otherwise, the term "day" or "days" as used in this policy means business day(s) (i.e., a day(s) that the Board office is open for normal operating hours, Monday - Friday, excluding State-recognized holidays).

Internal Complaint Procedure

The following internal complaint procedure is available to employees for the prompt and equitable resolution of complaints alleging discrimination based upon disability. This complaint procedure is not available to unsuccessful applicants. Use of the internal complaint procedure is not a prerequisite to the pursuit of other remedies, including the filing of a complaint with the U.S. Department of Education's Office for Civil Rights.

A. An employee with a complaint based on alleged discrimination on the basis of disability may first discuss the problem with the District Compliance Officer.

B. If the informal discussion does not resolve the matter, or if the employee skips Step A, the individual may file a formal written complaint with the District Compliance Officer. The written complaint must contain the name and address of the individual or representative filing the complaint, be signed by the complainant or someone authorized to sign for the complainant, describe the alleged discriminatory action in sufficient detail to inform the District Compliance Officer of the nature and date of the alleged violation, and propose a resolution. The complaint must be filed within thirty (30) days of the circumstances or event giving rise to the complaint, unless the time for filing is extended by the District Compliance Officer for good cause.

C. The District Compliance Officer will conduct an independent investigation of the matter (which may or may not include a hearing). This complaint procedure contemplates informal, but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to present witnesses and other evidence relevant to the complaint. The District Compliance Officer will provide the complainant with a written disposition of the complaint within ten (10) days. If no decision is rendered within ten (10) days, or the decision is unsatisfactory in the opinion of the complainant, the employee may file, in writing, an appeal with the Superintendent. The District Compliance Officer shall maintain the District's files and records relating to the complaint.

D. The Superintendent will, within ten (10) days of receiving the written appeal, conduct a hearing with all parties involved in an attempt to resolve the complaint.

   The Superintendent will render a ~~his/her~~ decision with ten (10) days of the hearing.

E. The employee may be represented, at the employee's ~~his/her~~ own cost, at any of the above-described meetings/hearings.

F. The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights or the filing of a court case. Use of this internal complaint procedure is not a prerequisite to the pursuit of other remedies.

If it is determined that the Complainant was subjected to unlawful discrimination, the CO must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retaliation. The corrective action should be reasonable, timely, age-appropriate and effective, and tailored to the specific situation.

OCR Complaint

At any time, if an employee believes that they have ~~s/he~~ has been subjected to discrimination based upon ~~his/her~~ disability in violation of Section 504 or the ADA, the individual may file a complaint with the U.S. Department of Education's Office for Civil Rights ("OCR"). The OCR can be reached at:

U.S. Department of Education

Office for Civil Rights
Lyndon Baines Johnson Department of Education Building
400 Maryland Ave., SW
Washington, DC 20202-1100
Telephone: (800) 421-3481
FAX: (202) 453-6012
TDD: 800-877-8339
E-mail: OCR@ed.gov
Web: http://www.ed.gov/ocr

~~U.S. Department of Education~~
~~Office for Civil Rights~~
~~Cleveland Office~~
~~1350 Euclid Avenue~~
~~Suite 325~~
~~Cleveland, Ohio 44115~~
~~(216) 522-4970~~
~~FAX: (216) 522-2573~~
~~TDD: (216) 522-4944~~
~~E-mail: OCR.Cleveland@ed.gov~~
~~Web: http://www.ed.gov/ocr~~

Retaliation

Retaliation against a person who makes a report or files a complaint alleging unlawful harassment/retaliation or participates as a witness in an investigation is prohibited. Neither the Board nor any other person may intimidate, threaten, coerce or interfere with any individual because the person opposed any act or practice made unlawful by any Federal or State civil rights law, or because

that individual made a report, formal complaint, testified, assisted or participated or refused to participate in any manner in an investigation, proceeding, or hearing under those laws and/or this policy, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws and/or this policy.

Retaliation against a person for making a report of discrimination, filing a formal complaint, or participating in an investigation or meeting is a serious violation of this policy that can result in imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Formal complaints alleging retaliation may be filed according to the internal complaint process set forth above.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under this policy.

Revised 7/10/14
Revised 11/12/15
Revised 6/10/21
Revised 12/8/22
T.C. 3/27/23

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Legal	29 C.F.R. Part 1630
	29 U.S.C. 794, Section 504 Rehabilitation Act of 1973, as amended
	34 C.F.R. Part 104
	42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended

Last Modified by Wayne Wright on October 20, 2025

9.1.2. First Reading of Revised/Replaced and/or Recommended Policies 140

ROYAL OAK SCHOOLS
A COMMUNITY OF EXCELLENCE

Book	Policy Manual
Section	For the Board 40-1
Title	Copy of COMMITTEES
Code	po0155
Status	1st Reading
Adopted	September 13, 2012
Last Revised	October 10, 2024
Last Reviewed	March 13, 2026

0155 - **COMMITTEES**

Committees of Board members shall perform the duties as assigned by the Board, which may include deliberating, making decisions/recommendations or taking other actions specifically authorized by the Board.

All committees shall comply with the Open Meetings Act in accordance with the applicable requirements set forth in Bylaw 0160. A committee may meet in closed session to review the specific contents of an employment application provided when the applicant for employment requests that the information remains confidential. It may not, however, meet in closed session to protect an applicant's identity.

A. The President is authorized to appoint, in ~~August~~ January, for each school year (~~September~~ February to following ~~August~~ January) members of the Board to the standing committees where they shall serve a term of one (1) year. Committee appointments may be made during the year, as needed. A schedule will be released in coordination with the Superintendent.

B. Ad hoc committees may be created and changed at any time by the President or a majority vote of the Board of Education, no more than one (1) per semester. The Trustee who proposes an ad hoc committee, if approved by the Board of Education, shall be appointed to serve on the said committee.

C. Members of ad hoc committees shall serve until the committee is discharged, no longer than two (2) full semesters.

D. The Superintendent or designee shall serve as an ex-officio member of each committee.

E. Each Board committee shall be convened by a chairperson who shall report for the committee.

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ROYAL OAK SCHOOLS
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Book	Policy Manual
Section	For the Board 40-1
Title	Copy of CONTROVERSIAL ISSUES
Code	po2240
Status	1st Reading
Adopted	September 13, 2012
Last Reviewed	March 13, 2026

2240 - ~~**CONTROVERSIAL**~~ **CONTENTIOUS ISSUES**

The Board of Education believes that the consideration of ~~controversial~~ contentious issues has a legitimate place in the instructional program of the schools.

Properly introduced and conducted, the consideration of such issues can help students learn to identify important issues, explore fully and fairly all sides of an issue, weigh carefully the values and factors involved, and develop techniques for formulating and evaluating positions. In the discussion of any issue, a teacher may express a personal opinion, but shall identify it as such, and must not express such an opinion for the purpose of persuading students to ~~his/her~~ their point of view.

For purposes of this policy, a ~~controversial~~ contentious issue is a topic on which opposing points of view have been promulgated by responsible opinion and likely to arouse both support and opposition in the community.

The Board will permit the introduction and proper educational use of ~~controversial~~ contentious issues provided that their use in the instructional program:

A. is related to the instructional goals of the course of study and level of maturity of the students;

B. ~~does not tend to indoctrinate or persuade students to a particular point of view;~~

C. B. encourages open-mindedness and is conducted in a spirit of scholarly inquiry.

When ~~controversial~~ contentious issues have not been specified in the course of study, the Board will permit the instructional use of only those issues which have been approved by the Principal or Superintendent.

The Board recognizes that a course of study or certain instructional materials may contain content or activities that some parents find objectionable. If after careful, personal review of the program lessons and materials, a parent indicates to the school that either content or activities conflicts with ~~his/her~~ their religious beliefs or value system, the school may honor a written request for ~~his/her~~ their child to be excused from particular classes for specified reasons. The student may be required to substitute the missing lessons or classes with alternative learning activities. The student must fulfill graduation requirements in order to graduate from Royal Oak High School.

Last Modified by Jennifer Perkins on March 17, 2026

Book	Policy Manual
Section	For the Board 40-1
Title	Vol. 40, No. 1 - September 2025 Revised CONTROLLED SUBSTANCE AND ALCOHOL POLICY FOR COMMERCIAL MOTOR VEHICLE ("CMV") DRIVERS AND OTHER EMPLOYEES WHO PERFORM SAFETY-SENSITIVE FUNCTIONS
Code	po4162
Status	1st Reading
Last Reviewed	March 13, 2026

Revised Policy - Vol. 40, No. 1

4162 - **CONTROLLED SUBSTANCE AND ALCOHOL POLICY FOR COMMERCIAL MOTOR VEHICLE ("CMV") DRIVERS AND OTHER EMPLOYEES WHO PERFORM SAFETY-SENSITIVE FUNCTIONS**

Purpose

The Board of Education believes that the safety of students while being transported to and from school or school activities is of utmost importance and is the primary responsibility of the driver of the school vehicle. To fulfill such a responsibility, each driver, as well as others who perform safety-sensitive functions with District vehicles (collectively "Covered Employees"), must be mentally and physically alert at all times while on duty.

To that end, the Board has established this policy, which includes an alcohol and controlled substances testing program. The Board also expects all Covered Employees to comply with Board Policy 4122.01 on Drug-Free Workplace, which prohibits the possession, use, sale, or distribution of alcohol and any controlled substance on school property at all times.

Further, the Board concurs with the Federal requirement that all Covered Employees should be free of any influence of alcohol or controlled substance while on duty. Therefore, participation in the alcohol and controlled substances testing program is a condition of employment for all Covered Employees.

Definitions

For purposes of this policy and the guidelines associated with the policy, the following definitions shall apply.

A. The term *alcohol* means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols, including methyl or isopropyl alcohol.

B. The term *illegal drug* means drugs and controlled substances, the possession or use of which is unlawful, pursuant to Federal, State, and/or local laws and regulations.

C. The term *controlled substance* includes any illegal drug and any drug that is being used illegally, such as a prescription drug that was not legally obtained or not used for its intended purposes or in its prescribed quantity. The term does not include any legally-obtained prescription drug used for its intended purpose in its prescribed quantity unless such use would impair the individual's ability to safely perform safety-sensitive functions.

D. The term *controlled substance abuse* includes excessive use of alcohol as well as prescribed drugs not being used for prescribed purposes, in a prescribed manner, or in the prescribed quantity.

E. The term *safety-sensitive functions* includes all tasks associated with the operation and maintenance of District-owned and/or operated vehicles. This term further includes any period in which an individual is actually performing, ready to perform, or immediately available to perform any safety-sensitive function.

F. The term *Covered Employee* means all commercial driver license ("CDL") holders and regular and substitute bus drivers, as well as other staff who operate, inspect, service, and condition a commercial motor vehicle ("CMV") while on duty, regardless of whether they are required to hold a CDL.

~~( ) This policy also covers other staff members who drive students in or inspect, service, and condition non-CMV District vehicles.~~

G. The term *while on duty* means all time from the time the Covered Employee begins to work or is required to be in readiness for work until the time the Covered Employee is relieved from work and all responsibility for performing work.

Procedures

The Superintendent shall establish a drug and alcohol testing program whereby each Covered Employee is tested for the presence of alcohol in their system as well as for the presence of the following controlled substances:

A. Marijuana

B. Cocaine

C. Opioid

D. Amphetamines

E. Phencyclidine (PCP)

The alcohol and controlled substances tests are to be conducted in accordance with Federal and State regulations a.) prior to employment **(Controlled Substances Only)**, b.) reasonable suspicion, c.) upon return to duty after any alcohol or drug rehabilitation,

[x] [OPTION 1]

d.) post-accident 1) resulting in human death, 2) where the driver is issued a citation and the accident results in an injury that requires immediate medical attention away from the scene, or 3) where there is disability damage to any motor vehicle that requires towing,

[END OF OPTION 1]

~~**[ ] [OPTION 2]**~~

~~d.) post-accident,~~

~~**[END OF OPTION 2]**~~

[DRAFTING NOTE: must select one (1) option. OPTION 1 mirrors the DOT regulations; OPTION 2 provides a more affirmative approach to drivers who are primarily involved with transporting children.]

[END OF OPTIONS]

e.) on a random basis, and f.) on a follow-up basis.

[x] Candidates shall also be tested for the presence of alcohol in their system prior to employment. **[END OF OPTION]**

The Superintendent shall require that the District query the FMCSA's Drug and Alcohol Clearinghouse for current and prospective CDL drivers' drug and alcohol violations before allowing a driver to operate a District-owned and/or operated vehicle, consistent with Federal regulations, including consent requirements.

Any staff member who tests positive as defined in the guidelines shall be immediately prohibited from driving any District-owned and/or operated vehicle or conducting a safety-sensitive function:

A. **(x)** and evaluated by a substance abuse professional;

B. **(x)** and provided information regarding drug/alcohol counseling, or referred to the District's Employee Assistance Program;

C. **(x)** and subject to discipline, up to and including discharge, in accordance with District guidelines and the terms of any applicable collective bargaining agreements.

No staff member who has tested positive for alcohol or a controlled substance may be returned to a safety-sensitive position without having been evaluated by a qualified substance abuse professional ("SAP"), completing any required treatment program, and passing a retest. Return to a safety-sensitive position is solely at the District's discretion, and the employee may be required to participate in ongoing services if recommended by the SAP. Any staff member who has tested positive for alcohol or a controlled substance will be provided with a list of SAPs available and acceptable to the District.

Furthermore, if during any test the lab determines that an adulterant has been added to the specimen, then

(x) the test will be considered positive and the employee shall be prohibited from performing any safety-sensitive functions and be referred to the District's Employee Assistance Program.

~~**( ) the employee will be re-tested with an observed collection to prevent the addition of an adulterant to the specimen. [END OF OPTIONS]**~~

Any staff member who refuses to submit to a test shall immediately be prohibited from performing or continuing to perform ~~his/her~~ safety-sensitive functions (e.g., driving any Board-owned vehicle).

Prior to the beginning of the testing program, the District shall provide a drug-free awareness program which will inform Covered Employees and their supervisors about:

A. the dangers of illegal drug use and controlled substance and alcohol abuse;

B. indicators of probable alcohol misuse and controlled substance abuse;

C. Board Policy 4122.01 - Drug-Free Workplace, Policy 4161 - Unrequested Leaves of Absence/Fitness for Duty, Policy 4170 - Substance Abuse, and Policy 4170.01 - Employee Assistance Program;

D. the sanctions that may be imposed for violations of Policy 4122.01.

All time spent undergoing an alcohol or controlled substance test, including travel time, will be paid at the staff member's regular rate of pay or overtime rate, if applicable. Any staff member who is not allowed to return to work while awaiting test results will be compensated during the waiting period for all work time lost, including overtime, if applicable. The Board shall pay all costs associated with the administration of alcohol and controlled substance tests. This includes testing of the "split specimen" at a Federally certified laboratory if so requested by a staff member. Requests for a "split specimen" must be made within seventy-two (72) hours of receipt of the notification of a positive drug test. The Board will not pay for the employee's time while not on duty if the split specimen test results are positive.

Alcohol and drug test results shall be protected as confidential medical records as appropriate under Federal law (i.e. test results shall be provided on a right-to-know basis - the employee, the employer, and the substance abuse professional - and the results shall not be presented until analyzed by a Medical Review Officer).

A tested individual, upon written request, will be promptly provided copies of any records relating to the individual's~~his/her~~ use of drugs and alcohol, including any records pertaining to the individual's~~his/her~~ drug and alcohol tests. A tested individual must provide specific written consent before the individual's~~his/her~~ test result can be provided to any other person except as required by law.

All tests shall be conducted in accordance with Federal testing guidelines and be performed by a laboratory that is Federally certified.

The alcohol and drug testing program shall be under the direction of the Superintendent.

The Superintendent shall arrange for periodic retraining of supervisors and staff members as necessary. The Superintendent shall provide a copy of this policy and testing guidelines to all Covered Employees and will include available resources to assist employees with problems related to the use of alcohol and controlled substances.

The Superintendent shall submit, for Board approval, a contract with a certified laboratory to provide the following services:

A. testing of all first and second test urine samples

B. clear and consistent communication with the District's Medical Review Officer ("MRO")

C. methodology and procedures for conducting random tests for controlled substances and alcohol

D. preparation and submission of all required reports to the District, the MRO, and to Federal and State governments

The Superintendent shall also select the agency or persons who will conduct the alcohol breathalyzer tests, the District's MRO, and the drug collection site(s) in accordance with the requirements of the law.

Notification

A tested candidate shall be notified of the results of a pre-employment controlled substances test conducted under this part if the driver requests such results within sixty (60) calendar days of being notified of the disposition of the employment application.

A tested individual shall be notified of the results of random, reasonable suspicion, and post-accident tests for controlled substances conducted under this policy if the test results are verified positive. The tested individual shall also be informed which controlled substance or substances were verified as positive.

The Superintendent shall make reasonable efforts to contact and request each driver who submitted a specimen under the employer's program, regardless of the driver's employment status, to contact and discuss the results of the controlled substances test with a medical review officer who has been unable to contact the driver.

The Superintendent shall immediately notify the medical review officer that the driver has been notified to contact the medical review officer within seventy-two (72) hours.

Individuals holding a CDL license must notify all current employers of any DOT violations (such as testing positive for the presence of alcohol or a controlled substance in violation of this policy). The notification must be made 1) by the end of the business day following the day the individual first receives notice of the violation or 2) prior to performing any safety-sensitive function, whichever comes first. Individuals are not required to notify the employer that administered the test or that documented the circumstances giving rise to the violation.

In the event that an individual is selected for testing, the Superintendent will inform the individual that the test is required by applicable law.

Reporting Test Results

The Superintendent shall report all information required by Federal regulations to the Clearinghouse in a timely manner. The Superintendent shall prepare and maintain a summary of the results of its alcohol and controlled substances testing programs performed under this policy during the previous calendar year when requested by the Secretary of Transportation, any DOT agency, or any State or local officials with regulatory authority over the employer or any of its drivers. Such summaries shall be submitted in a manner and timeline as required by law.

Educational Materials Related to Certain Federal Regulations, Board Policies, and Procedures

CDL License Holders and other employees who perform safety-sensitive functions will be provided educational materials at the time of hire or at any time when required to operate a school vehicle. The educational materials shall explain the requirements of applicable Federal regulations and the Board's policies and the District's procedures with respect to meeting these Federal regulations. The Board designates ~~the~~ _Durham School Services_____ as the individual responsible for providing educational materials to CDL License Holders and other employees who perform safety-sensitive functions. The educational materials will include, at a minimum, the following:

A. the contact information for ~~the~~ _Durham School Services_____, who is the individual designated by the Board to answer questions about the educational materials;

B. a statement that all CDL License Holders and other employees who perform safety-sensitive functions are subject to Federal law addressing the misuse of alcohol and other controlled substances;

C. information sufficient to make clear to employees the period of the work day during which they are required to comply with the regulations;

D. information concerning prohibited conduct;

E. the circumstances under which employees are subject to testing for alcohol and/or controlled substances;

F. the procedures for testing for the presence of alcohol and controlled substances in order to protect the employee and the integrity of the testing process, safeguard the validity of the test results, and confirm the results are attributed to the correct employee, including post-accident information, procedures, and instructions required under Federal regulations;

G. the requirement that staff members must submit to alcohol and controlled substance testing as required by the regulations;

H. an explanation of what constitutes a refusal to be tested for alcohol or controlled substances and the attendant consequences;

I. the consequences of testing positive, including the requirements of immediate removal from safety-sensitive functions, and the procedures regarding referral, evaluation, and treatment;

J. the consequences for employees found to have an alcohol concentration of 0.02 or greater but less than 0.04;

K. information concerning the effects of alcohol and controlled substances use on an individual's health, work, and personal life; signs and symptoms of an alcohol and/or controlled substances problem (the employee's or a co-worker's); and available methods of intervening when controlled substances and/or alcohol problem is suspected (including confrontation and how to refer someone to an Employee Assistance Program or to management);

L. information regarding the requirement that certain personal information collected and maintained under Federal law be reported to the Commercial Driver's License Drug and Alcohol Clearinghouse; and

M. information indicating that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance, including alcohol, is prohibited on all School Board property and at school-sponsored activities. Individuals are strictly

prohibited from reporting to work or being on duty while under the influence of alcohol or a controlled substance.

These materials are to be distributed to each staff member upon being hired or transferred into a covered position thereafter. Each staff member must sign a statement certifying receipt of these materials. A staff member who refuses to sign the requisite statement shall be prohibited from performing any safety-sensitive functions. Each employee (and the labor organization representing Board employees) shall receive written notice of the availability of this information, and the identity of the Board's designated representative in charge of answering employee questions about the materials.

Return-to-Duty (Safety-Sensitive Positions)

Employees who are removed from performing safety-sensitive functions as a result of this policy must complete the Return-to-Duty ("RTD") process as required by the U.S. Department of Transportation ("DOT") regulations and their Federal Motor Carrier Safety Act ("FMCSA") Drug and Alcohol Clearinghouse status must be changed from "prohibited" to "not prohibited" before resuming safety-sensitive duties. The RTD process requires an evaluation by a qualified Substance Abuse Professional ("SAP"), successful compliance with the SAP's prescribed education and/or treatment program, and a follow-up evaluation by the SAP determining that the employee has complied with the program. The employee must then complete a DOT return-to-duty test and obtain a verified negative drug test result and/or an alcohol test result of less than 0.02 before being permitted to return to the performance of safety-sensitive functions.

In addition, employees must comply with the SAP's written follow-up testing plan, which will be administered by the District in accordance with DOT regulations. An employee who fails to comply with the follow-up testing plan will not be permitted to perform safety-sensitive duties.

Subject to any collective bargaining agreement or other legal requirements, employees who are otherwise eligible to resume safety-sensitive functions may not do so without the Superintendent's approval.

~~Employees who are removed from performing safety-sensitive functions as a result of this policy must take and pass a return-to-duty test before returning to performing safety-sensitive functions. The return-to-duty test will not occur until after a Substance Abuse Professional (SAP) has determined that the employee has successfully complied with prescribed education and/or treatment. The employee must have a negative drug test result and/or an alcohol test with an alcohol concentration of less than 0.02 before resuming performance of safety-sensitive duties. The employee will not be permitted to perform safety-sensitive functions until the start of the employee's next regularly scheduled duty period, but not less than twenty-four (24) hours following administration of the return-to-duty test.~~

~~Employees must also comply with the SAP's written follow-up testing plan, which will be administered by the District, or they will not be permitted to perform safety-sensitive duties.~~

~~Subject to any collective bargaining agreement or other legal requirements, employees who are eligible to return to performing safety-sensitive functions may not do so without the approval of the Superintendent.~~

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Legal	49 C.F.R. 382
	49 C.F.R. Part 40

Last Modified by Jennifer Perkins on March 17, 2026

ROYAL OAK SCHOOLS
A COMMUNITY OF EXCELLENCE

Book	Policy Manual
Section	For the Board 40-1
Title	Copy of FIELD AND OTHER DISTRICT-SPONSORED TRIPS
Code	po2340
Status	1st Reading
Adopted	September 13, 2012
Last Revised	July 10, 2025
Last Reviewed	March 13, 2026

2340 - FIELD AND OTHER DISTRICT-SPONSORED TRIPS

The Board of Education recognizes the value of organized trips or other excursions away from the classroom as a valuable part of the District's educational programming and a valuable opportunity to obtain additional educational experiences not offered directly in the curriculum offerings. These opportunities occur in four (4) primary forms addressed in this policy: (a) field trips; (b) extra-curricular/co-curricular program-related trips; (c) overnight trips; and (d) other District-sponsored trips.

Field Trips

For purposes of this policy, a field trip shall be defined as any planned journey by one (1) or more students away from District premises, which is under the supervision of a professional staff member, approved by the Superintendent or designee and furthers or supplements an integral part of a course of study as planned for and incorporated into that course of study by the teacher.

The Board shall approve those field trips that are planned to keep students out of the State.

Properly planned and executed field trips should cultivate new interests among students, help students relate school experience to the reality of the world outside of school, bring the resources of the community within the students' learning experience, and afford students the opportunity to study real things and processes in their actual environment.

Extra-Curricular/Co-Curricular Trips

The Board recognizes that student trips will occur for reasons that are not directly incorporated into the curriculum as part of a class, but rather are part of the extra-curricular/co-curricular activities offered by the District. For example, a District athletic team may travel to away games or take a trip to an out-of-town tournament. Any such trips must be identified at the beginning of the activity for the school year or for the particular season. Extra-curricular or co-curricular trips shall be approved by the Administration Athletic Director in accordance with the same procedures used for approving field trips. In cases where such advance notice is not possible (such as travel to a State tournament competition), the staff member responsible for such activity shall notify the Athletic Director, Principal Superintendent of the activity, and provide pertinent information.

Extra-curricular trips that extend to an overnight stay are considered overnight travel, other than MHSAA athletic teams participating in State tournaments/meets.

Overnight Travel

Overnight travel is defined as a field trip that involves one (1) or more overnight stays. The District views overnight travel outside of the District related to the curriculum/program as an adjunct to that curriculum/program. As such, it is an important feature of the overall educational program. The District recognizes the importance of overnight travel outside of the District to amplify and enhance studies that occur in the schools' classrooms through unique enrichment opportunities that are not available locally. Overnight travel shall first be approved by the Principal Superintendent in accordance with the District's overnight travel guidelines.

International field trips present special considerations that need to be taken into account when planning these activities. The Board must approve these trips to be considered District-sponsored trips. The Board will only approve international field trips that are affiliated with a sponsoring or commercial organization that specializes in international travel and that is responsible for establishing

the cost of such programs and for collecting payment directly from participating students or their parents.

Approval of international travel shall also take into account travel warnings for Americans to avoid travel to specified countries. These warnings are issued by the United States Department of State based on current conditions around the world and are updated as deemed necessary.

Other District-Sponsored Trips

Other District-sponsored trips shall be defined as any planned, student-travel activity which is approved as part of the District's total educational program, but not a part of a particular course and not expressly connected to an established extra-curricular/co-curricular activity. These trips may include such trips as summer trip programs, youth service trips, and other types of day trips that are organized by or through school staff or facilitated in some fashion through the District.

Trip Approval Process

No staff member may offer or lead any trip as a District-sponsored trip unless the trip has been approved in the manner prescribed in this policy.

Proposals shall include the details of the trip, the cost of the trip, identify any third-party entities that will be involved in the trip, identify the curriculum-based purpose of the trip, identify what students will be eligible to participate, and any other pertinent information. If overnight, the proposal must describe how accommodations will be provided and how such arrangements will be properly supervised.

The Board shall approve those field trips that are planned to keep students out of the State.

General Trip Provisions

Students on all District-sponsored trips remain under the supervision of this Board and are subject to the District's administrative guidelines.

The Board does not endorse, support, or assume liability in any way for any staff member, volunteer, or parent of the District who takes students on trips not approved by the Board, ~~or~~ Superintendent, or designee. No staff member may solicit students of this District for such trips within the facilities or on the school grounds of the District without permission from the Superintendent or designee. Permission to solicit neither grants nor implies approval of the trip.

The Superintendent shall prepare administrative guidelines for the operation of both field and other District-sponsored trips, including athletic trips, which shall ensure:

A. the safety and well-being of students;

B. parental permission is sought and obtained before any student leaves the District on a trip;

C. each trip is properly planned, and if a field trip, is integrated with the curriculum, evaluated, and followed up by appropriate activities which enhance its usefulness;

D. the effectiveness of field trip activities is judged in terms of demonstrated learning outcomes;

E. each trip is properly monitored (see administrative guideline for specific ratios);

F. student behavior while on all field trips complies with the Student Code of Conduct, and on all other trips complies with an approved code of conduct for the trip;

G. the staff member in charge shall have access to each student's Emergency Medical Authorization Form;

H. provisions have been made for the administration of medication to those students for whom medications are administered routinely while at school;

I. provisions have been made at the trip destination and in transportation, if and when required to accommodate students and/or chaperones with disabilities;

A professional staff member shall not change a planned itinerary while the trip is in progress, except where the health, safety, or welfare of the students in the staff member's charge is imperiled or where changes or substitutions beyond the staff member's control have frustrated the purpose of the trip.
In any instance in which the itinerary of a trip is altered, the professional staff member in charge shall notify the administrative superior immediately.

Trips Not Sponsored by the District

No staff member, volunteer, coach, or other individual acting in some capacity for the District may solicit students of this District to participate in any trip not sponsored by the District unless that staff member has received approval from the Principal Superintendent to promote such trips within the facilities or on the school grounds. This includes summer trips abroad or other trips offered through a third-party organizer in which a staff member, volunteer, coach, or other individual acting in some capacity for the District is participating, as well as athletic activities outside the District's athletic program.

If approval is granted to solicit students to participate, that individual must clearly communicate to parents that the trip is not District-sponsored and that the individual is not participating within the staff member's role representing the District. Coordination and/or participation in such a program shall be consistent with Policy 3210 - Staff Ethics/Policy 4210 - Support Staff Ethics.

Transportation for Field and Other District-Sponsored Trips

Regular or special-purpose school vehicles will be used for transportation on field and other District-sponsored trips.

The transportation for all field and other District-sponsored trips is to be by vehicles owned or approved by the District and driven by approved drivers. Exceptions must have the approval of the Superintendent.

Transportation may be limited by the availability of vehicles, drivers, and scheduling, and will not be available when needed for general school purposes.

All students are expected to ride the approved vehicle to and from each activity. A special request must be made to the staff member or sponsor by the parent, in writing or in person, to allow an exception.

District students not affiliated with the trip activity, nondistrict students, and/or children of preschool age shall not be permitted to ride on the trip vehicle without the approval of the Principal.

No student is allowed to drive on any trip. An exception may be made by the Principal on an individual basis, provided the student has written parental permission and does not transport any other student.

The Superintendent shall prepare administrative guidelines to ensure that all transportation is in compliance with Board policy on the use of District vehicles and/or private vehicles.

Revised 6/23/22

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Legal M.C.L. 380.1282

Last Modified by Jennifer Perkins on March 20, 2026

ROYAL OAK SCHOOLS
COUNTY OF OAKLAND
STATE OF MICHIGAN

At a regular meeting of the Board of Education (the "Board") of the Royal Oak Schools, County of Oakland, Michigan (the "School District"), held in the School District on April 9, 2026, at 6:30 p.m., local time.

PRESENT: Members: _____

_____

ABSENT: Members: _____

RESOLUTION CERTIFYING
SCHOOL IMPROVEMENT BOND PROPOSITION

The following preamble and resolution were offered by Member _____ and supported by Member _____:

WHEREAS, the School District is contemplating undertaking various capital improvements to facilities within the School District which include remodeling, equipping, re-equipping, furnishing, re-furnishing school buildings, athletic fields and other facilities; erecting and completing additions to school buildings and other facilities; acquiring and installing instructional technology infrastructure and equipment in school buildings and other facilities; and preparing, developing and improving sites at school buildings, athletic fields and other facilities (collectively the "Projects"); and

WHEREAS, the School District is of the opinion that in order to finance the Projects, a bonding proposition should be submitted to the electors as described in the School Improvement Bond Proposition attached hereto as Exhibit A (the "Bond Proposition"); and

WHEREAS, the School District desires to submit the Bond Proposition to the electors at an election to be held on August 4, 2026 (the "August Election Date"); and

WHEREAS, Michigan law requires that the School District certify the ballot language for any proposals to be voted on at a permitted election date to the School District's Election Coordinator (i.e. the Clerk of the County of Oakland) not later than 4:00 p.m., on the twelfth Tuesday before the election date; and

WHEREAS, the School District desires to approve and certify the above referenced Bond Proposition and to authorize the Superintendent or his designee to certify the Bond Proposition to the School District's Election Coordinator for the August Election Date.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Bond Proposition attached hereto as Exhibit A, is hereby approved and certified to the School District Election Coordinator for submission to the School District's electors on the August Election Date. The Superintendent, or his designee, on behalf of the Secretary of the Board is hereby authorized and directed to file this Resolution and/or complete any such forms, certificates or documents as may be required by the School District Election Coordinator to evidence the foregoing certification and/or submission by no later than 4:00 p.m. on May 12, 2026.

2. The School District Election Coordinator is hereby authorized and directed to: (a) post and publish notice of last day of registration and notice of election for the August Election Date; and (b) have prepared and printed ballots for submitting the Bond Proposition at the August Election Date, which ballots shall be in the form appearing in Exhibit A or the Bond Proposition shall be stated as a proposal on the voting machines, which ballots may include other matters presented to the electorate on the same date.

3. All resolutions and parts of resolutions insofar as they conflict with the provisions of this Resolution are hereby rescinded.

AYES: Members _____

_____

NAYS: Members _____

RESOLUTION DECLARED ADOPTED.

_____
Maryanne VanHaitsma
Secretary, Board of Education

The undersigned duly qualified and acting Secretary of the Board of Education of the Royal Oak Schools, County of Oakland, Michigan, hereby certifies that the foregoing is a true and complete copy of a Resolution adopted by the Board of Education at a regular meeting held on April 9, 2026, the original of which Resolution is a part of the Board's minutes, and further certifies that notice of the meeting was given to the public under the Open Meetings Act, Act 267, Public Acts of Michigan, 1976, as amended.

_____
Maryanne VanHaitsma
Secretary, Board of Education

50384649

OFFICIAL BALLOT

ROYAL OAK SCHOOLS
COUNTY OF OAKLAND
STATE OF MICHIGAN

SCHOOL IMPROVEMENT BOND PROPOSITION

Shall the Royal Oak Schools, County of Oakland, State of Michigan, borrow the sum of not to exceed One Hundred Sixty-Five Million Dollars ($165,000,000) and issue its general obligation unlimited tax bonds, in one or more series, to pay the cost of the following projects to create a modern learning environment for students and for health, safety, security, energy, conservation and other purposes:

- Remodeling, equipping, re-equipping, furnishing, re-furnishing school buildings, athletic fields and other facilities;
- Erecting and completing additions to school buildings and other facilities;
- Acquiring and installing instructional technology infrastructure and equipment in school buildings and other facilities; and
- Preparing, developing and improving sites at school buildings, athletic fields and other facilities?

YES _____

NO _____

The annual debt millage required to retire all bonds of the School District currently outstanding and proposed pursuant to this ballot is expected to be at or below 2.20 mills which is a 0.00 mill increase from the 2.20 mills of annual debt millage levied in 2026. The maximum number of years any series of bonds may be outstanding, exclusive of refunding, is not more than fifteen (15) years; the estimated millage that will be levied to pay the proposed bonds in the first year is 1.41 mills (which is equal to $1.41 per $1,000 of taxable value); and the estimated simple average annual millage that will be required to retire each series of bonds is 2.05 mills annually ($2.05 per $1,000 of taxable value).

(Pursuant to State law, expenditure of bond proceeds must be audited, and the proceeds cannot be used for teacher, administrator or employee salaries, repair or maintenance costs or other operating expenses.)

9.1.4. Updates and Remarks

9.2. Curriculum & Instruction
Presenter: Joe Youanes

9.2.1. Firewall Contract Award 155

ROYAL OAK SCHOOLS
A COMMUNITY OF EXCELLENCE

MEMORANDUM

To: Dr. John Tafelski

From: Stephen Melchor

Date: April 2, 2026

Re: Firewall Replacement

Royal Oak Schools current firewall has reached its end of life and support and is scheduled for replacement. A firewall is an essential network security device that protects systems by blocking malicious traffic, preventing unauthorized access, and managing network resources. Upgrading to the latest version ensures improved security features, better performance, and compliance with current standards.

Oakland Schools issued two Requests for Proposals for Firewall hardware and licensing on behalf of the 15 supported Technology Field Service Districts. Royal Oak Schools can procure the new Firewall through this bid which ensures product consistency, ease of appliance management and increased savings. The bids were analyzed by The OS Network Security Operations Team. After a thorough bid review, the Firewall replacement has been awarded to Delta Network Services, LLC as they are the lowest responsive and responsible bidder that met specifications.

Through the Federal E-rate program, Royal Oak Schools is eligible for a 50% reimbursement on the firewall hardware from Delta Network Services, $67,533.00. The licensing cost of $9,565.26 will be billed separately via Oakland Schools. The total project cost for the firewall replacement is $77,098.26.

Attachments:

- Bid tabulation
- Board Resolution

OaklandSchools

SOLICITATION SUMMARY

PROJECT NAME: E-Rate Network Electronics- Firewall
BID NUMBER: IFB 26.0011

DUE DATE: 3/3/2026
TIME: 2:00pm

Number of Bidders
1749 Notified of solicitation
243 Downloaded documents
6 Bids received

	Auxiom	CDW Government LLC	Data Center Warehouse LLC Alternate*	Delta Network Services	InaCOMP TSG	People Driven Technology
Berkley	$ 145,538.25	No Bid	$ 3,141.57	$ 67,533.00	$ 85,507.11	No Bid
Clarenceville	$ 145,538.25	No Bid	$ 3,141.57	$ 67,533.00	$ 85,507.11	No Bid
Clawson	$ 145,538.25	No Bid	$ 3,141.57	$ 67,533.00	$ 85,507.11	No Bid
Farmington	$ 114,514.45	No Bid	$ 3,141.57	$ 125,333.74	$ 42,261.80	No Bid
Ferndale	$ 145,538.25	No Bid	$ 3,141.57	$ 67,533.00	$ 85,507.11	No Bid
Holly Schools	$ 145,538.25	No Bid	$ 3,141.57	$ 67,533.00	$ 85,507.11	No Bid
Lamphere	$ 145,538.25	No Bid	$ 3,141.57	$ 67,533.00	$ 85,507.11	No Bid
Lapeer	$ 145,538.25	No Bid	$ 3,141.57	$ 67,533.00	$ 85,507.11	No Bid
Madison	$ 145,538.25	No Bid	$ 3,141.56	$ 67,533.00	$ 85,507.11	No Bid
Novi	$ 114,514.45	No Bid	$ 3,141.56	$ 125,333.74	$ 42,261.80	No Bid
Oak Park Schools	$ 145,538.25	No Bid	$ 3,141.56	$ 67,533.00	$ 85,507.11	No Bid
Pontiac	$ 145,538.25	No Bid	$ 3,141.56	$ 67,533.00	$ 85,507.11	No Bid
Royal Oak	$ 145,538.25	No Bid	$ 3,141.56	$ 67,533.00	$ 85,507.11	No Bid
Southfield	$ 145,538.25	No Bid	$ 3,141.56	$ 67,533.00	$ 85,507.11	No Bid
West Bloomfield	$ 145,538.25	No Bid	$ 3,141.56	$ 67,533.00	$ 85,507.11	No Bid
Freight	N/A	No Bid	N/A	$ 1,020.00	N/A	No Bid
Subtotal	$ 2,121,026.15	No Bid	$ 47,123.48	$ 1,129,616.48	$ 1,196,116.03	No Bid
Performance Bond	$ 34,315.39	No Bid	N/A	N/A	N/A	No Bid
Total with Performance Bond	$ 2,155,341.54	No Bid	$ 47,123.48	**$ 1,129,616.48**	$ 1,196,116.03	No Bid
Oakland Schools	$ 2,013,473.10	No Bid	$ 3,141.56	$ 1,622,520.00	$ 572,040.64	No Bid
Subtotal	$ 2,013,473.10	No Bid	$ 3,141.56	$ 1,622,520.00	$ 572,040.64	No Bid
Performance Bond	$ 32,702.10	No Bid	N/A	N/A	N/A	No Bid
Total with Performance Bond	$ 2,046,175.20	No Bid	$ 3,141.56	**$ 1,622,520.00**	$ 572,040.64	No Bid
Total Districts and Oakland Schools	$ 4,201,516.74	No Bid	$ 50,265.04	$ 2,752,136.48	$ 1,768,156.67	No Bid

*Bid does not meet specification requirements(pricing is based on cumulative square feet)

Royal Oak Schools Purchase Amount: $67,533.00

OaklandSchools

SOLICITATION SUMMARY

PROJECT NAME: E-Rate Network Electronics- Firewall License Renewal
BID NUMBER: IFB 26.0011

DUE DATE: 3/3/2026
TIME: 2:00pm

Number of Bidders
1749 Notified of solicitation
243 Downloaded documents
6 Bids received

	Auxiom	CDW Government LLC	Data Center Warehouse LLC Alternate*	Delta Network Services	InaCOMP TSG	People Driven Technology
OSFortiManager	No Bid	No Bid		$ 7,738.25	No bid	No Bid
OSFortiAnalyzer	No Bid	No Bid		$ 207,441.00	No bid	No Bid
			$ 96,341.31	**$ 215,179.25**		
			*Bid does not meet specification requirements(pricing is based on cumulative square feet)			

Royal Oak Schools Purchase Amount: $9,565.26

9.3. Finance/Facilities and Bond
Presenter: Kathy Abela

9.3.1. Three-year contract awards 159

ROYAL OAK SCHOOLS
A COMMUNITY OF EXCELLENCE

MEMORANDUM

TO: Dr. John Tafelski

FROM: Michelle Kerns, AIA

DATE: March 26, 2026

RE: Bid #26-10 District-Wide 3 Year Contract Unit Pricing for Site Concrete, Painting, and Fencing

Bid #26-10 District-Wide 3 Year Contract Unit Pricing for Site Concrete, Painting, Fencing is part of the District's operations overall program. A bid was developed by Lecole Planners and Royal Oak School Operations staff.

Request for Proposal (RFP) developed and released: March 9, 2026
Pre-bid Meeting: None was scheduled.
Bids Due: March 24, 2026
Post Bid Interview/reference checks: March 25, 2026 and March 26, 2026

There were 3 bid categories: site concrete, painting, and fencing. Two vendors submitted proposals for site concrete, five, two vendors submitted for painting, and two vendors submitted proposals for fencing. Proposals were reviewed by Jeff Synowiec and Mark Paulus. Post-bid meetings were conducted with the recommended companies. Numerous references were contacted.

Based upon the cost outlined in their submitted proposal, we recommend the following: MJ Chisholm Construction be awarded a contract for site concrete, Seven Brothers Painting be awarded for painting, and Kimberly Fence for fencing. These contracts are based on unit pricing in their proposal for a 3-year period.

Attachments:
Bid tabulation
Board Resolution

ROYAL OAK SCHOOLS - BID #26-10 DISTRICT WIDE 3 YEAR CONTRACT
UNIT PRICING FOR SITE CONCRETE, PAINTING, AND FENCING
BID CATEGORY #1 - SITE CONCRETE
BID DUE DATE AND TIME: MARCH 24, 2026 AT 1:30 PM

Bidders Name	Bidders Location in Michigan	Addendum 1 Noted	Familial Relationship Affidavit	Iran Linked Business Affidavit	Sawcut and remove concrete pavement full depth (square yard)	Sawcut and remove concrete sidewalk full depth (square yard)	Sawcut and remove concrete curb and gutter (lineal foot)	MDOT Type F4 concrete curb & gutter (standard & reverse) (lineal foot)	MDOT Type D2 concrete curb & gutter (standard & reverse) (lineal foot)	6" Straight curb (lineal foot)	8" Concrete pavement including 4" of Class II sand (square foot)	6" Concrete sidewalk including 4" of Class II sand (square foot)	4" Concrete sidewalk including 4" of Class II sand (square foot)	Supported entrance slab (square foot)	Flared ADA sidewalk ramp Type F (square foot)	Percentage increase June 2027	Percentage increase June 2028	Payment & performance bond percentage	Remarks
MJ Chisholm Construction	Lake Orion	N	Y	Y	$14.50	$10.00	$30.00	$58.00	$58.00	$58.00	$20.00	$18.00	$16.00	$20.00	$10.00	10%	10%	1%	
Rolar Construction Corp	Warren	Y	Y	Y	$37.00	$30.50	$40.50	$90.25	$92.75	$60.00	$15.00	$12.50	$9.50	$126.00	$27.80	10%	10%	2%	

ROYAL OAK SCHOOLS - BID #26-10 DISTRICT WIDE 3 YEAR CONTRACT
UNIT PRICING FOR SITE CONCRETE, PAINTING, AND FENCING
BID CATEGORY #3 - PAINTING
BID DUE DATE AND TIME: MARCH 24, 2026 AT 1:30 PM

Bidders Name	Bidders Location in Michigan	Addendum 1 Noted	Familial Relationship Affidavit	Iran Linked Business Affidavit	Paint hollow metal door & frame (each)	Paint concrete masonry units epoxy (Assume 900 square feet) Per SF	Paint concrete masonry units latex (Assume 900 square feet) Per SF	Paint drywall epoxy (Assume 900 square feet) Per SF	Paint drywall latex (Assume 900 square feet) Per SF	Hourly Rate	Percentage increase June 2027	Percentage increase June 2028	Payment & performance bond percentage	Remarks
E.L. Painting Co. Inc.	Northville	Y	Y	Y	$75.00	$2.00	$1.50	$1.78	$1.33	$75.00	10%	10%	0.33%	
KV Painting LLC	Rochester Hills	Y	Y	Y	$90.00	$1.30	$1.30	$1.30	$1.30	$54.00	5%	7%	3.00%	
RNC Paint Systems	Troy	Y	Y	Y	$200.00	$1.22	$1.00	$1.22	$1.00	$75.00	5%	5%	3.50%	
Rolar Construction Group	Warren	Y	Y	Y	$300.00	$2.50	$2.00	$2.50	$2.00	$75.00	5%	5%	2.00%	
Seven Brothers Painting Inc.	Shelby Township	Y	Y	Y	$85.00	$0.90	$0.80	$0.90	$0.80	$56.38	10%	10%	2.00%	

ROYAL OAK SCHOOLS - BID #26-10 DISTRICT WIDE 3 YEAR CONTRACT
UNIT PRICING FOR SITE CONCRETE, PAINTING, AND FENCING
BID CATEGORY #4 - FENCING
BID DUE DATE AND TIME: MARCH 24, 2026 AT 1:30 PM

Bidders Name	Bidders Location in Michigan	Addendum 1 Noted	Familial Relationship Affidavit	Iran Linked Business Affidavit	Provide 4' high assume 100' section with posts 10' O.C.	Provide 6' high assume 100' section with posts 10' O.C.	Provide 8' high assume 100' section with posts 10' O.C.	Provide backstop per detail	Removal 4' high assume 100' section with posts 10' O.C.	Removal 6' high assume 100' section with posts 10' O.C.	Removal 8' high assume 100' section with posts 10' O.C.	Removal of backstop per detail	Hourly Rate	Percentage increase June 2027	Percentage increase June 2028	Payment & performance bond percentage	Remarks
Kimberly Fence	Warren	N	Y	Y	$27.76	$31.51	$38.60	$9,491	$5.00	$6.00	$8.00	$3,000	$150.00	10%	10%	2.50%	
RMD Holdings, Ltd. d/b/a Nationwide Construction Group	Richmond	Y	Y	Y	$30.74	$33.81	$39.05	$10,771	$17.41	$17.41	$17.41	$3,553	$360.00	10%	10%	0.50%	

9.3.2. Three-year Contract Award — Playground Mulch 164

ROYAL OAK SCHOOLS
A COMMUNITY OF EXCELLENCE

MEMORANDUM

TO:	Dr. John Tafelski
FROM:	Michelle Kerns, AIA
DATE:	March 25, 2026
RE:	District-Wide 3 Year Unit Pricing for Playground Fall Mulch

The District-Wide 3 Year Unit Pricing for Playground Fall Mulch is part of the District's overall overall program. Public cooperative pricing was obtained by Royal Oak School Operations staff.

Based upon the cost outlined in their public cooperative pricing, we recommend that Superior Groundcover Inc be awarded a contract for the playground fall zone. Superior Groundcover Inc. has been awarded this contract for over 10 yards and we have been extremely pleased with their performance. Their quoted unit pricing is similar to our current contract.

Attachments:
- Bid tabulation
- Board Resolution

Superior Groundcover 7-3-24

HURON VALLEY SCHOOLS

MAC

RFP #HV-988-052024

REQUEST FOR PROPOSAL

FOR

ENGINEERED MULCH FOR PLAYGROUNDS, PARKS, AND OTHER RECREATIONAL AREAS

BID SUMMARY

Commodity/Service Being Requested: Engineered Mulch for Playgrounds, Parks, and Other Recreational Areas

Type of Solicitation: Request for Qualifications (RFQu) - Huron Valley Schools, in partnership with the Michigan Association of Counties (MAC) bid program, is implementing an Engineered Mulching procurement program statewide throughout Michigan. School districts and other public entities across the state have been requesting a contract vehicle be put in place that makes the purchase of engineered mulch for playgrounds, parks, and other recreational areas affordable and easy to order.

Through this process, it is the goal of Huron Valley Schools to competitively pre-qualify and establish a list of contractors that will provide engineered mulch for playgrounds, parks, and other recreational areas for the next three to five years. The resulting contract(s) will enable public municipalities, non-profit organizations, and school districts to "piggyback" and purchase on an as-needed basis from the awarded pool of contractors. Huron Valley Schools intends to reopen the Request for Qualifications (RFQu) process on a as needed basis to consider new RFQu responses, and potentially supplement the list of prequalified contractors. The list of entities that will be using this bid will continue to grow statewide. **Please be sure in your proposal to list the areas of the state where you provide services (Refer to Appendix A)**. Huron Valley Schools as part of this process is requesting a pricing plan to purchase engineered mulch for playgrounds, parks, and other recreational areas.

Type of Resulting Contract: Statewide Cooperative Contract - As a result of this RFQu, Huron Valley Schools will work with the Michigan Association of Counties to market and extend the resulting contract to other government municipalities and school districts statewide.

Resulting Contract Term: Three (3) years with two (2) one-year renewal options.

TIMETABLE	
Release of RFQu:	June 10, 2024
Due Date for Receipt of Questions:	June 17, 2024
Questions and Answers Posted:	June 24, 2024
Proposals Due by (10:00 AM/ EST) *:	July 8, 2024
Notice to Award:	August 2024
Master Agreement Award Date:	August 2024

*Responses received later than the specified deadline will be disqualified.

Contacts with Huron Valley Schools Personnel: All contact with Huron Valley Schools regarding this RFQu or any matter relating thereto must be sent to the following email: **schubel@macservcorp.com**

HURON VALLEY SCHOOLS

MAC

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Solicitation Terms and Conditions – HVS/MAC Master Agreement Template: Business Office | (hvs.org)

SECTION 1.0 – BIDDER RESPONSES TO SCOPE OF WORK AND PRICING

1.1 Minimum Mandatory Requirements

All Bids will be reviewed for compliance with the mandatory requirements. Bids deemed non-responsive will be eliminated from further consideration.

1. Proposer must have three (3) years' experience, within the last five (5) years, in providing Engineered Mulch for Playgrounds, Parks, and Other Recreational Areas equivalent or similar to that being requested by Huron Valley Schools as described herein.

2. Please include in your proposal a description of your organization's ordering and delivery services.

3. Provide pricing to Huron Valley Schools/MAC cooperative members on a wide range of Engineered Mulch for Playgrounds, Parks, and Other Recreational Areas using Attachment A. Please provide pricing for the Huron Valley Schools project as well as pricing for other potential projects in your delivery/service area. Provide pricing by the bag or cubic yard as follows: cost of product if picked up, cost of product if delivered, cost of product delivered and installed. Describe minimums, if any, in your pricing.

Proposer Response:
Please enter your responses in the "Proposer Response" text boxes provided. There is no requirement or limitation on the number of words for your responses.

Superior Groundcover Inc. has been supplying and installing EWF playground mulch and landscape mulch for municipalities, schools, park systems, daycare centers, churches and others for 25 years. With our fleet of 29 blower trucks, we are able to process and complete orders in a very timely manner and provide unparalleled service to our clients. A district the size of Huron Valley Schools can be completed in 1 day, provided we are permitted to stage the material at a central location in the district. We have capacity to install thousands of cubic yards in a day. If staging is not an option, we are still able to install in a timely manner running from our yards due to the size of our fleet.

1.2 Product and Service Categories

Huron Valley Schools, in partnership with the MAC Cooperative, is seeking a distributor/operator/manufacturer that has the depth, breadth, and quality of resources necessary to install engineered wood fiber mulch and other types of engineered mulch intended for playgrounds, parks, and other recreational areas at various locations. The provider must demonstrate a level of expertise, technical knowledge, innovation, and overall capacity to provide engineered mulching services. The provider needs to be capable of delivering a comprehensive range of high-quality products and services to meet the diverse needs of our educational institutions and other partner entities across Michigan. Huron Valley Schools is also interested in

the introduction of products that will offer Huron Valley Schools/MAC Cooperative members a wide range of solutions. The district is looking for a dynamic supplier partner that will adapt with the changing needs of our ordering entities to assist them in finding new products and savings.

Scope of Services:

- Depth, Breadth, and Quality: HVS/MAC Cooperative is looking for provider(s) with the capacity to offer a wide array of engineered wood fiber mulch and other types of engineered mulch ensuring that our schools and partner entities have access to the resources they need to maintain and service their playgrounds and other areas requiring engineered mulch.
- Innovative Solutions: HVS/MAC Cooperative is interested in suppliers who can introduce new products and solutions that enhance efficiency, safety, and cost-effectiveness for its cooperative members.
- Dynamic Partnership: HVS/MAC Cooperative is seeking supplier partners(s) who can adapt to evolving needs and collaborate closely with our districts and ordering entities to identify opportunities for product innovation and cost savings.

Our Cooperative Partners: Our partner entities include school districts, counties, townships, cities, and non-profit organizations throughout Michigan. They require engineered mulch for playgrounds, parks, and other recreational areas.

Pricing Model: Vendors are requested to provide pricing based on a percentage off catalog pricing. This percentage may apply to the entire catalog or may be specified by segment, category, or manufacturer. Please provide a clear explanation of your pricing model in your bid proposal.

We encourage a diverse range of providers to submit bids, regardless of the size of their product offerings.

If you believe you company can meet our requirements and provide exceptional value to our cooperative members, we invite you to submit a proposal.

This solicitation will allow other government municipalities (County, township, and city), non-profit organizations, and school districts statewide to piggy back and purchase from this contract. Therefore, playgrounds and other recreational areas are to be considered when submitting a proposal in response to this RFQu.

Scope of Work:

1. Project shall include all labor, equipment, and materials necessary to furnish and install engineered wood fiber mulch in designated playgrounds, parks, and other recreational areas.

Specified quantities of engineered wood fiber mulch shall be spread in a smooth even layer throughout each playground area. At play area entrance and handicap access areas, mulch shall be raked so that top of mulch is flush with adjacent access surfaces to create a smooth and even transition between the hard surface and the mulch.

Contractor shall take all necessary precautions to protect the public including staff to keep users away from playgrounds, parks, and other recreational areas.

2. Playground Locations for Huron Valley Schools

Location	Address
Apollo Early Childhood Center	2029 N. Milford Rd., Highland, MI 48357
County Oaks Elementary	5070 S. Duck Lake Rd. Commerce Twp, MI 48382
Heritage Elementary	219 Watkins Blvd, Highland, 48357
Highland Elementary	300 W. Livingston Rd, Highland, MI 48357
Johnson Elementary	515 General Motors Rd, Milford, MI 48381
Kurtz Elementary	1350 Kurtz Dr., Milford, MI 48381
Lakewood Elementary	1500 Bogie Lake Rd., White Lake, MI 48383
Oxbow Elementary	100 Oxbow Lake Rd, White Lake, MI 48386
Spring Mills Elementary	3150 Harvey Lake Rd, Highland, MI 48356

3. A total of 1200 cubic yards will be needed for the completion of the project at Huron Valley Schools. The color of the engineered wood fiber mulch for the playground locations will be natural and needs to be installed at a constant depth of three (3) inches across the entire play surface with all areas dug out being filled.

4. Authorized Work Hours and Hours
Work on projects for Huron Valley Schools and other MAC cooperative members shall be scheduled for weekdays, excluding holidays, Monday through Friday, 7:00 am to 8:00 pm, unless otherwise specified.

5. Work Schedule
Work schedules to be coordinated with and approved in advance by Huron Valley Schools and other MAC cooperative members.

6. Public Notification
Contractor shall post signs at least 48 hours in advance, at each playground, park, and other recreational area to notify residents of the date that the area will be closed.

7. Site Preparation
Before installing any type of mulch, any litter or trash shall be removed from the playground, park, and other recreational areas.

8. Clean-up

Contractor shall clean up any mulch that spills onto plantings, adjacent walkways, curbs, gutters, and pavement.

1.3 Product Specifications

1.3.1 Reservation of Rights

Huron Valley Schools will evaluate the merits of all bids submitted and reserves the right, in its sole and absolute discretion, to accept or reject, in whole or in part, any or all bids or portions of bids with or without cause. Huron Valley Schools further reserves the right to waive any irregularity or informality in the RFQu process or any bid, and the right to award to one or multiple vendors. Huron Valley Schools reserves the right to add or delete services from the bid, extend agreements, or change vendors, in order to best serve the eligible agencies. These changes will follow approved bidding laws. Huron Valley Schools may use the product or service cost, or the sum of groups of products and/or services, may group similar products, and/or total cost of ownership, to evaluate prices and award bids. Huron Valley Schools reserves the right to request additional information from any or all Proposers. Huron Valley Schools also reserves the right to select one or more vendors to award a contract to under this RFQu. In the event a bid is accepted by Huron Valley Schools and the vendor asserts exceptions, special considerations or conditions after acceptance, Huron Valley Schools, in its sole and absolute discretion, reserves the right to reject the bid and award other Proposer(s).

Please confirm your understanding by checking Yes or No.

☒ Yes ☐ No

1.3.2 Competition Promoted

The name of a model, manufacturer or brand in Huron Valley Schools bid documents shall not be considered as exclusive of other brands unless "NO SUBSTITUTE" is stated in the item description. Proposers may offer a variety of brands and models, as it is the intent of Huron Valley Schools to provide a multitude of options to the eligible agencies. Huron Valley Schools expects all supplies, materials, equipment, or products bid to meet or exceed the specifications set forth in this RFQu. Further, it is Huron Valley Schools intent that this RFQu permit competition. Accordingly, the use of any patent, proprietary name or manufacturer's name is for demonstrative purposes only and is not intended to curtail competition. Whenever any supplies, materials, equipment, or products requested in this RFQu are specified by patent, proprietary name or by the name of the manufacturer, unless stated differently, such specification shall be considered as if followed by the words "or comparable equivalent," whether or not such words appear. Huron Valley Schools, in its sole and absolute discretion, shall have the right to determine if the proposed equivalent products/brands submitted by Proposer meet the specifications contained in this RFQu and possess equivalent and/or better qualities. It is the Proposer's responsibility to notify Huron Valley Schools in writing if any specifications or suggested comparable equivalent products/brands require clarification by Huron Valley Schools prior to the due date for bids.

Please confirm your understanding by checking Yes or No.

☒ Yes ☐ No

1.4 Service Specifications

All services furnished must be in conformity with the participating agency requirements and specifications and will be subject to acceptance by the individual customers at delivery. The right is reserved to reject the service at the risk and expense of the vendor.

Please confirm your understanding by checking Yes or No.

☒ Yes ☐ No

1.4.1 Contractor Code of Conduct

The purpose of the Huron Valley Schools and its employees is to provide a safe, positive learning environment for the students of the District. In providing that environment it is mandatory that all employees, visitors, and contractors follow certain levels of conduct, dress, and demeanor. This Code of Conduct outlines the expectations of the Huron Valley Schools for persons both contemplating performing work and performing work for Huron Valley Schools in the capacity of a contractor or subcontractor. These rules will become part of the mandatory working conditions of the contract and failure to comply by any contractor, subcontractor, management, employee, or contracted consultant may result in the cancellation of the contract. In general, it is expected that everyone entering a Huron Valley Schools facility, whether a school, support facility, or the surrounding grounds, must dress, act, and talk in a manner that is conducive to the education process of children while assuring their overall safety and security. The following rules have been established to assure that this is done:

Every contractor employee that enters or leaves the building must sign in and out at either the school office or the building engineer's office as designated by the school administrator. This sign-in sheet must record the name, time in and out, the firm, and the signature of the individual.

All contractors shall be furnished by their company a badge or identification that is to be worn while in the building. Such identification shall clearly indicate the individual's name and the name of the firm they are working for.

Prior to the beginning of a job, the contractor shall furnish the building engineer with a list of individuals expected to be on the job, contact persons with phone numbers, and a schedule of the activities to take place.

The contractor shall provide the building engineer with a scope of work and check with him prior to drilling or penetrating any walls, floors, or ceilings.

Each person working in a school building or on school property shall comply with the following:

No drinking or possession of liquor or alcoholic beverages and or possession of any kind of illicit drugs or narcotics.

No use of District facilities or equipment including telephone, computers, internet access, fax, kitchen, maintenance, or office equipment.

No smoking or use of any tobacco products anywhere within the building at any time nor outside the school on District property during normal school hours (This is a law and punishable as a civil infraction by local authorities).

A reasonable standard of dress must be followed. Within the educational facilities where students and parents are or can be present, this is to mean clothing or attire must be suitable for the work and must not bear images or writing depicting anything to be construed as obscene in nature or promoting or portraying alcoholic beverages or use, drugs, narcotics, tobacco, or establishments that serve or promote the use of these substances.

There shall be no use of profanity or obscene language or gestures. Language, gestures, or other actions that depict sexual or ethnic harassment or intimidation will not be permitted.

The contractor is responsible for a clean and safe workplace. To that end the following will be adhered to:

All work areas, walkways, and stairs must be kept clear of debris and loosely scattered materials.

Material storage is to be in an area designated by the Building Engineer.

All work areas are to be cleaned by the contractor prior to leaving. Building staff will not be responsible for cleaning work areas.

All trash, debris, and material must be removed from the worksite each day and disposed of off-site. District dumpsters and trash containers are not to be used by contractors for disposal.

All contractor tools and equipment must be kept in good working order, with guards and safety devices in place and working. Defective tools must be taken out of service. District tools and equipment will not be loaned to contractors.

Contractors are to provide and use required protective safety equipment and comply with all local, state, and federal safety laws and regulations.

Contractors are responsible for the reporting of accidents both to the District and their management and to obtain any emergency treatment that may be required.

Upon leaving a jobsite all doors and windows must be locked, secured, or left as they were found prior to beginning the work.

Contractors are to provide their own site safety plan for areas that they are working in.

Contractors are reminded that there may be asbestos insulation in our buildings. They are not to disturb any insulation or enter any areas that contain asbestos containing building materials. If they have any questions, contact the building engineer for direction.

Contractor is not to disable or interfere with any fire or burglary system equipment or telephone lines servicing such equipment. If equipment needs to be removed, relocated, or temporarily disabled, the contractor needs to coordinate this with the building engineer.

The District will not tolerate acts of theft, vandalism, fighting, or abuse of the facilities or activities that threaten the security and safety of the school environment and its students, staff, and employees.

In summary, good judgment must be used to protect the learning environment. **Failure to comply with the above or to exhibit conduct which is deemed not in the best interest of the Huron Valley Schools will be grounds for immediate removal from the building and the project.**

Please confirm your understanding by checking Yes or No.

☒ Yes ☐ No

1.5 Service Capabilities

1.5.1 Communication Plan/Contract Management

Proposers shall identify their company standards of communication as they relate to contract performance, issue management, and change management. An issue is an identified event that, if not addressed, may affect schedule, scope, service, delivery, quality, or budget. A change is identified as a change in corporate leadership, structure, merger, or acquisition.

Proposer Response:

Superior Groundcover will communicate via email as well as phone call regarding any issue that may arise. Superior Groundcover will communicate via email and phone call and even post mail as needed for any change.

1.5.2 Primary Account Representative

Proposers must identify by name and location the primary account representatives and key contacts who will be responsible for the performance of a resulting contract, as well as contact persons for reports and bid documents. Include names, titles, address, phone number, and email addresses.

Proposer Response:

Primary Account Representative: Terry Dykstra, Sales Manager. 10588 Linden Dr. NW Grand Rapids, MI 49534. Phone-616-293-3156, email – terry.sgc@gmail.com
Key Contact for performance of contract and reports and bid documents: Terry Dykstra, Sales Manager. 10588 Linden Dr. NW Grand Rapids, MI 49534. Phone-616-293-3156, email – terry.sgc@gmail.com

1.6 Customer Service

It is preferred that the Vendor have an accessible customer service department with an individual specifically assigned to Huron Valley Schools. Customer inquiries should be responded to within 48 hours or two (2) business days unless it is an emergency issue. Describe your company's Customer Service Department (hours of operation, number and location of service centers, regular and emergency response times, etc.)

Proposer Response:

Superior Groundcover Service: Huron Valley can contact Terry Dykstra @ Phone-616-293-3156 or email – terry.sgc@gmail.com Monday-Saturday from 5 am until 10 pm. We have service centers in Livonia, Michigan and Grand Rapids, MI.

1.7 Purchase Orders

Requests for quotes will be initiated by participating entities as specific needs arise. Participating entities will issue individual detailed specifications to the pre-qualified vendor pool along with specific response information required, deliverables, and any special terms and conditions. The vendors will respond directly to the requesting agency within the timeframe specified in the request for quote. The participating entity will evaluate the responses and determine the vendor that will be awarded a purchase order (PO). Resulting orders are to be delivered and billed directly to these institutions.

Please confirm your understanding by checking Yes or No.

☒ Yes ☐ No

1.8 Delivery & Acceptance

The Proposer will be required to quote prices for all known costs for the requested products and services. Proposer should address the following items and costs in their proposal and other item/costs that they are aware of that may not have been requested in this bid.

- Time frames for delivery of products;
- Please give a description and the costs associated with products and the service model you recommend.

- What is your Ordering procedure and/or process?
- Policies and procedures for an organization accepting a delivery of service.

Proposer Response:

Superior Groundcover upon receiving an order (preferred method being email) will process the order within 48 hours and communicate with the organization the time frame for delivery as well as all costs associated with the product, delivery and installation. If agreement is reached with the organization, a delivery/installation will be set according to the organization's preference.

1.8.1 Delivery Time Frames

If there are supplies, services, or regions of the state that might require a longer delivery timeframe, please denote in your response.

Please confirm your understanding by checking Yes or No.

☒ Yes ☐ No

1.8.2 Reporting Capabilities

Contractors are required to submit quarterly sales reports and other reporting documents, as it pertains to this contract.

Please confirm your understanding by checking Yes or No.

☒ Yes ☐ No

1.8.3 Shipping Errors

The receiving entities have been instructed to make immediate inspection on receipt of products/services and to process payment documents promptly. Payment documents, however, will be delayed if the products/services fail to comply with specification requirements.

Please confirm your understanding by checking Yes or No.

☒ Yes ☐ No

If "NO" was answered on any items in Section 1.3.1, 1.3.2, 1.4, 1.4.1, 1.7, 1.8.1, 1.8.2, and 1.8.3, please explain:

1.9 Management and Staff

Proposer should address the following items in their proposal:

- Project Management of the contract;
- Staff and responsibilities;
- Process and procedures to keep safe and secure facilities when delivering product;
- Please describe your company's background check process for delivery and maintenance personnel, if delivery is by a company other than UPS and Federal Express.

1.9 Proposer Response:

Superior Groundcover will have Terry Dykstra manage the contract. Superior Groundcover staff who deliver and install the EWF playground mulch are trained according to our Company Safety Policy and we use Checkr for background checks on our personnel.

1.10 Orders/Delivery Reporting/Customer Service

1. Generally

Purchase Orders will be initiated by participating agencies as specific needs arise. Participating agencies will issue individual detailed specifications with specific response information required, deliverables, and any special terms and conditions. The contractor will respond directly to the requesting agency within the timeframe specified by the participating agency.

2. Ordering Process Capabilities

Proposers shall identify their ordering/customer service capabilities. This includes having the capacity to receive orders electronically, by phone, facsimile, and by written order. A state-wide toll-free phone number for phone orders will be required. The Vendor agrees to have internal controls to ensure that authorized individuals place orders.

1.10 Proposer Response:

Superior Groundcover will accept orders via phone, fax, post mail and the preferred method of email. We agree to have internal controls to ensure that authorized individuals place orders.

1.11 Pricing Schedule

1. Price Guarantee

Price Stability Guarantee

For the first year of the Agreement, the vendor must guarantee to provide the products at the proposed rates. The vendor can propose price increases or decreases after the above stated time period.

Promotional Pricing

Proposer may offer promotional pricing for awarded products and/or services during the contract term. Upon promotion expiration, the pricing must return to previous item price and remain in compliance with the Price Stability Guarantee.

Free on Board (F.O.B) Delivered/Destination (Required)

Prices shall be quoted "F.O.B. Delivered/Destination" to each Customer with transportation charges prepaid on all orders of one (1) or more.

2. Bid Pricing

Bid pricing must reflect Net 30 payment terms.

3. Quantity Term

Vendor agrees to supply the complete quantity and products that each customer requires.

4. Rebates and Special Promotional Capabilities
All vendors are encouraged to make manufacturer promotions, rebates, and special pricing opportunities available. Huron Valley Schools must approve promotional materials referring to the Huron Valley/MAC Agreement prior to release. Huron Valley/MAC will post rebate and special pricing information on its web site.

Guidelines for Vendor /Contractor promotions for Huron Valley/MAC awarded items:
A. Submit all promotions for approval
B. Identify the savings amount
C. Identify the final price
D. Specify the time period in which a purchase must be made
E. Identify the link to a rebate form (preferred) or provide the form

5. Tax Excluded from Price
(a) Sales Tax: Huron Valley and local units of government are exempt from sales tax for direct purchases. The Proposer's prices must not include sales tax.

(b) Federal Excise Tax: Huron Valley and local units of government may be exempt from Federal Excise Tax, or the taxes may be reimbursable, if articles purchased under any resulting Contract are used for Huron Valley Schools exclusive use. Certificates showing exclusive use for the purposes of substantiating a tax-free, or tax-reimbursable sale will be sent upon request. If a sale is tax exempt or tax reimbursable under the Internal Revenue Code, the Proposer's prices must not include the Federal Excise Tax.

Proposer Response:

Superior Groundcover will consider promotional and special pricing if the opportunity arises. No sales tax will be included in the pricing to Huron Valley and all those who are exempt.

1.12 Price Assurance

The awarded vendor agrees to provide pricing to Huron Valley Schools and its participating entities ensuring the lowest pricing available. The awarded vendor agrees to promptly lower the cost of any product/service purchased through Huron Valley Schools following a reduction in the manufacturer or publisher's direct cost. If respondent has existing cooperative contracts in place, Huron Valley Schools requests equal or better than pricing to be submitted.

All pricing submitted to Huron Valley Schools shall include 2.0% administrative/remittance fee to be remitted to MAC by the awarded vendor. It is the awarded vendor's responsibility to keep all product listings and sales reports up to date and on file with Huron Valley Schools/MAC.

SECTION 2.0 – BIDDER INFORMATION AND ACCEPTANCE

1. The undersigned declares that the bid documents, including, without limitation, any RFQu Addenda and Exhibits have been read.

2. The undersigned is authorized, offers, and agrees to furnish the articles and/or services specified in accordance with the Specifications, Terms & Conditions of the bid documents of RFP # HV-988-052024 Engineered Mulch for Playgrounds, Parks, and Other Recreational Areas.

3. The undersigned has reviewed the bid documents and fully understands the requirements in this bid and that each bidder who is awarded a contract shall be, in fact, a prime contractor, not a subcontractor, and agrees that its bid, if accepted by Huron Valley Schools, will be the basis for the Bidder to enter into a contract with Huron Valley Schools in accordance with the intent of the bid documents.

4. The undersigned acknowledges receipt and acceptance of all addenda.

5. The undersigned agrees to the following terms, conditions, certifications, and requirements listed in Section 2.3:
    - Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion
    - Certification Regarding Nondiscrimination Under Federally and State Assisted Programs
    - Assurance Regarding Access to Records and Financial Statements
    - Iran Economic Sanctions Act
    - Price Assurance Certification
    - Familial Relationship Disclosure
    - Non-Collusion Affidavit

6. The undersigned acknowledges that bidder will be in good standing in the State of Michigan, with all the necessary licenses, permits, certifications, approvals, and authorizations necessary to perform all obligations in connection with this RFQu and associated bid documents.

7. It is the responsibility of each bidder to be familiar with all of the specifications, terms, and conditions and, if applicable, the site condition. By the submission of a bid, the bidder certifies that if awarded a contract they will make no claim against Huron Valley Schools based upon ignorance of conditions or misunderstanding of the specifications.

8. Patent indemnity: Vendors who do business with the Huron Valley Schools shall hold Huron Valley Schools, its officers, agents and employees, harmless from liability of a nature or kind, including cost and expenses, for infringement or use of any patent, copyright or other proprietary right, secret process, patented or unpatented invention, article or appliance furnished or used in connection with the contract or purchase order.

9. Insurance certificates are not required at the time of submission. However, if awarded, the Contractor agrees to meet the minimum insurance requirements posted in the terms and

conditions. This documentation must be provided to Huron Valley Schools, prior to award, and shall include an insurance certificate and additional insured certificate, naming Huron Valley Schools, which meets the minimum insurance requirements, as stated in the terms and conditions.

10. Bidders are requested to submit a bid on any category(s) that they are able to supply as specified. Substitutions will not be considered. If the documents note "or acceptable equal" all manufacturers will be considered. Products for consideration must comply with bid category "general notes" and identify discrepancies where product does not meet or exceed the specified (basis of design) product for design, finish, and quality.

11. Should a Bidder find discrepancies in, or omissions from the specifications, details, instructions and bid proposal form, or should the bidder be in doubt as to the meaning, the bidder should notify, the bid contact who will send written instructions to all appropriate Bidders. The Owner shall not be responsible for any oral instructions.

12. It is the Bidder's responsibility to note any detail or specification that, in his opinion, is not practical or functional.

13. Interpretations and supplemental instructions will be issued by Addenda. No Bidder shall rely on any interpretations or corrections given by any other method. Interpretations, corrections, or changes of the Bidding Documents made in any other manner will not be binding.

14. Copies of addenda will be made available for inspection wherever Bidding Documents are posted.

15. Addenda will not be issued later than three (3) days, (72 hrs.) prior to the date of receipt of bids (excluding weekends and holidays), except an addendum withdrawing the request for bids or postponing the bid date.

16. Submit requests for clarification or interpretation of the Bidding Documents in writing on bidder's letterhead stationery, pdf format. The cut-off date for submission of clarifications, interpretations, ambiguities, inconsistencies, and or errors discovered is June 10, 2024.

17. Failure of Bidder to receive such addenda shall not relieve him from any obligation under his bid as submitted.

18. Failure to comply with instructions stated in this section may result in rejection of bid.

19. After a contract agreement has been executed, the Bidder shall not be allowed any sum over and above the price(s) specified in the contract agreement.

20. Huron Valley Schools requires all Contractor owners, employees, agents, representatives, subcontractors, and/or other personnel who will be present on School grounds to submit to a criminal history background check. This background check will include a requirement for each contractor owner, employee, agent, representative, subcontractor, and/or other personnel to be screened before he/she enters School grounds. A valid State ID card or Driver's License is required to complete the background check.

ORDER DELETIONS

1. Owner reserves the right to add or deduct item quantities from the original specification, up to 10% of the original quantities without any effect on the unit prices submitted.

Huron Valley Pricing

Respondents should indicate any discounts or promotional pricing available. Please specify where different percentage discounts apply. If respondent has existing cooperative contracts in place, Huron Valley requests equal or better than pricing to be submitted.

Solicitation Terms and Conditions – HVS/MAC Master Agreement Template: Business Office | (hvs.org)

2.1 Company Profile

Official Name of Bidder: Superior Groundcover Inc.	Type of Entity/Organization (check one): ☒ Corporation ☐ Joint Venture ☐ Limited Liability Partnership ☐ Partnership ☐ Limited Liability Corporation ☐ Non-Profit / Church ☐ Other: _____
Street Address: 10588 Linden Dr. NW	
City: Grand Rapids	
State: MI / Zip Code: 49534	
Website: www.superiorgroundcover.com	
Primary Contact Name: Terry Dykstra	
Primary Contact Phone Number 616-293-3156	
Primary Contact Email Address: Terry.sgc@gmail.com	
Dunn & Bradstreet (D&B) Number (if applicable): 158109988	
Has your company been debarred by the Federal Government? ☐ Yes ☒ No *If yes, has it been lifted and if so, when?*	
Has your company been debarred by State Governments? ☐ Yes ☒ No *If yes, has it been lifted and if so, when?*	
Brief history of your company, including the year it was established: Superior Groundcover Inc was established in March of 2020. We have 4 locations: Grand Rapids, MI; Livonia, MI; Indianapolis, IN; and Marietta, GA. We specialize in the supply and installation of playground and landscape mulch with our fleet of 29 blower trucks, commercial hydroseeding with our 4 hydroseeding trucks, aggregate, soil and sand conveying with our 6 conveyor trucks and also 2 trucks that pneumatically install sand.	
Signature:	
Name and Title of Signer: Terry Dykstra, Sales Manager	
Date: July 3, 2024	

Please include a current copy of a W-9 with your proposal.

Form **W-9**
(Rev. October 2018)
Department of the Treasury
Internal Revenue Service

Request for Taxpayer Identification Number and Certification

▶ **Go to *www.irs.gov/FormW9* for instructions and the latest information.**

Give Form to the requester. Do not send to the IRS.

Print or type. See Specific Instructions on page 3.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.

Superior Groundcover, Inc.

2 Business name/disregarded entity name, if different from above

3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only **one** of the following seven boxes.

☐ Individual/sole proprietor or single-member LLC ☑ C Corporation ☐ S Corporation ☐ Partnership ☐ Trust/estate

☐ Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ▶ _____

Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check *LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is* another LLC that is **not** disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.

☐ Other (see instructions) ▶

4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):

Exempt payee code (if any) _____

Exemption from FATCA reporting code (if any) _____

(Applies to accounts maintained outside the U.S.)

5 Address (number, street, and apt. or suite no.) See instructions.

10588 Linden Drive NW

6 City, state, and ZIP code

Grand Rapids, MI 49534

Requester's name and address (optional)

7 *List account number(s) here (optional)*

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN,* later.

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number

			–			–				

or

Employer identification number

3	8	–	3	5	2	0	9	8	4

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
3. I am a U.S. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here Signature of U.S. person ▶ *Tyler Doezema* Date ▶ 01/19/2024

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to *www.irs.gov/FormW9.*

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)
- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, *later.*

2.2 References

Provide a minimum of three (3) customer references for providing engineered mulch for playgrounds, parks, and other recreational areas of similar scope dating within the past 5 years.

Entity Name: Ann Arbor Public Schools	
Contact Name: Bernie Rice	Title: Assistant Director of Physical Properties
City: Ann Arbor	State: MI
Phone Number: 734-249-1244	Years Serviced: 10+ years
Description of Services: Supply and install with blower truck the certified playground EWF to all the district playgrounds.	
Annual Volume: 2,000 cubic yards	

Entity Name: Livonia Public School District	
Contact Name: Carl Roberts	Title: Operations
City: Livonia	State: MI
Phone Number: 734-812-1187	Years Serviced: 6
Description of Services: Supply and install with blower truck the certified playground EWF to all the district playgrounds.	
Annual Volume: 1,300-2,000 cubic yards	

Entity Name: West Ottawa Public Schools	
Contact Name: Tom Swifney	Title: Director of Facilities
City: Holland	State: MI
Phone Number: 616-786-2035	Years Serviced: 10+

Description of Services: Supply and install with blower truck the certified playground EWF to all the district playgrounds.
Annual Volume: 1,500+ cubic yards

HURON VALLEY SCHOOLS

MAC

2.3 Assurances and Certifications

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion
The prospective contractor certifies, by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded for from participating in this transaction by any Federal department of agency. Where the prospective contractor is unable to certify to any of the statements in this certification, such prospective contractor shall attach an explanation to this proposal.

Certification Regarding Nondiscrimination Under Federally and State Assisted Programs
The applicant herby agrees that it will comply with all federal and Michigan laws and regulations prohibiting discrimination and, in accordance therewith, no person, on the basis of race, color, religion, national origin or ancestry, age, sex, marital status or handicap, shall be discriminated against, excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination in any program or activity for which it is responsible or for which it receives financial assistance from the U.S. Department of Education or the Michigan Department of Education (MDE).

Assurance Regarding Access to Records and Financial Statements
The applicant hereby assures that it will provide the pass-through entity, i.e., the Huron Valley Schools, and auditors with access to the records and financial statements as necessary for the pass-through entity to comply with 2 CFR, Part 200, Subpart F, and Compliance Supplement for the U.S. Department of Education.

Iran Economic Sanctions Act
The prospective contractor certifies that its organization, by submission of this proposal, is not an Iran Linked Business. Please refer to the "Iran Economic Sanction Act" Public Act 517 for clarifications or questions. Huron Valley Schools as a Michigan public entity is required to follow Public Act 517 of 2012.

Vendor Signature:
Date: 7-3-2024

TYLER DOEZEMA
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF OTTAWA
My Commission Expires 15-Apr-2028
Acting in the County of _____

Notary

State of Michigan

County of Ottawa

Sworn to and subscribed before me, a notary public in and for the above state and county, on this 3rd day of July, 2024.

Notary Public _____

My commission expires: 15-APR-2028

Price Assurance Certification

The awarded vendor agrees to provide pricing to Huron Valley Schools and HVS/MAC cooperative participating entities ensuring the lowest pricing available. The awarded vendor agrees to promptly lower the cost of any product/service purchased through Huron Valley Schools following a reduction in the manufacturer or publisher's direct cost. If respondent has existing cooperative contracts in place, Huron Valley Schools requests equal or better than pricing to be submitted.

All pricing submitted to Huron Valley Schools shall include 2.0% administrative/remittance fee to be remitted to MAC by the awarded vendor. It is the awarded vendor's responsibility to keep all product listings and sales reports up to date and on file with Huron Valley Schools/MAC.

Vendor
Firm Name: Superior Groundcover Inc
Authorized Representative Signature:
Authorized Representative Name (printed): Terry Oykstra
Date: 7-3-2024

HURON VALLEY SCHOOLS

MAC

BID DISCLOSURE STATEMENT – FAMILIAL RELATIONSHIP

Pursuant to MCL 380.1267, a sworn and notarized statement disclosing any familial relationship that exists between the owner or any employee of the bidder and any member of the Huron Valley Schools Board of Education or the Huron Valley Schools District Superintendent must be accompanied with the bid. **Bids without this disclosure statement will not be accepted.**

The members of the Huron Valley Schools Board of Education are listed on the following website: https://www.hvs.org/page/board-of-education.

The Huron Valley Schools Superintendent is Dr. Paul Salah.

The Following are the familial relationships:

_____

_____

_____

☒ There are none.

Vendor Signature:	
Date:	7-3-2024

TYLER DOEZEMA
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF OTTAWA
My Commission Expires 15-Apr-2028
Acting in the County of _____

Notary

State of Michigan

County of Ottawa

Sworn to and subscribed before me, a notary public in and for the above state and county, on this 3rd day of July, 20 24.

Notary Public _____

My commission expires: 15-APR-2028

HURON VALLEY SCHOOLS

MAC

NON-COLLUSION AFFIDAVIT

STATE OF MICHIGAN)
) ss:
[NAME OF COUNTY])
Ottawa

The undersigned bidder or agent, being duly sworn on oath, says that he/she has not, nor has any other member, representative, or agent of the firm, company, corporation or partnership represented by him/her, entered into any combination, collusion or agreement with any person relative to the price to be bid by anyone at such letting nor to prevent any person from bidding nor to induce anyone to refrain from bidding, and that this bid is made without reference to any other bid and without any agreement, understanding or combination with any other person in reference to such bidding.

He/she further says that no person or persons, firms, or corporation has, have, or will receive directly or indirectly, any rebate, gift, fee, commission, or thing of value on account of such sale.

Superior Groundcover Inc.
Bidder (Firm)

Signature of Bidder or Agent

Subscribed and sworn to before me this 3rd day of July, 2024.

My commission expires: 15-APR-2028

County of residence: Ottawa

TYLER DOEZEMA
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF OTTAWA
My Commission Expires 15-Apr-2028
Acting in the County of _____

Notary Public Signature

Seal

(Return this completed form with bid package)

SECTION 3.0 – BIDDING, EVALUATION, SELECTION & AWARD PROCESS

This section contains key project dates and activities as well as instructions to proposers on how to prepare and submit their proposal:

TIMETABLE	
Release of RFQu:	June 10, 2024
Due Date for Receipt of Questions:	June 17, 2024
Questions and Answers Posted:	June 24, 2024
Proposals Due by (10:00 AM/ EST) *:	July 8, 2024
Notice to Award:	August 2024
Master Agreement Award Date:	August 2024

*Responses received later than the specified deadline will be disqualified.

3.1 Huron Valley Schools Responsibility

Huron Valley Schools is not responsible for representations made by any of its officers or employees prior to the execution of the Master Agreement unless such understanding or representation is included in the Master Agreement.

3.2 Truth and Accuracy of Representations

False, misleading, incomplete, or deceptively unresponsive statements in connection with a proposal shall be sufficient cause for rejection of the proposal. The evaluation and determination in this area shall be at Huron Valley Schools Administrator/Purchasing agent designee's sole judgment and his/her judgment shall be final.

3.3 Proposers Questions

Proposers may submit written questions regarding this RFQu by e-mail to the address identified below. All questions must be received by 10:00 am EST (Eastern Standard Time) no later than Monday, June 17, 2024. All questions, without identifying the submitting company, will be compiled with the appropriate answers and issued as an addendum to the RFQu.

When submitting questions please specify the RFQu section, paragraph number, and quote the language that prompted the question. This will ensure that the question can be quickly found in the RFQu. Huron Valley Schools reserves the right to group similar questions when providing answers. Questions should be addressed to:

Email address: schubel@macservcorp.com

Huron Valley Schools may modify the RFQu at any time during the bid process. All changes to the RFQu will be posted under the bid number and each posting officially revises the RFQu.

3.4 Preparation of the Proposal

Each Proposer must submit a complete proposal in response to this RFQu. The proposal must remain valid for at least 120 days from the due date for responses to this RFQu.

The Proposer will be responsible for completing and submitting the following sections of this RFQu:

Section 1.0 – Bid Responses to Scope of Work and Pricing - The Proposer's proposal must include detailed responses to each of the outlined requirements in the text boxes provided. There is no requirement or limitation on the number of words for these responses.

Section 2.0 – Bidder Information and Acceptance – The Proposer will be required to complete the information in this section and provide required signatures and notarization.

Attachment A – Pricing Schedule – The Proposer will be required to complete the excel spreadsheet that makes up the pricing schedule.

3.5 Bid Submission Deadline

The Deadline for receipt of Bids is: Monday, July 8, 2024, 10:00 AM EST (the "Due Date"). Any bids received after this time will not be opened. Submit your bid response as follows:

- A complete proposal submitted electronically to Bids@hvs.org. Hard copy submissions will not be accepted.
- Include the following in the Subject line of the email: Engineered Mulch for Playgrounds, Parks, and Other Recreational Areas RFP HV-988-052024.
- Include company name, phone number, and address in the body of the email.

The Bid Opening will be virtual. If you are interested in attending, please email Cheryl Schubel schubel@macservcorp.com for Zoom Information.

3.6 Adherence to Mandatory Requirements (Pass/Fail)

Huron Valley Schools Administrator or designee shall review Section 2.0 Bidder Information and determine if the Proposer meets the minimum requirements as outlined in this RFQu.

Failure of the proposer to comply with the minimum mandatory requirements may eliminate its proposal from any further consideration. Huron Valley Schools may elect to waive any informality in a proposal if the sum and substance of the proposal is present.

3.7 Evaluation Process

All bids will be reviewed for compliance with the mandatory requirements stated within this RFQu. Bids not meeting the mandatory requirements will be deemed non-responsive and eliminated from further consideration. Huron Valley Schools may elect to waive any informality in a proposal if the sum and substance of the proposal is present.

A. Huron Valley Schools may contact the proposer for clarification of the proposer's bid.
B. Huron Valley Schools may use other sources of information to perform the evaluation.
C. Huron Valley Schools may require the proposer to submit additional and/or supporting materials.

Responsive bids will be evaluated on the factors identified in this RFQu. The Proposer(s) whose bid is advantageous to the Eligible Agencies, taking into consideration the evaluation factors, will be recommended for award approval.

After a prospective supplier has been selected, Huron Valley Schools and the prospective supplier(s) will negotiate a Master Agreement. If a satisfactory Master Agreement cannot be negotiated, Huron Valley Schools may, at its sole discretion, begin negotiations with the next qualified proposer who submitted a proposal. It is anticipated that pre-qualified contract awards will be made to multiple vendors.

A solicitation may be cancelled, or any or all bids or proposals may be rejected in whole or in part, when it is in the best interest of Huron Valley Schools in accordance with regulations.

3.8 Evaluation Criteria

1. Evaluation Factors for Statement of Work (Section 1) – 30 points
2. Company Profile (Section 2.1) - 10 points
3. References (Section 2.2) – 20 points
4. Pricing (Section 1.11 and Attachment A) – 40 points

3.9 Optional Tools to Enhance Evaluation Process

Huron Valley Schools during the evaluation of proposals may find it necessary to utilize one or multiple tools, as listed below, to facilitate their understanding of the proposal(s) in order to select the best offering to Huron Valley Schools:

- Clarifications
- Deficiency Report
- Oral Presentation
- Site Visit
- Best and Final Offer (BAFO)
- Negotiations

3.10 Huron Valley Schools Option to Reject Proposals

Huron Valley Schools may, in its sole and absolute discretion, reject any or all proposals submitted in response to this RFQu. Huron Valley Schools shall not be liable for any costs incurred by the proposer in connection with the preparation and submission of any proposal. Huron Valley Schools reserves the right to waive inconsequential disparities in a submitted proposal.

3.11 Freedom of Information Act

This contract and all information submitted to Huron Valley Schools by the contractor and proposers is subject to the Michigan Freedom of Information Act (FOIA), 1976 PA 442, MCL 15.231, et seq.

Huron Valley Schools shall not, in any way, be liable or responsible for the disclosure of any such record or any parts thereof, if disclosure is required or permitted under the Michigan Freedom of Information Act or otherwise by law. The Proposer(s) must specifically label only those provisions of the proposal, which are actually trade secrets, confidential, or proprietary in nature. A blanket statement of confidentiality or the marking of each page of the proposal as "Trade Secret", "Confidential", or "Proprietary" shall not be permitted. Any such designation will be disregarded.

By submitting a response to this RFQu, the Proposer shall be deemed to have agreed to indemnify and hold harmless Huron Valley Schools for any liability arising from or in connection with Huron Valley Schools failure to disclose, in response to a request under the Michigan Freedom of Information Act, any portion or portions of the Proposer's response to this RFQu which have been marked "Trade Secret," "Confidential," or "Proprietary."

3.12 Contacts with Huron Valley Schools Personnel

All contact with Huron Valley Schools regarding this RFQu or any matter relating thereto must be e-mailed as follows:

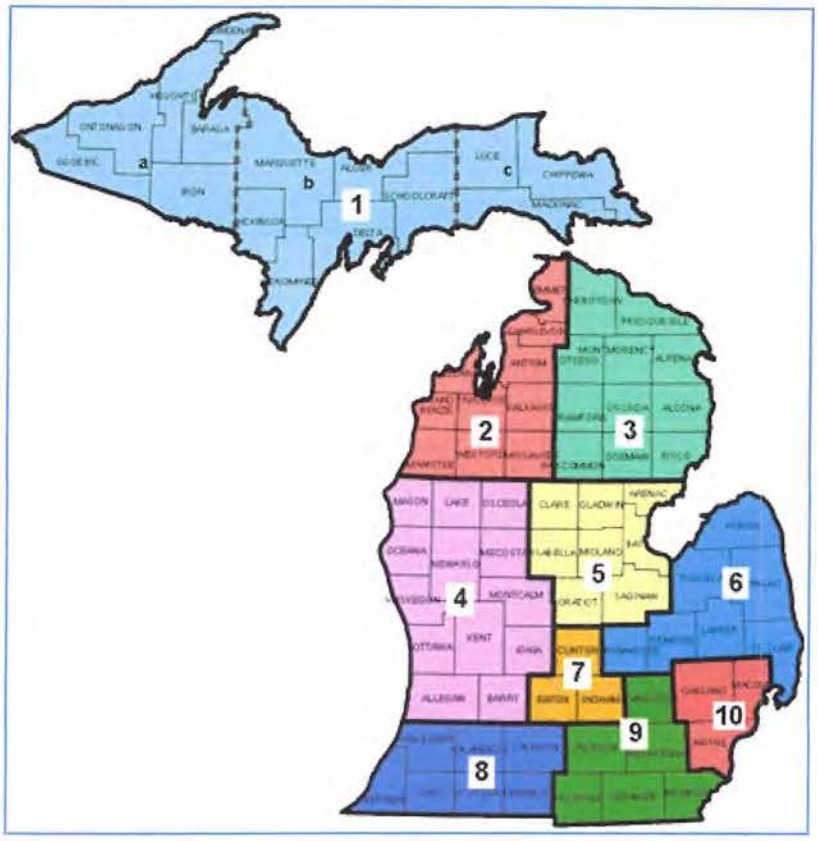
Email address: schubel@macservcorp.com

If it is discovered that a Proposer contacted and received information regarding this solicitation from any Huron Valley Schools personnel other than the Procurement Contact, Huron Valley Schools, in its sole discretion, may disqualify its proposal from further consideration. Only those communications made by Huron Valley Schools in writing will be binding with respect to this RFQu.

3.13 Final Agreement Award Determination

Huron Valley Schools reserves the right to make one total award, one award for each category/section, multiple awards, or a combination of awards, and to exercise its judgment concerning the selection of one or more proposals, the terms of any resultant agreement(s), and the determination of which, if any, proposal(s) best serves the interests of Huron Valley Schools.

APPENDIX A –Regional Delivery Map



1. Upper Peninsula
2. Northwest
3. Northeast
4. West
5. East Central
6. East
7. South Central
8. Southwest
9. Southeast
10. Detroit Metro

Addendum Number 1

Project: Engineered Mulch for Playgrounds, Parks, and Other Recreational Areas – **RFP # HV-988-052024**

Bid date: 10:00 AM, Monday, July 8, 2024 **(UNCHANGED)**

Issue date: June 10, 2024

Below are: Questions asked by bidders with the school district's answers below:

1. Please clarify the definition of the high-volume pricing option on Attachment A.
   Volume pricing is a pricing strategy in which an item's price per unit decreases as the purchase quantity increases. Please describe the pricing options and/or levels offered for your products.

2. We only sell rubber mulch. Do you want pricing?
   Yes, please utilize the bid documents and provide pricing for the rubber mulch. We may have school districts and governmental entities that would be interested in purchasing it.

TÜV SÜD America Inc.
Product Safety Services
1866 New Energy Way
Auburn Hills, MI 48326
Phone: (616) 546-4600

SURFACING MATERIAL REPORT – ASTM F1292-22

Client: **Superior Groundcover, Inc.**
Manufacturer: **Superior Groundcover, Inc.**
Manufacturing Location: **Grand Rapids, MI**

Phone: **616-669-7479**
Commercial Name of product: **Featherwood**
Date of Manufacture: **Unknown**
No. of samples submitted: **Three (3) cu. yds.**

Project No.: **72198949-3**
Report Date: **5/10/2024**
Test Date: **5/10/2024**
Initial Test: ☑
Follow up Test: ☐ **Ref Job:**
Sample Receipt Date: **4/16/2024**
Ambient Air Temperature: **21.6°C**
Humidity: **21.0%**

Test Equipment:

Alpha Automation, Triax, TUV System 5:	☑	Environmental Chamber ID:	PLYP00069
Alpha Automation, Triax, TUV System 7:	☐	Calibration Due Date:	8/18/2024
Accelerometer ID:	PLYP00193	Environmental Chamber ID:	AE-029
Accelerometer Calibration Date:	1/10/2024	Calibration Due Date:	8/18/2024

Loose Fill Material Sample Description:

Engineered Wood Fiber: ☑
Loose Fill Wood ☐
Rubber: ☐
Sand: ☐
Gravel: ☐
Other: ☐

Un-compacted Depth: **15** Inches

Compacted Depth: **12** Inches

Unitary Sample Description:

Tiles ☐
Poured in Place ☐
Other ☐

Total Thickness: _____
Top Layer: _____
Base Layer: _____

Comments:

The maximum critical fall height of the above described sample was determined to be: **18** **Ft.**

The results reported herein reflect the performance of the above described samples at the time of testing and at the temperature(s) reported. The results are specific to the described samples. Samples of surfacing materials that do not closely match the described samples will perform differently. The following data sheet provides an accurate representation of the test results. Compliance with this Standard does not constitute product certification.

Sample in compliance with ASTM F1292-22 at the temperature and rating specified? Yes ☑ No ☐

Signature: *Patrick Ashley* Title: Project Engineering Technician Date: 5/10/2024

Reviewed by: *David Splane* Title: Regional Manager Date: 5/13/2024

Client: **Superior Groundcover, Inc.**

Project No.: **72198949-3**

Manufacturer: **Superior Groundcover, Inc.**

Test Date: **5/10/2024**

Drop	Critical Fall Height (Ft.)	Reference Temperature -4°C, (25°F)				Reference Temperature 23°C, (73°F)				Reference Temperature 49°C, (120°F)			
		G-Max	HIC	Velocity (ft/s)	Theoretical Drop Height (ft.)	G-Max	HIC	Velocity (ft/s)	Theoretical Drop Height (ft.)	G-Max	HIC	Velocity (ft/s)	Theoretical Drop Height (ft.)
1	18	75	340	34.0	17.971	82	392	34.1	18.077	75	354	34.0	17.971
2	18	106	673	34.2	18.183	117	770	34.3	18.289	111	725	34.2	18.183
3	18	116	850	34.3	18.289	137	977	34.3	18.289	127	898	34.2	18.183
Average		111	761.5			127	873.5			119	811.5		
Measured Surface Temperature		(-2)°C	Max. Change from reference + 5°C, (5°F)			21°C	Max. Change from reference ± 3°C, (5°F)			(46)°C	Max. Change from reference -3°C, (-5°F)		
Sample Condition:		DRY				DRY				DRY			

Drop	One foot over (Ft.)	Reference Temperature -4°C, (25°F)				Reference Temperature 23°C, (73°F)				Reference Temperature 49°C, (120°F)			
		G-Max	HIC	Velocity (ft/s)	Theoretical Drop Height (ft.)	G-Max	HIC	Velocity (ft/s)	Theoretical Drop Height (ft.)	G-Max	HIC	Velocity (ft/s)	Theoretical Drop Height (ft.)
1	19	81	397	35.0	19.044	90	481	35.0	19.044	79	380	34.9	18.935
2	19	121	833	35.1	19.153	138	1027	35.2	19.262	115	767	35.1	19.153
3	19	138	1002	35.1	19.153	155	1221	35.2	19.262	135	1019	35.1	19.153
Average		129.5	917.5			146.5	1124			125	893		
Measured Surface Temperature		(-2)°C	Max. Change from reference + 5°C, (5°F)			21°C	Max. Change from reference ± 3°C, (5°F)			(46)°C	Max. Change from reference -3°C, (-5°F)		
Sample Condition:		DRY				DRY				DRY			

Drop	One foot under (Ft.)	Reference Temperature -4°C, (25°F)				Reference Temperature 23°C, (73°F)				Reference Temperature 49°C, (120°F)			
		G-Max	HIC	Velocity (ft/s)	Theoretical Drop Height (ft.)	G-Max	HIC	Velocity (ft/s)	Theoretical Drop Height (ft.)	G-Max	HIC	Velocity (ft/s)	Theoretical Drop Height (ft.)
1	17	65	355	33.1	17.032	84	478	33.1	17.032	58	341	33.0	16.929
2	17	93	574	33.2	17.135	103	633	33.2	17.135	88	516	33.2	17.135
3	17	103	731	33.3	17.239	119	793	33.3	17.239	110	714	33.2	17.135
Average		98	652.5			111	713			99	615		
Measured Surface Temperature		(-3)°C	Max. Change from reference + 5°C, (5°F)			20°C	Max. Change from reference ± 3°C, (5°F)			(47)°C	Max. Change from reference -3°C, (-5°F)		
Sample Condition:		DRY				DRY				DRY			

TÜV SÜD America

Sieve Analysis Data Collection Form
ASTM F2075-20 per Section 4.4 and Section 7

TÜV SÜD America, Inc.
1866 New Energy Way
Auburn Hills, MI 48326
Ph: (616) 546-4600

Customer/Participant: Superior Groundcover, Inc.
Main Office Address: 10588 Linden Rd.
City, State, Zip: Grand Rapids, MI 49535
Location ID: Grand Rapids, MI 49535
Commercial Name of Product: Wood Fiber Playground Surfacing

Test Date: 4/22/2024
Project No.: 72198949-2
Ambient Air Temp.: 21.8°C
Relative Humidity: 27 %
Follow-up: ☐ Ref. Job: n/a

Test Equipment Used

TUV Asset No.:	Equipment Type	Manufacturer	Model	
PLYP00234	Environmental Chamber	Russells	GD-16-105-AC	
PLYP00163	Data Logger	Omega	OM-CP-RHTEMP101A	
PLYP00232	Hygro-thermometer	Extech Instruments	445815	☑
PLYP00211	Hygro-thermometer	Extech Instruments	445702	☐
PLYP00055	Test Sieve	W.S. Tyler	No. 16 (1.19 mm)	
PLYP00056	Test Sieve	W.S. Tyler	3/8" (9.53 mm)	
PLYP00057	Test Sieve	W.S. Tyler	3/4" (19.05 mm)	
PLYP00059	Sieve Shaker	W.S. Tyler	RX 812	
PLYP00083	Balance	Denver Instruments	18453642	

Data

Initial Sample and Container Weight	1004.9
Tare weight of Container	160.2
Initial Sample Dry Weight (g)	844.7
Sample and Container Weight for 3/4in. Sieve	177.1
Tare weight of Container	177.1
Sample Remaining on 3/4in. Sieve (g)	0.0
Sample and Container Weight for 3/8in. Sieve	344.0
Tare weight of Container	178.6
Sample Remaining on 3/8in. Sieve (g)	165.4
Sample and Container Weight for #16 Sieve	765.0
Tare weight of Container	178.1
Material Remaining on #16 Sieve (g)	586.9

Sieve Size	Min / Max Requirements	% Passing
3/4" (19.05 mm)	99 - 100%	100.0
3/8" (9.53 mm)	78 - 100%	80.4
No. 16 (0.0469 in.)	0 -15%	10.9

Sample in compliance with ASTM F2075-20 for Sieve Analysis Section 4.4 per 7.4: Yes ☑ No ☐
Tare weights of containers verified prior to testing.
Note: Testing performed at TÜV SÜD America in Auburn Hills, MI.
Comments:

Performed By: Tim Lockstein Title: Project Engineering Technician Date: 4/22/2024

Reviewed By: Title: Regional Manager Date: 5/13/2024

The results reported herein reflect the performance of the above described samples at the time of testing and at the temperature(s) reported. The results are specific to the described samples. Samples of surfacing materials that do not closely match the described samples will perform differently. The following data sheet provides an accurate representation of the test results.

TÜV SÜD America, Inc., Product Safety Services
1866 New Energy Way, Auburn Hills, MI 48326
Phone: (616) 546-4600

America

Tramp Metals Test Results

ASTM F2075
Standard Specification for Engineered Wood Fiber for Use as a Playground Safety Surface Under and Around Playground Equipment, Section 4.6 and Section 9

Customer/Participant: Superior Groundcover, Inc. Report Date: 4/17/2024
Main Office Address: 10588 Linden Dr., Grand Rapids, MI 49534 Test Date: 4/16/2024
All testing performed at location ID: Grand Rapids, MI Project No.: 72198949-1
Commercial Name of Product: Featherwood Follow-up: ☐ Ref. Job:

4.6.1 Per 9.4 Tramp Metals

Level – 0in. – 15in.

Quadrant 1		Quadrant 2		Quadrant 3		Quadrant 4	
Pass	Fail	Pass	Fail	Pass	Fail	Pass	Fail
☒	☐	☒	☐	☒	☐	☒	☐

Level – 15in. – 30in.

Quadrant 1		Quadrant 2		Quadrant 3		Quadrant 4	
Pass	Fail	Pass	Fail	Pass	Fail	Pass	Fail
☒	☐	☒	☐	☒	☐	☒	☐

Level – 30in. – 45in.

Quadrant 1		Quadrant 2		Quadrant 3		Quadrant 4	
Pass	Fail	Pass	Fail	Pass	Fail	Pass	Fail
☒	☐	☒	☐	☒	☐	☒	☐

Level – 45in. – 60in.

Quadrant 1		Quadrant 2		Quadrant 3		Quadrant 4	
Pass	Fail	Pass	Fail	Pass	Fail	Pass	Fail
☒	☐	☒	☐	☒	☐	☒	☐

Pass ☒ Fail ☐

Comments:

The results reported herein reflect the performance of the above described samples at the time of testing. The results are specific to the described samples. Samples of surfacing materials that do not closely match the described samples will perform differently. This data sheet provides an accurate representation of the test results.

Performed By: Timothy Fouchia
Title: Project Engineering Technician
Date: 4/17/2024

Reviewed By:
Title: Regional Manager
Date: 5/13/2024

TÜV America Inc.
1866 New Energy Way
Auburn Hills, MI 48326

Phone: (616) 546-4600

America

Hazardous Metals Test
ASTM F2075, Section 4.5.2 per 8.0

Manufacturer: Superior Groundcover, Inc.

Main Office Address: 10588 Linden Dr., Grand Rapids, MI 49534

Manufacturing Location ID: Grand Rapids, MI

Commercial Name of Product: Featherwood

PURCHASE ORDER: # 2000058432

PROJECT NO.: 72198949-4

The following ISO 17025-accredited Laboratory performed testing:

Enviro Lab Services, Inc.
4150 Arrow St.
Oscoda, MI 48750
Enviro Lab Services, Inc., report attached (1 page).

Test Result: **Pass** ☑ **Fail** ☐

Prepared By:

Timothy Fouchia

4/30/2024
Date

Project Engineering Technician
Title

Reviewed and Approved By:

5/13/2024
Date

Regional Manager
Title

The results reported herein reflect the performance of the above described samples at the time of testing. The results are specific to the described samples. Samples of surfacing materials that do not closely match the described samples will perform differently. This data sheet provides an accurate representation of the test results.

Enviro Lab Services

CERTIFICATE OF ANALYSIS

USEPA Lab ID: MI9885 | Michigan EGLE Lab ID: 9115 | **Report Date:** 4/29/2024

Laboratory Report

Order ID:	**24042601**	**Client:**	**TUV SUD**
Sample ID:	**24042601-9**	**Client PO#:**	2000058432
Sample Matrix:	Engineered Wood Fiber	**Project Name:**	Soluble Heavy Metals Analysis by ASTM F2075
Customer Sample ID:	72198949-4	**Contact:**	David Splane
Sample Date:		**Reporting To:**	david.splane@tuvsud.com
Sample Time			patrick.ashley@tuvsud.com
Sample Collected By:			tim.fouchia@tuvsud.com
Analysis Date:	2/19/2024	**Analyst:**	Travis Kirin

TEST: Hazardous Metals Analysis ASTM F2075

Analyte	CAS #	Method	Result	Units	Reporting Limit (ppm)
Soluble Antimony	7440-36-0	ASTM F-2075	<5	ppm	5
Soluble Arsenic	7440-38-2	ASTM F-2075	<5	ppm	5
Soluble Barium	7440-39-3	ASTM F-2075	8	ppm	5
Soluble Cadmium	7440-43-9	ASTM F-2075	<5	ppm	5
Soluble Chromium	7440-47-3	ASTM F-2075	<5	ppm	5
Soluble Lead	7439-92-1	ASTM F-2075	<5	ppm	5
Soluble Mercury	7439-97-6	ASTM F-2075	<5	ppm	5
Soluble Selenium	7782-49-2	ASTM F-2075	<5	ppm	5

The soluble heavy metal content of the tested product is in compliance with the requirements of ASTM F2075.

FINAL APPROVAL

APPROVED BY: *Travis Kirin* Lab Manager

The results herein relate only to the items/batch tested, calibrated, or sampled in this report. "ND" indicates that the analyte was not detected nor present in the sample tested at levels at or below the limit of quantitation. Results only pertain to sample as received or those sampled by Enviro Lab Services Inc.

This document is intended only for the use of the party to whom it is addressed and may contain information that is privileged, confidential or protected from disclosure. Under applicable law. If you have received this document in error, please immediately notify us and return it to the address listed below.

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ilac-MRA PJLA

Enviro Lab Services, Inc - ISO 17025 ACCREDITED LABORATORY

Accreditation Number: 108439

Certificate Number: L23-815

Enviro Lab Services, Inc.
4150 Arrow Street, Oscoda, MI 48750
Phone: (248)882-1245
www.envirolabusa.com

PURPOSE

The purpose of this test report is to present the test results obtained during the performance of a test program. This report includes a brief description of the samples presented for test, a list of the documents presented as test instructions, and a summary of the testing performed, and the results obtained. Applicable requirements and conclusions are based on the criteria provided by our client, or as specified in the reference document(s).

WORK REQUESTED / REFERENCE DOCUMENT(s)

Perform testing in accordance with ASTM F1951-14, Standard Specification for Determination of Accessibility of Surface Systems Under and Around Playground Equipment.

TEST SEQUENCE

1. Wheelchair work measurement method – straight propulsion with no material on a flat surface with a grade of 7.1%.
2. Wheelchair work measurement method – straight propulsion with material and no grade.
3. Wheelchair work measurement method – turning 90° with no material on a flat surface with a grade of 7.1%.
4. Wheelchair work measurement method – turning 90° with material and no grade.

Testing was performed March 23, 2021.

SAMPLE DESCRIPTION

Superior Groundcover, Inc. submitted approximately sixty (60) cubic feet of Engineered Wood Fiber playground surfacing material, identified as Featherwood.

TESTING PERFORMED

ACCESSIBILITY OF SURFACE SYSTEMS

Procedure

Sample material, Featherwood, was installed in four-inch layers, and tamped using a 10 inch X 10 inch hand tamper until a depth of twelve inches was achieved. The sample material was tested, propelling the wheelchair with four even propulsion strokes, per trial, across the material 6.56 feet, within eight seconds. This process was repeated five times for each test, (straight and 90° turn).

Per ASTM F1951-14, section 5.1, no additional modification occurred between propulsion trials. Installation instructions were provided by the manufacturer.

Results

The average work force over one foot, in pound force-inch values, for straight propulsion and for turning with material surface in place, shall be less than the average work per foot values for straight propulsion and for turning, respectively, on a hard, smooth, surface with a grade of 7.1% ± 2% (1:14).

Discard the high and low work per foot values and average the remaining three trials to determine the average work per foot required to negotiate the test surface and the hard, smooth surface with a grade of 7.1% ± 2% (1:14).

Conclusion

The average work force over one foot, in pound force-inch values, measured **less** when propelling the wheelchair over the Featherwood than when propelling the wheelchair over a flat surface with a grade of 7.1%.

The material **met** the requirements of ASTM F1951-14.

Sample Disposition

The sample material will be retained by TÜV SÜD America, Inc., for fifteen (15) days, then disposed of at the discretion of TÜV SÜD America, Inc., unless otherwise requested by Superior Groundcover, Inc.

TEST EQUIPMENT

TÜV SÜD America, Inc.'s calibration system meets the requirements of ISO 17025.

TÜV ID	Description	Manufacturer	Model	Calibration Due
PLYP00043	Signal Conditioner	Daytronics	3370	05/21
PLYP00047	Reaction Torque Sensor	Lebow	2110220500	05/21
AE-210	Digital Protractor	Mitutoyo	Pro 360	04/21
PLYP00151	Wheelchair	Quickie	Q2	NCR
PLYP00199	Penetration Thermocouple	Cooper-Atkins	Type K	01/22
PLYP00143	Digital Thermometer	Fluke	51-II	01/22
PLYP00152	Accessibility Fixture	DTL	N/A	NCR
AE326	Digital Scale	AND	HW-100KVWP	08/21
PLYP00145	Air Pressure Gauge	Westward	2HKX9	05/21
PLYP00071	Hygro-thermometer	Extech Instruments	445702	04/21
PLYP00195	Tape Measure	Stanley	33-725	08/21

NCR – No Calibration Required

REMARKS

- Per ASTM F1951-14, section 7.1.2 Test Wheelchair Rider; a 165 + 11, -4.4lbs., test wheelchair rider shall propel the wheelchair during testing. The rider's weight was measured at 185lbs prior to testing.
    - The wheelchair rider weight was 185lbs, which combined with the wheelchair for a total of 233.7lbs.
    - The wheelchair rider weight of 185lbs deviates from the standard, however, the total system weight falls within parameters.

  Per section 7.1.3 Weight of Total System - The total weight of the wheelchair Rider System, including any distance measurement or data acquisition equipment residing on the wheelchair shall be a minimum of 187.2lbs and a maximum of 255lbs.

Appendix A – Test Data

TUV SUD America, Inc.
1755 Atlantic Blvd.
Auburn Hills, MI 48326
Ph: (616) 546-4600

Wheelchair Accessibility Data Sheet
ASTM F1951

Test Date: 3/23/2021
Project No.: 72166701-1
Customer: Superior Groundcover, Inc.
Commercial Name of Product: Featherwood

Surface Temperature 22.1°C
Ambient Temperature 22.1°C
Ambient Humidity 19%

Run #	No Material (work per foot) (lbf-in)	With Material (work per foot) (lbf-in)
Straight Run 1:	127.267	131.849
Straight Run 2:	122.516	127.688
Straight Run 3:	124.437	116.762
Straight Run 4:	124.309	115.058
Straight Run 5:	122.43	122.847
Average:	123.754	122.847
Turn Run 1:	163.43	157.064
Turn Run 2:	172.353	143.983
Turn Run 3:	166.11	137.938
Turn Run 4:	159.86	132.474
Turn Run 5:	163.735	138.057
Average:	164.425	139.993

Wheelchair Rider Weight: 185 lbs.
Wheelchair tire pressures checked/confirmed: ☑
Results are specific to the samples described above.

General Pricing Information – Attachment A

Pricing Schedule Worksheets
Please see tab for Attachment A for pricing schedule and complete information.

Tax Excluded from Price
(a) Sales Tax: Huron Valley Schools/MAC members are exempt from sales tax for direct purchases. The Propose

(b) Federal Excise Tax: Huron Valley Schools/ MAC members may be exempt from Federal Excise Tax, or the tax
Certificates showing exclusive use for the purposes of substantiating a tax-free, or tax-reimbursable sale will be
must not include the Federal Excise Tax.

Pricing
The awarded vendor agrees to provide pricing to Huron Valley Schools and its participating entities at the lowes
If respondent has existing cooperative contracts in place, Huron Valley Schools requests equal or better than pri

a) Vendor must complete the Pricing Response Form Attachment A.
b) Pricing shall remain as bid for the entire contract period. New pricing can be submitted for approval at lea
c) Provide any minimum order quantities and/or delivery fees.
d) Provide percentage (%) discount from catalog or list price.
e) Please provide any other additional services you provide.

Miscellaneous Fees and Options
Administrative fee: 2.0%
It is the awarded vendor's responsibility to keep all sales reports up to date and on file with Huron Valley Schoo

Additional Services:

Proposer will supply information, including pricing, for additional services offered. This may include technical se

Please include any additional products and/or services not included in the scope of the solicitation you think wil
Any other type of services or products that are related but not listed in this RFP should be included in this sectio

Electronic Price Lists

1. Respondents must submit products, services, warranties, etc. in price list.
2. Please submit price lists in electronic format only

es may be reimbursable, if articles purchased under any resulting Contract are used for Huron Valley Schools' ex
sent upon request. If a sale is tax exempt or tax reimbursable under the Internal Revenue Code, the Proposer's

clusive use.

ATTACHMENT A: RFP-HV-988-052024 - ENGINEERED MULCH FOR PLAYGROUNDS, PARKS, AND OTHER RECREATIONAL AREAS - PRICING SHEET

NOTES TO POTENTIAL PROPOSERS: COMPLETE AND SUBMIT THIS FINAL PRICE SHEET

1. Prices are inclusive including delivery FOB Destination (unless EXCEPTIONS are stated in ATTACHMENT A).
2. Provide product brochures or catalogs, manufacturer specification sheets (electronic) in PDF format.
3. Provide Manufacturer Warranty Information AND any Additional Vendor "Value-Added" Warranty for each item with your proposal.
4. ADD Rows (not Columns) to list multiple product line items.
5. Indicate instruction in non percentage or cost cells to "See Additional Information" if space provided does not include enough space to describe proposed offering

NAME	*Superior Groundcover Inc.*
Service Area	*We currently service Zones 2-10 - See Pricing for each Zone listed below*
Descr be Any Minimum Order Quant t es or Del very Fees	*Pricing proposed is for orders of 60 cubic yards or more for blown in mulch and 135 cubic yards or more for bulk delivery (we will blow in and deliver lesser quantities, however, the pricing will vary). Discounted pricing is offered for one time orders of 500 cubic yards or more.*

Line Item	Product Category Description	Cost Per Bag	Cost Per Cubic Yard	Cost for Pickup		Cost for Delivery		Cost for Delivery and Installation		Labor Cost Included in Installation Cost Yes or No	Labor Cost Per Hour	Colors Available	Huron Valley Schools/MAC Cooperative Percentage Discount	High Volume Pricing Options / Levels Offered (Yes or No)	Additional Information
				Bag	Cubic Yard	Bag	Cubic Yard	Bag	Cubic Yard						
A	Types of Mulch														
1	Engineered Wood Fiber	N/A	$ 18.00	N/A	N/A	N/A		N/A	$35.50	Yes	N/A	Natural	included in pricing provided	Yes	The pricing provided in this line s limited to the 1,200 cubic yards requested by Huron Valley Schools
Zone 2 Pricing	Engineered Wood Fiber	N/A	$ 18.00	N/A	N/A	N/A	$ 24.00	N/A	$55.25	Yes	N/A	Natural	included in pricing provided	Yes	
Zone 3 Pricing	Engineered Wood Fiber	N/A	$ 18.00	N/A	N/A	N/A	$ 24.00	N/A	$64.00	Yes	N/A	Natural	included in pricing provided	Yes	
Zone 4 Pricing	Engineered Wood Fiber	N/A	$ 18.00	N/A	N/A	N/A	$ 22.50	N/A	$36.15	Yes	N/A	Natural	included in pricing provided	Yes	
Zone 5 Pricing	Engineered Wood Fiber	N/A	$ 18.00	N/A	N/A	N/A	$ 22.50	N/A	$46.50	Yes	N/A	Natural	included in pricing provided	Yes	
Zone 6 Pricing	Engineered Wood Fiber	N/A	$ 18.00	N/A	N/A	N/A	$ 22.50	N/A	$44.00	Yes	N/A	Natural	included in pricing provided	Yes	
Zone 7 Pricing	Engineered Wood Fiber	N/A	$ 18.00	N/A	N/A	N/A	$ 22.50	N/A	$39.50	Yes	N/A	Natural	included in pricing provided	Yes	
Zone 8 Pricing	Engineered Wood Fiber	N/A	$ 18.00	N/A	N/A	N/A	$ 22.50	N/A	$41.00	Yes	N/A	Natural	included in pricing provided	Yes	
Zone 9 Pricing	Engineered Wood Fiber	N/A	$ 18.00	N/A	N/A	N/A	$ 22.50	N/A	$36.40	Yes	N/A	Natural	included in pricing provided	Yes	
Zone 10 Pricing	Engineered Wood Fiber	N/A	$ 18.00	N/A	N/A	N/A	$ 22.50	N/A	$32.25	Yes	N/A	Natural	included in pricing provided	Yes	
2	Rubber Mulch	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A			
3	Other: Describe														
4															
5															
6															
7															
8															
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10															
11															
12															
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17															
18															
19															
20															
	Add more lines as needed														

ROYAL OAK SCHOOLS
A COMMUNITY OF EXCELLENCE

MEMORANDUM

TO: Dr. John Tafelski

FROM: Michelle Kerns, AIA

DATE: April 6. 2026

RE: Bid #26-12 Royal Oak Middle School
Pool Cooling Unit Partial Replacement

Bid #26-12 Royal Oak Middle Pool Cooling Unit Partial Replacement is a replacement of the cooling coils for the HVAC equipment for the pool space to provide proper cooling/dehumification. The construction documents were developed by Lecole Planners and the District Staff.

Request for Proposal (RFP) developed and released: March 11, 2026
Pre-Bid Meeting: March 17, 2026
Bids Due: March 30, 2026
Post Bid Interview/reference checks: April 6, 2026

Four vendors submitted proposals. Proposals were reviewed by Jeff Synowiec and Mark Paulus. Post-bid meeting was held, and references were checked.

Based on the bids and post-bid interviews, we are recommending base bid #2 to replace the entire 2 cooling coils with values and solenoids to the low-responsive bidder, Miller-Boldt, Inc., be awarded a contract in the amount of $58,642.00. Additionally, we are requesting a 10% contingency to address any unforeseen conditions.

Attachments:
Bid tabulation
Board Resolution

ROYAL OAK SCHOOLS
BID #26-12 ROYAL OAK MIDDLE SCHOOL
POOL COOLING UNIT PARTIAL REPLACEMENT
BID DUE DATE AND TIME: MARCH 30, 2026 AT 10:00 AM

Bidders Name	Bidders Location in Michigan	Bid Security	Addendum 1 Noted	Familial Relationship Affidavit	Iran Linked Business Affidavit	Base Bid #1 - Replace All Valves & Solenoids	Base Bid #2 - Replace Entire Cooling Coil	Remarks
CSM Mechanical LLC	Milford	Y	Y	Y	Y	$102,760	$169,925	
Delta Temp Services, Inc.	Clinton Township	Y	Y	Y	Y	$45,835	$82,925	
Miller-Boldt, Inc.	Clinton Township	Y	N	Y	Y	$55,932	$58,642	
Rolls Mechanical	Fenton	Y	Y	Y	Y	$138,500	N/A	

9.3.4. Water Bottle Filler Contract Award 214

ROYAL OAK SCHOOLS
A COMMUNITY OF EXCELLENCE

MEMORANDUM

TO:	Dr. John Tafelski
FROM:	Michelle Kerns, AIA
DATE:	April 6. 2026
RE:	Bid #26-13 District Wide Filter First

Bid #26-13 District Wide Filter First is provide drinking water hydration station per the newly enacted law in October, 2023. The construction documents were developed by Lecole Planners and the District Staff.

Request for Proposal (RFP) developed and released: March 18, 2026
Pre-Bid Meeting: March 23, 2026
Bids Due: April 1, 2026
Post Bid Interview/reference checks: April 6, 2026

Three vendors submitted proposals. Proposals were reviewed by Jeff Synowiec and Mark Paulus. Post-bid meeting was held, and references were checked.

Based on the bids and post-bid interviews, we are recommending the low-responsive bidder, Service Pro, LLC, be awarded a contract in the amount of $78,280.00. Additionally, we are requesting a 10% contingency to address any unforeseen conditions.

Attachments:
Bid tabulation
Board Resolution

ROYAL OAK SCHOOLS
BID #26-13 DISTRICT WIDE FILTER FIRST
BID DUE DATE AND TIME: APRIL 1, 2026 AT 10:00 AM

Bidders Name	Bidders Location in Michigan	Bid Security	Familial Relationship Affidavit	Iran Linked Business Affidavit	Grand Total	Remarks
CSM Mechanical LLC	Milford	Y	Y	Y	$131,295	
Ecker Mechanical Contractors, Inc.	Burton	Y	Y	Y	$109,531	
Service Pro, LLC	Novi	Y	Y	Y	$78,280	

9.3.5. Northwood Chiller Compressor Contract Award 217

ROYAL OAK SCHOOLS
A COMMUNITY OF EXCELLENCE

MEMORANDUM

TO: Dr. John Tafelski

FROM: Michelle Kerns, AIA

DATE: March 30. 2026

RE: Bid #26-11 Northwood Elementary School
Chiller Compressor Replacement

Bid #26-11 Northwood Elementary School Chiller Compressor Replacement is a replacement due to an equipment failure. This is necessary to provide proper cooling for the building in extreme temperatures. The construction documents were developed by Lecole Planners and the District Staff.

Request for Proposal (RFP) developed and released: March 10, 2026
Pre-Bid Meeting: March 16, 2026
Bids Due: March 24, 2026
Post Bid Interview/reference checks: March 27, 2026

Two vendors submitted proposals. Proposals were reviewed by Jeff Synowiec and Mark Paulus. Post-bid meeting was held, and references were checked.

Based on the bids and post-bid interviews, we are recommending the low-responsive bidder, Miller-Boldt, Inc., be awarded a contract in the amount of $37,200.00. Additionally, we are requesting a 10% contingency to address any unforeseen conditions.

Attachments:
Bid tabulation
Board Resolution

ROYAL OAK SCHOOLS
BID #26-11 NORTHWOOD ELEMENTARY SCHOOL
CHILLER COMPRESSOR REPLACEMENT
BID DUE DATE AND TIME: MARCH 24, 2026 AT 2:30 PM

Bidders Name	Bidders Location in Michigan	Familial Relationship Affidavit	Iran Linked Business Affidavit	Base Bid Including Allowances & Bonds	Unit Pricing - Additional Refrigerant (Per Lb)	Remarks
Miller-Boldt, Inc.	Clinton Township	Y	Y	$37,200	$22.10	
Trane Technologies	Livonia	Y	Y	$55,471	No Bid	

9.4. Staff and Student Services
Presenter: Patrick Wolynski

9.4.1. Personnel Changes 220

April 9, 2026

Regular Personnel Changes:

RESOLVED that Royal Oak Schools Board of Education hereby approves the following regular personnel changes:

NAME	POSITION	ACTION	EFFECTIVE DATE
Sheree Williams	Paraeducator – Addams Elementary	Hired	3/24/2026
Donna Bos	Paraeducator – Northwood Elementary	Hired	3/26/2026
Roderick Walker	Paraeducator – ROMS	Termination	3/27/2026
Amber Wilt	Tuition Preschool Lead Teacher	Resigned	3/27/2026
Amelia Harris	Tuition Preschool Lead Teacher	Hired	4/6/2026
Annette Cleghorn	Lunch Monitor – Northwood	Termination	4/6/2026
Mary Gwen Stange	Teacher – Churchill LOS – 31 yrs	Retirement	6/8/2026
Linda Mangum	Paraeducator – Trails LOS – 13 yrs	Retirement	6/5/2026
Kathleen Strong	5th Grade Teacher – Keller Elementary LOS – 29 yrs	Retirement	6/8/2026
John Donnellon	2nd Grade Teacher – Oak Ridge Elementary LOS – 37 yrs	Retirement	6/8/2026
Andrea Kirkwood	5th Grade Teacher – Keller Elementary LOS – 27 yrs	Retirement	6/8/2026
Jessica Knoll	Math Teacher – ROHS LOS – 5 yrs	Retirement	6/8/2026
Debbie Hart	Math Teacher – ROHS LOS – 21 yrs	Retirement	6/8/2026
Timothy Foreman	Band Teacher – ROMS LOS – 25 yrs	Retirement	6/8/2026
Linda Burton	Literacy Coach LOS – 35 yrs	Retirement	6/8/2026
Michael Betman	Counselor – ROMS LOS – 39 yrs	Retirement	6/15/2026
John Grzywack	Principal – Upton Elementary LOS – 29 yrs	Retirement	6/30/2026
Christopher Rainge	Strength & Conditioning Coach	Hired	7/1/2026

10. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

11. BOARD COMMENTS / LIAISON REPORT

12. ADJOURN TO CLOSED SESSION

13. RECONVENE

14. ADJOURNMENT (approval by consensus)

[Royal Oak Schools Board of Education meetings are open to the public. There is a time for public participation during the meeting as indicated in the agenda. This meeting is for the purposes of conducting the School District's business and is not to be considered a "community" meeting.]