Kenowa Hills Public Schools
VALUE. SUPPORT. EMPOWER.

Kenowa Hills Public Schools Athletic Code of Conduct

2026-2027

Revised: March 2026

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1.0 CODE OF CONDUCT

Participation in extracurriculars is a privilege, not a right. As such, coaches will continuously review and evaluate student-athletes' academic performance in the classroom and behavior in and out of school with regard to the expectations found in the code of conduct. Therefore, coaches reserve the authority to determine participation and membership on any given extracurricular team.

Any member of a Kenowa Hills athletic team is responsible for knowing and adhering to the school and team rules. These school rules will be considered violations in and out of season and on or off school property. Compliance will begin when the student is given a high school or middle school handbook. Upon beginning high school as a ninth grader, athletic suspensions will continue until completed.

A student is considered an athlete once they participate in their first athletic practice at Kenowa Hills High school. They will continue to be classified as an athlete until the last spring sports season is complete of their senior year. If you do wish to be an athlete, a big part of this is following a simple set of training rules, which the department of athletics believes to be fair.

2.0 POLICIES/GUIDELINES

2.1 Elastic Clause

The school reserves the right to set forth as part of the Athletic Code of Conduct those rules and regulations necessary and proper for carrying into execution the athletic program of the school, which are not specifically stated here, or as the need arises.

2.2 Joining a Team

All students are welcome to join/try out for any team. If a student decides to inquire about joining a team after the official MHSAA practice dates have begun, they must meet with the Athletic Director and the coach, who will determine whether or not a student may join the team (the student cannot practice with the team prior to the meeting with the Athletic Director and the coach). No student can try out for a team after cuts are made. A student who enrolls after the "cuts" date may be allowed to try out with the approval of the Athletic Director and the coach.

2.3 Equipment

School equipment and uniforms issued to an athlete during the season are his/her responsibility. He/she is expected to keep it clean and in good condition. Any student who has not returned or fulfilled their responsibilities due to loss or damaged equipment or uniform will not be allowed to participate in another sport until this debt has been cleared. Participation begins on the first day of the MHSAA and/or Kenowa Hills scheduled practice.

2.4 Attendance

An athlete should always consult his/her coach before missing practice and/or game. The individual coach will deal with missing practice or a game, without good reason, using consequences approved by the Athletic Director. In order to be eligible to participate in an athletic contest, the student-athlete must practice consistently for the number of days as specified by the coach.

a. Athletes are required to be in school the entire day to be eligible to participate in practices or games.
b. Pre-arranged absences for a funeral, medical appointment, field trip or other school approved activity must be turned in to the Athletic Office prior to the absence.
c. Athletes are expected to attend all practices, team meetings, and scheduled athletic contests.
d. Students serving an Out-of-School Suspension may not practice, travel, or compete with their athletic team. Friday school suspensions carry over to weekend athletic contests/activities. If a student is suspended on the day of a contest he/she may not participate in any athletic contest or practice on the day he/she is suspended, even if the suspension is scheduled to begin on the following day.
e. In extreme situations, arrangements must be made with the Athletic Director and/or the Building Principal to acquire an excused absence. These situations will be dealt with on an individual basis.

2.5 Physicals

According to the M.H.S.A.A. all students who participate in interscholastic athletics must have a physical form completed and on file in the athletic office. Physicals must be dated after April 15th of the previous year. In addition to the physical form, all students and their parents must have the Spectrum Consent to Treat Form as well as their participation fee paid in order to compete athletically at Kenowa Hills. These forms and fees must be taken care of prior to the first day of practice or the athlete will not be able to participate, NO EXCEPTIONS!!

2.6 Behavioral Expectations

Purpose and Applicability

This Athletic Code of Conduct establishes guidelines for student-athletes representing Kenowa Hills, including students participating in cooperative athletic programs sponsored by other school districts. It applies to all student-athletes from their first participation in middle school athletics through the completion of their senior year. By clarifying expectations, procedures, and consequences, we aim to promote responsible behavior and uphold our district's values while participating in district programs as a student athlete.

Key Definitions

To avoid confusion, the following terms are used throughout this document:

- **Athletic Season** - The official period for a sport as defined by the MHSAA (Michigan High School Athletic Association) calendar, including tryouts, regular-season contests, and postseason tournaments.

- **Athletic Contest -** Any scrimmage, game, meet, match, or competition in which a student-athlete represents the school. This includes both regular-season and postseason events, but does not

include team practices.

- **Probation -** A set period during which any additional violation of the Athletic Code of Conduct results in enhanced penalties. Probation spans a specified number of consecutive athletic seasons or calendar years, as detailed in the Penalties section.

- **Assessment Center -** A professional facility (or licensed practitioner) that evaluates substance use, addiction risk, or other behavioral health concerns. Costs for any assessment are the responsibility of the student-athlete's parent/guardian.

- **Out-of-School Suspension (OSS) -** A disciplinary action under the Student Code of Conduct that bars a student from attending school and school-sponsored athletic practices and events for a set period.

- **Self-Reporting -** A student-athlete's act of proactively informing a school administrator about their violation of the Athletic Code of Conduct before the school learns of it from another source.

- **Good Standing -** "Good standing" includes meeting attendance requirements for practices and games, maintaining academic eligibility, adhering to team rules, and following all district policies. Failure to meet these standards may result in extended suspensions or additional penalties.

Behavioral Expectations and Violations

Prohibited Behaviors

a. Violations of KHPS School Policy

- Any school infraction that results in out-of-school suspension (OSS) is also considered a violation of this code of conduct.

b. Substance Possession and/or Use

A violation occurs if a student-athlete uses, purchases, attempts to purchase, consumes, or knowingly possesses:

- Alcoholic beverages
- Illegal drugs, narcotics, or controlled substances
- Tobacco in any form, including chewing tobacco, e-cigarettes, vaping devices, or paraphernalia
- Performance-enhancing drugs (steroids) unless prescribed

c. Acts of Misconduct

- Theft, Assault, and Vandalism: Any form of theft, assault (including substantiated threats of violence), or vandalism of property is prohibited.
- Reckless Endangerment: Any behavior that endangers the safety or property of oneself or others.

d. Felony Convictions or Charges

- A student-athlete convicted of a felony is ineligible to participate in Kenowa Hills athletics for the duration of their high school career.
- Any student-athlete charged with a felony offense is ineligible to try out for or participate on a team until the charges are dismissed or otherwise resolved without a felony conviction.

e. Conduct Unbecoming a KHPS Athlete

- Other actions and conduct, whether during or outside school hours, that endanger future student safety and wellbeing, detract from, and/or bring embarrassment to the team, coach, school district, or community may result in disciplinary action under these behavioral expectations.

Investigations, Enforcement, and Appeals

a. **Determining Violations**
   - The Athletic Director is responsible for investigating and determining whether a violation of this code of conduct has occurred. If a violation is confirmed, a penalty is assigned within the guidelines established by the Board of Education and outlined in this document.

b. **Investigation Process**
   - **Report**: A potential violation may be brought to the Athletic Director by a coach, staff member, student, or community member.
   - **Investigation**: The Athletic Director gathers relevant information, speaking with witnesses and reviewing evidence.
   - **Notification**: The Athletic Director notifies the student-athlete and parent/guardian of the alleged violation and provides an opportunity for the student-athlete to respond.
   - **Decision**: The Athletic Director determines if a violation occurred and assigns penalties consistent with this code. The outcome is communicated in writing to the student-athlete, parents/guardians, and the coach.

Appeal Procedure

If the student-athlete or their parent/guardian believes an error has occurred (e.g., new evidence surfaces or due process concerns arise), they may request an appeal. Appeals and relevant details supporting the appeal must be submitted in writing to the Athletic Director within 10 school days of notification of the disciplinary decision.

All appeals are considered by an Athletic Hearing Committee. An Athletic Hearing Committee consists of administrators and three faculty members chosen by the Athletic Director. In circumstances where the Athletic Director is witness to the violation of behavioral expectations, the Principal will appoint all members of the Athletic Hearing Committee. A decision will be communicated to the team coach, student-athlete, and their parent/guardian within 10 school days. The decision of the Athletic Hearing Committee regarding all appeals is final.

Penalties

All violations are documented and retained by the Athletic Director in the Athletic Office. Each violation and corresponding penalty builds on prior violations, as detailed below. The count of violations incurred by middle school student athletes restarts upon completion of the 8th grade year.

Depending on the findings of an investigation, the severity of a given offense for middle or high school student athletes may result in a stronger penalty than identified below. In cases where this is considered, the Athletic Director must include the Assistant Superintendent in the process of making a determination and preparing the reasoning for this decision and any related penalties.

First Violation

a. **Suspension from Participation**
   - Suspension from up to 25% of scheduled contests in the current sport.
   - If the student-athlete participates in two sports simultaneously, the suspension applies to both.

b. **Probation**
   - The athlete is placed on probation for one (1) calendar year following the last MHSAA state competition date of their current sport.

- If no further violations occur during probation, this first offense is removed from the athlete's record.

c. Team Obligations
- During suspension, the student-athlete must attend all practices, team meetings, and events (unless excused by the coach) and complete the season in good standing to fulfill the suspension requirement.

d. Self-Reporting Reduction
- If the student-athlete self-reports the code violation to a school administrator before it is otherwise discovered, the suspension may be reduced from 25% to 10% of the season.

e. Substance-Related Reduction
- If the first offense involves alcohol or any controlled substance:
  - The athlete may reduce the 25% suspension to 15% by either:
    - Completing a registered substance course (with documentation of completion), or
    - Performing six (6) hours of documented community service.
  - **Important**: The self-reporting reduction and the substance-related reduction do not combine; the student-athlete must choose one option if both apply.
  - **Assessment Requirement:** If the violation involves alcohol or narcotics, the athlete must complete an assessment with a certified assessment center before returning from suspension. Guidance in finding an assessment center will be shared by the district. All costs for this assessment are the parent/guardian's responsibility.

f. Serving the Suspension in Another Sport
- If the student-athlete wishes to serve the suspension in a sport they do not currently play, they must first obtain permission from the coach of that sport and then complete the entire season in good standing.
- If there are insufficient contests left in the current season, the remaining percentage of suspension carries over to the next sport.

Second Violation

a. Suspension from Participation
- Suspension for up to 50% of the season's contests.

b. Probation
- The athlete is placed on probation for two (2) calendar years. If they complete this two-year period without further violations, they return to the probationary period set by the first offense.

c. Team Obligations
- The student-athlete must attend all practices and team events and complete the season in good standing to satisfy the suspension.

Third Violation

a. Suspension from Participation
- Suspension from all athletic contests for 365 calendar days (one full year) from the date the violation is confirmed.

b. Probation
- The athlete is placed on probation for the remainder of their high school career. If they complete this period without further violations, they revert to the probationary period established in the second offense.

Fourth Violation

a. Suspension from Participation
- Automatic suspension from all athletics for the remainder of the student-athlete's high school career.

Additional Guidance

Calculating Percentages

- Percent-based suspensions are typically rounded up or down according to standard mathematical rules. If the suspension is not fully served by the end of a season, the remaining percentage carries over to the next season in which the athlete competes.

Rejoining the Team

- If felony charges against a student-athlete are dismissed or they are found not guilty, they are immediately eligible to try out for or rejoin the team, assuming all other conditions of eligibility are met.

Communication

- The Athletic Director will provide written notification of disciplinary decisions to the athlete and parents/guardians. It is the athlete's and family's responsibility to stay informed of any team requirements or deadlines.

Conclusion

This Athletic Code of Conduct is designed to ensure our student-athletes represent Kenowa Hills with integrity and respect. By clarifying the expectations, consequences, and processes, we hope to create a positive athletic environment that promotes sportsmanship, teamwork, and personal growth.
Please direct any questions or clarifications regarding this Athletic Code to the Athletic Director's office.

2.7 Discipline Guidelines

a. Scrimmages will not count as a scheduled contest date.
b. If suspension cannot be completed during a current sports season it will be prorated during the student-athletes next sports season. For example, if an athlete participates in both football and basketball and is suspended for 50% of the football games but only 1 game remains(10% of the scheduled contests), he would miss 40% (8 games) of the boys' basketball season(10% + 40% = 50 %).

c. The athletic suspension recommended in all cases should be considered as the minimum. If circumstances warrant, more severe disciplinary action may result.

d. A student may be disciplined for violations of the Student Code of Conduct and the Athletic Code arising from the same incident.

e. All percentages for missed contests round up to the nearest full contest (e.g. .5 rounds to the next number).

2.8 Method Of Reporting Violations

a. All violations must be reported.

b. Any conduct considered unbecoming to an athlete will be brought before the Athletic Director for possible disciplinary action. Extenuating circumstances will be handled by an administrator.

c. An administrator will notify parents or guardians by phone or letter of the violation and the subsequent penalty.

d. An administrator will convene a meeting for a hearing if desired. A parent of the athlete may waive the

hearing and accept the maximum consequence.

e. Athletes are also subject to training rules established by their coach. Punishment for violation of team rules shall be consistent with that of the Board of Education policy.

f. If a student/athlete is found in violation of a training rule the parents or guardians shall have a right to appeal and have a hearing before an Athletic Hearing Committee. An Athletic Hearing Committee will consist of administrators and three faculty members chosen by the Athletic Director. Except where the Athletic director is witness to the offense, at which point the Principal will appoint the members of the Athletic Hearing Committee. It is understood that the principal or a designee may suspend an athlete from athletics at any time when the athlete's conduct may have a detrimental effect on the Kenowa Hills Public School system.

g. All appeals will follow regular channels and must be initiated within seven calendar days.

3.0 HIGH SCHOOL ACADEMIC ELIGIBILITY

Students in grades 9-12 must meet KHPS academic requirements for student athletes, as well as applicable Michigan High School Athletic Association (MHSAA) academic eligibility requirements.

a. In-season eligibility for KHPS athletes participating in standard academic programming requires the student athlete to be enrolled in and earn a passing grade in five out of six courses. Course grades are checked weekly during the season using current gradebook information. If an athlete is not passing five out of six classes, the athlete will be ineligible for one calendar week (Monday through Sunday).

b. In-season eligibility for KHPS athletes participating in non-standard academic programming (Kent Career Technical Center, Middle College, etc.) is governed by applicable MHSAA eligibility requirements.

c. In-season student athletes who are not eligible for a given week remain on the team in good standing and are expected to attend practice. They are also encouraged to work with their coaches and teachers for academic support. Athletes should support their team by attending contests, but may not do so in uniform.

d. In accordance with MHSAA guidelines, students who do not pass four out of six courses at the end of the semester are ineligible for 60 scheduled school days of the following semester.

4.0 SPORTS OFFERINGS

District Mission: Kenowa Hills Public School values, supports, and empowers all learners to achieve their full potential.

Along with our many secondary academic offerings, Kenowa Hills is proud to offer the following individual and team athletic opportunities for our students.

4.1 Youth Sports

FALL		WINTER		SPRING
• Boys Soccer		• Dance		• Lacrosse
• Girls Soccer		• Boys Basketball		• Boys Soccer
• Football		• Girls Basketball		• Girls Soccer
• Cheerleading		• Wrestling		
• Volleyball				
• Dance				

4.2 Middle School Sports

FALL		WINTER		SPRING
• Cross Country		• Competitive Cheer		• Lacrosse
• Volleyball		• Boys Basketball		• Softball
		• Girls Basketball		• Track and Field
		• Wrestling		• Tennis

4.3 High School Sports

FALL		WINTER		SPRING
• Boys Cross Country		• Boys Basketball		• Baseball
• Girls Cross Country		• Girls Basketball		• Boys Golf
• Football		• Boys Bowling		• Boys Lacrosse
• Girls Golf		• Girls Bowling		• Girls Lacrosse
• Boys Soccer		• Gymnastics		• Girls Soccer
• Boys Tennis		• Hockey		• Softball

• Volleyball		• Wrestling		• Girls Tennis
• Swim/Dive		• Swim/Dive		• Boys Track
				• Girls Track
				• Water Polo

4.4 High School Club/Varsity Status

FALL		WINTER		SPRING
• Dance		• Dance		• Boys Volleyball
• Sideline Cheer				
• Equestrian				

5.0 MHSAA ELIGIBILITY REGULATIONS

The following is a summary of the MHSAA handbook for student-athlete eligibility. You may view the handbook for more information at:
https://www.mhsaa.com/sites/default/files/Administrators/eligibility-24.pdf

5.1 Age

Students participating in scrimmages or contests must be under 19 years old, except a student whose 19th birthday occurs on or after September 1 of the current school year is eligible for the remainder of that school year.

5.2 Enrollment

A student may only play for the school they are enrolled in. Enrolled means the student is in attendance and enrolled on the school records receiving active credit.

5.3 Physical Examination

Students must have a complete physical on file with the athletic office for the current school year (dated after April 15) prior to the first day of practice/tryouts. The physical certifies the student is physically able to compete in athletic practices, scrimmages and contests. The physical must be completed and signed by a M.D., D.O., Physician's Assistant or Nurse Practitioner.

5.4 Maximum Enrollment and Maximum Competition

Once a student begins the 9th grade, they are allowed eight semesters, or 12 trimesters of enrollment regardless of any participation in athletics. In addition they are allowed four first semesters and four second semesters, or in trimester schools, four first, four second and four third trimesters.

5.5 Previous Academic Credit Record

A student must have received credit for at least 66% of full credit load potential for a full time student in the previous academic term in which they were enrolled

5.6 Sport Specific Transfer Regulation

This rule states that the sports a student played in the most recent previous high school year (any level) determines eligibility in the coming school year should the student transfer and not meet one of the 15 stated exceptions (see MHSAA handbook for the list).

5.7 Undue Influence

Also known as the anti-recruiting regulation. This rule renders a student who is recruited by a person directly or indirectly associated with a school or athletic program ineligible for up to four years

5.8 Amateur Status and Awards

Participation in school sports is limited to students who are amateurs – to those who have not received money or valuable consideration for involvement with one of the sports that the MHSAA sponsors a tournament in. Students may accept, for participation in MHSAA sponsored sports, a symbolic or merchandise award, which does not have a value over $40. Awards in the form of cash merchandise, gift certificates or any other negotiable document are not allowed.

5.9 Limited Team Membership

After practicing with or participating with high school teams, students cannot participate in any athletic competition not sponsored by their school in the same sport during the same season. Students in individual sports may participate in a maximum of two non-school individual meets or contests during the school season while not representing their school. Students are ineligible for one school if they take part in a National High School Championships or All Star Event.

6.0 SEXUAL HARASSMENT / TITLE IX

Students should not harass each other in any way. Our commitment is to provide a physically and psychologically safe environment in which to learn. Sexual harassment violations, and the resulting discipline from those violations, will be determined on an individual basis.

All students, staff, parents, and visitors are expected to treat others with respect. Sexual harassment is a violation of Title IVV of the Civil Rights Act of 1964, Title IX of the Educational Amendment Act of 1972, and the

Michigan Elliott-Larsen Civil Rights Act and is strictly prohibited. Sexual harassment should be reported to the principal immediately.

Sexual harassment has three parts:

- Unwelcome or unwanted behavior.
- The behavior is sexual or related to the gender of the harassed person.
- The behavior is in the context of power. This can include staff to student, student to student, student to staff, or other.

Harassment can include, but is not limited to:

- Direct or indirect comments to a person or about a person of a sexual nature.
- Touching a person's body or clothing.
- Looking, ogling, or leering.
- Displaying pictures or written material of a sexual nature.

6.1 Title IX Statement and Grievance Procedure

1. Title IX Statement

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

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

Dr. Cherie Horner
Director of Human Resources
2325 Four Mile Road NW
Grand Rapids, MI 49544
(616) 784-2511
chorner@khps.org

OR

Luke Scholten
Director of Student Services
3971 Richmond Ct. NW
Grand Rapids, MI 49534
(616) 647-0910
lscholten@khps.org

Definitions
"School community" means students, parents/legal guardians, administrators, professional and support staff, as well as Board of Education members, agents, volunteers, contractors or other persons subject to the control and supervision of the Board.

"Complainant" or "reporting party" refers to the person submitting a Title IX complaint.

"Respondent" or "responding party" means the person identified as violating Title IX.

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

2. Grievance Procedures

Reporting

If students, their parents/guardians, or anyone else on their behalf believe that they have been subjected to sex discrimination, sexual harassment or sexual assault by school board members, staff, vendors, contractors, or other persons doing business with the District, then a complaint should be immediately reported to the principal of the school where the student attends and/or to the Director of Human Resources, Dr. Cherie Horner (Phone No. (616) 784-2511, Email chorner@khps.org) who is the Title IX Coordinator responsible for Title IX complaints involving adults. Principals shall report any such Title IX complaints to the Director of Human Resources, Dr. Cherie Horner (Phone No. (616) 784-2511, Email chorner@khps.org) who is the Title IX Coordinator responsible for any Title IX complaint involving a staff member or third party.

If the Title IX complaint involves students as both the complainant/alleged victim and responding party, then the complaint should be immediately reported to the principal of the school where the student attends and/or to the Director of Student Services, Luke Scholten (Phone No. (616) 647-0910, Email lscholten@khps.org) who is the Title IX Coordinator for complaints involving students. Principals shall report any such Title IX complaints to Luke Scholten (Phone No. (616) 647-0910, Email lscholten@khps.org) who is the Title IX Coordinator responsible for any Title IX complaint involving students as both the complainant/alleged victim and responding party.

Each Title IX Coordinator is responsible for providing to the other Title IX Coordinator a copy of a Title IX complaint that was submitted to the incorrect Title IX Coordinator.

All District employees are expected to promptly report sexual harassment and sexual assault that they observe or hear about to the appropriate Title IX Coordinator.

Any complaints involving employment issues, involving employees and students or involving third parties (whether adult or non-student minors) should be reported to the Director of Human Resources, Dr. Cherie Horner (Phone No. (616) 784-2511, Email chorner@khps.org), who is the Title IX Coordinator responsible for Title IX complaints involving staff members and third parties.

Reports can be made both orally or in writing and should be as specific as possible. The person making the report should identify the alleged victim, perpetrator(s) and witness(es), and describe in detail what occurred, including date(s), time(s) and location(s). The District, however, will investigate and address all reports.

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

Any incidents of sexual harassment and/or sexual assault that come to the District's attention through means other than a formal complaint will also be promptly reported to a Title IX Coordinator, promptly investigated and appropriately addressed.

3. <u>Examples of Title IX Violations:</u>

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

Sexual harassment is unwelcome verbal or physical conduct of a sexual nature that is sufficiently severe, persistent or pervasive that it denies or limits an individual's ability to participate in or benefit from the District's programs and activities. Sexual harassment may include, but is not limited to, the following:

- Unwelcome sexual advances;

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

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

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

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

Gender-based harassment is unwelcome conduct based on a person's actual or perceived sex or sexual orientation. It includes slurs, taunts, stereotypes or name-calling, as well as gender-motivated physical threats, attacks or other hateful conduct based on a person's sex or failure to conform to sex stereotypes. Sexual orientation and sexual identity are protected categories under Michigan Civil Rights Act which applies to public educational institutes, including public school districts. MCL 37.2401.

4. <u>Informal Resolution Process</u>

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

5. <u>Formal Resolution Process</u>

If the parties choose not to engage in the informal resolution process, or choose to stop the informal resolution process at any time, the District will conduct a prompt and full investigation into any Title IX complaint. An investigation will afford both the complaining party and the respondent a full and fair opportunity to be heard, submit documentation and evidence supporting or refuting the allegation(s), and identify witnesses. All parties involved in the investigation will be provided with a copy of this Title IX Statement and Grievance Procedures.

Investigations may be conducted by the appropriate Title IX Coordinator or designee, such as a building administrator or other administrator, who has been trained in Title IX procedures. The District reserves the right to obtain or consult with a third party investigator or resource at any time during the complaint, investigation, or determination process.

Prior to and during the investigation process, the Title IX Coordinator or designee will meet independently with the complaining party and with the respondent and discuss, where appropriate, any supportive and/or remedial measures imposed during the investigation.

Confidentiality

- All complaints, interviews and investigations will be treated with confidentiality as allowed under the law. Only those employees or students whose participation in the investigation is required, or those individuals with a legitimate reason to know, will be informed. During the course of the investigation, the Title IX Coordinator or designee will instruct all interviewees about the importance of maintaining confidentiality. Interviewees will be directed not to disclose any information that the interviewee learns or provides during the course of the investigation to third parties. At times, the complainant or, where applicable, the complainant's parent may request that the complainant's name or the alleged victim's name not be disclosed to the alleged perpetrator or that no investigation or disciplinary action be pursued. The Title IX Coordinator or designee will endeavor to balance the privacy request with the District's obligation to provide a safe and non-discriminatory environment and the Respondent's due process rights. If appropriate, the Title IX Coordinator or designee will advise that honoring a confidentiality request may limit the District's ability to fully respond to the complaint, including pursuing disciplinary action against the alleged perpetrator.

Retaliation Prohibited

- At the beginning of the investigation, the Title IX Coordinator or designee will explain that Title IX includes protections against retaliation and that the school will take steps to prevent retaliation and that the District will strongly react to any retaliatory actions, including any acts of retaliatory harassment, should they occur. No student, parent/guardian, employee, or member of the public shall be retaliated against for filing a complaint of discrimination or participating in the investigation of the complaint.

- Any person can report a claim of retaliation verbally or in writing to a Title IX Coordinator or school building principal (who in turn will report the complaint of retaliation to the Title IX Coordinator). Should the District receive a retaliation complaint, the District will promptly investigate and take all necessary steps within its control to stop any confirmed retaliatory acts/behavior.

Investigation Procedure

- Investigations must begin promptly, proceed impartially, and treat all parties equitably. This includes providing both parties an opportunity to present witnesses and other evidence. The investigation will be concluded within thirty (30) calendar days but no more than sixty (60) days after a complaint is filed, unless there is good cause to continue the investigation beyond sixty (60) days.

- For complaints involving an alleged hostile environment based on sex, in determining whether the alleged conduct constitutes sexual harassment, the totality of the circumstances, the nature of the harassment, and the context in which the alleged incident(s) occurred will be investigated.

- All documentation regarding the complaint and the investigation will be stored in a separate confidential file maintained by the Title IX Coordinator.

- A prompt and thorough investigation of the complaint shall be conducted as follows:

    - Obtain complainant's and respondent's statements (clear, concise, with as much detail as possible).
    - Notify complainant, victim (if other than complainant), respondent, and the parent/guardian of each, if minor students, that they have the right to provide witnesses and other evidence.

- Question any witnesses who are involved in or have knowledge of the incident, and document accordingly.
- Review the student records/files applicable to the complaint.
- Keep complainant, or victim (if other than complainant), and any minor student's parent/guardian apprised in writing of the progress of the investigation if it cannot be concluded within ten (10) business days and provide an estimated timeline for the investigation.
- The Title IX Coordinator who is the Director of Human Resources will lead the investigation if a staff member or a third party, such as a contractor assigned to work at the school, is a party to the complaint.

Supportive Measures

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

Resolution of Investigation

On or before sixty (60) days after the complaint is filed:

A. If the investigation reveals that the formal complaint is supported by the preponderance of the evidence (more likely than not), the following action should be taken:

   1. For cases **involving only students**, the investigator will confer with the Director of Student Services, and if appropriate with the building administrator to determine what action is necessary to resolve the complaint and prevent recurrence.

   2. For cases **involving staff members or a third party, such as a contractor assigned to work within the District**, the investigator will confer with the Director of Human Resources.

   3. The District shall take reasonable, timely, age-appropriate and effective corrective action based upon the situation and nature of the complaint. Appropriate corrective action may include classroom reassignment, increased staff supervision, counseling, academic support services, additional training for students and staff, and reporting procedures, safety plan, behavioral support plan and/or disciplinary action under the Student Code of Conduct or under the District's policies and procedures.

   4. In employee cases involving an employment discrimination claim or a claim of sexual harassment, the District shall take appropriate corrective actions, including but not limited to, make-whole remedies, reassignment or transfers, no-contact order, counseling, safety plans and/or disciplinary action against the perpetrator.

5. The Title IX Coordinator's findings will be documented in a final report and summarized in writing to the complainant, victim (if other than complainant), respondent and minor students' parents/guardians, and any other necessary parties.

6. If a student, appropriate discipline for students will be imposed according to the Student Code of Conduct, depending upon the evidence presented and the severity of the incident.

7. Student findings and corrective actions will be documented in the student or employee record of the accused.

8. After each investigation, the Title IX Coordinator will reiterate to all individuals involved in the investigation the Board's policy regarding sex discrimination, sexual harassment and prohibition against retaliation.

9. The principal or his/her designee will periodically check in with the complainant, or victim (if other than complainant), and, as appropriate, parents/guardians to ensure that no further acts of discrimination are occurring.

B. If the investigation shows that the complaint **is without merit**, the following action will be taken:

   a. The Title IX Coordinator's findings will be documented in a final report and summarized in writing to the complainant, victim (if other than complainant), respondent, minor students' parents/guardians, and any other necessary parties

   b. After each investigation, the Title IX Coordinator will reiterate to all individuals in the investigation the Board's policy regarding sex discrimination, sexual harassment and prohibition against retaliation.

   c. The investigation file will be closed.