

# CHIPPEWA VALLEY SCHOOLS

## BYLAWS AND POLICIES

I \_\_\_\_\_ have received, read, and understand Chippewa Valley  
Schools

Print Name

- Corporal Punishment policy number 5630,
- Confidentiality 8350
- Student Records (FERPA) 8330
- Harassment of Staff or Applicants 4362,
- Substance Abuse 4170,
- Nondiscrimination and Equal Employment Opportunity 3122,
- Conflict of Interest 1130,
- Staff Ethics 3210,
- Drug-Free Workplace 3122.01,
- Student Supervision and Welfare 4213,
- Outside Activities of staff 3231,
- Bullying and Other Aggressive Behavior Towards Students 5517.01,
- The district's non-smoking policy.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

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**5630 - CORPORAL PUNISHMENT**

While recognizing that students may require disciplinary action in various forms, the Board of Education cannot condone the use of unreasonable force and fear as an appropriate procedure in student discipline.

Professional staff should not find it necessary to resort to physical force or violence to compel obedience. If all other means fail, staff members may always resort to the removal of the student from the classroom or school through suspension or expulsion procedures.

Professional staff as well as support staff, within the scope of their employment, may use and apply reasonable force and restraint to:

- A. remove a student who refuses to comply with a request to behave or report to the office;
- B. quell a disturbance threatening physical injury to self or others;
- C. obtain possession of weapons or other dangerous objects upon or within the control of the student, in self-defense, or for the protection of persons or property.

In accordance with State law, corporal punishment shall not be permitted. If any staff member, full-time, part-time, or substitute deliberately inflicts, or causes to be inflicted, physical pain by hitting, paddling, spanking, slapping, or makes use of any other kind of physical force as a means of disciplining a student, s/he may be subject to discipline by this Board and possibly criminal assault charges as well. This prohibition applies as well to volunteers and those with whom the District contracts for services.

The Superintendent shall provide administrative guidelines which shall include a list of alternatives to corporal punishment.

M.C.L.A. 380.1312

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### 4362 - HARASSMENT OF STAFF OR APPLICANTS

Harassment of staff (including those who volunteer their services) or applicants for employment is prohibited, and will not be tolerated. This includes inappropriate conduct by any person in the school environment, including other employees, Board members, parents, guests, teachers, contractors, vendors, and volunteers. It is the policy of the District to provide a safe, positive work environment free of harassment for all of its staff.

Harassment is defined as inappropriate conduct that is repeated enough, or serious enough, to negatively impact a staff member's ability to perform his/her job. This would include harassment based on any of the legally protected characteristics, such as sex, race, color, national origin, religion, age, height, weight, marital status or disability. This policy, however, is not limited to these legal categories and includes any improper harassment that would negatively impact a staff member. This would include such activities as stalking and unwelcomed taunting, teasing, or intimidation.

Any staff member or applicant that believes s/he has been or is the victim of harassment should immediately report the situation to his/her immediate supervisor or the Assistant Superintendent of Human Resources, phone 586-723-2092. If the complaint relates to either of these individuals, the complaint may be filed with either the Superintendent or the Board President. They may be reached at 586-723-2005. If the complaint relates to the Superintendent, it should be filed directly with the Board President. All complaints will be investigated.

Every staff member **must** report any situation that they believe to be improper harassment. Reports may be made to those identified above.

The investigation will be handled as confidentially as possible under the circumstances. The need to interview the witnesses and the offending individual(s), however, does not allow for total confidentiality in this process. The investigation will be conducted in accordance with AG 4362.

If the investigation finds harassment occurred it will result in prompt and appropriate remedial action. This may include up to expulsion for students, up to discharge for employees, exclusion for parents, guests, volunteers and contractors, and removal from any officer position and/or a request to resign for Board members.

Retaliation against any person for complaining about harassment, or participating in a harassment investigation, is prohibited. Suspected retaliation should be reported in the same manner as harassment. Intentionally false harassment reports, made to get someone in trouble, are also prohibited. Retaliation and intentionally false reports may result in disciplinary action as indicated above.

The following definitions are provided for guidance only. If a staff member or other individual believes there has been harassment, regardless of whether it fits a particular definition, s/he should report it and allow administration to determine the appropriate course of action.

### Harassment

- A. submission to such unwelcomed conduct or communication is made either an explicit or implicit condition of employment with the School District;
- B. submission to, or rejection of, the unwelcomed conduct or communication is used as the basis for a decision to exclude, expel, or limit the harassed employee in the terms, conditions, or privileges of employment with the School District;

- C. the unwelcomed conduct or communication interferes with the employee's work performance, creates an intimidating, hostile or offensive environment, or otherwise adversely affects the employee's ability to perform.

**Sexual Harassment** may include, but is not limited to:

- A. verbal harassment or abuse;
- B. pressure for sexual activity;
- C. repeated remarks with sexual or demanding implications;
- D. unwelcome touching;
- E. sexual jokes, posters, cartoons, etc.;
- F. suggesting or demanding sexual involvement, accompanied by implied or explicit threats concerning one's safety, job, or performance of public duties.

### Notification

Notice of this policy will be **annually** circulated to all school buildings and departments within the District and discussed with staff, as well as incorporated into the teacher, student and parent/guardian handbooks. State and Federal rights posters on discrimination and harassment shall also be posted at each building. All new hires of the District will be required to review and sign off on this policy and the related complaint procedure.

**This policy is not intended to create legal rights or obligations beyond those established by Federal, State, or local law.**

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

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

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

Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794

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

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

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

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

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### 4170 - SUBSTANCE ABUSE

The Board of Education recognizes alcoholism and drug abuse as treatable illnesses. When such illnesses impair the performance of support staff members, the Board recognizes the responsibility to assist in a manner recommended by appropriate specialists in the treatment of those illnesses.

A support staff member having an illness or other problem relating to the use of alcohol or other drugs will receive the same careful consideration and offer of assistance that is presently extended to support staff members having any other illness.

The responsibility to correct unsatisfactory job performance or behavior resulting from a suspected health problem rests with the support staff member. Failure to do so will result in appropriate corrective or disciplinary action as determined by the Board.

If a support staff member voluntarily requests counseling or assistance before the Board learns of the support staff member's substance abuse problem (through a positive test result or otherwise), the support staff member's job security or promotion opportunities will not be jeopardized by his/her request for counseling or referral assistance. A support staff member may not avoid the consequences of a positive test by requesting counseling or assistance for a substance abuse problem after being instructed to submit to a drug test.

Support staff members who suspect they may have an alcohol or other drug abuse problem are encouraged to seek counseling and information on a confidential basis by contacting resources available for such service.

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

Revised 10/6/03

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### 3122 - NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY

The Board of Education does not discriminate on the basis of race, color, religion, national origin, sex, disability, age, height, weight, marital status, or any other legally protected characteristic, in its programs and activities, including employment opportunities.

The Superintendent shall appoint a compliance officer whose responsibility it will be to ensure that Federal and State regulations are complied with and that any inquiries or complaints are dealt with promptly in accordance with law. S/He shall also ensure that proper notice of nondiscrimination for Title II, Title VI, and Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendment Act of 1972, and Section 504 of the Rehabilitation Act of 1973 is provided to students, their parents, staff members, and the general public. Any sections of the District's collectively-bargained, negotiated agreements dealing with hiring, promotion, and tenure need to contain a statement of nondiscrimination similar to that in the Board's statement above. In addition, any gender-specific terms should be eliminated from such contracts.

M.C.L.A. 37.2101 et seq., 37.1101 et seq.  
42 U.S.C., 1981 etc.  
Rehabilitation Act of 1973, 29 U.S.C. 701 et seq.  
Americans with Disabilities Act of 1990, 42 U.S.C. 12101 et seq.  
Civil Rights Act of 1964, 42 U.S.C. 2000 et seq.  
Age Discrimination in Employment Act of 1967, 29 U.S.C. 623 et seq.  
U.S. Constitution, XIV Amendment

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### 1130 - CONFLICT OF INTEREST

Staff members shall perform their official duties in a manner free from conflict of interest. To this end:

- A. The maintenance of unusually high standards of honesty, integrity, impartiality, and professional conduct by School District employees is essential to ensure the proper performance of school business as well as to earn and keep public confidence in the School District.

To accomplish this, the Board of Education has adopted the following guidelines to assure that conflicts of interest do not occur. These are not intended to be all inclusive, nor to substitute for good judgment on the part of all employees.

1. No employee shall engage in or have a financial interest, directly or indirectly, in any activity that conflicts or raises a reasonable question of conflict with his/her duties and responsibilities in the school system. When a staff member determines that the possibility of a personal interest conflict exists, s/he should, prior to the matter being considered by the Board or administration, disclose his/her interest (such disclosure shall become a matter of record in the minutes of the Board).
2. No staff member shall use his/her position to benefit either himself/herself or any other individual or agency apart from the total interest of the School District.
3. If the pecuniary interest pertains to a proposed contract with the District, the following requirements must be met.

The staff member shall disclose the direct pecuniary interest in the contract to the Board with such disclosure made a part of the official Board minutes. If his/her direct pecuniary interest amounts to \$250 or more or five percent (5%) or more of the contract cost to the District, the staff member shall make the disclosure in one of two (2) ways:

- a. In writing, to the Superintendent/designee at least seven (7) days prior to the meeting at which the vote on the contract will be taken. The disclosure shall be made public in the same manner as the Board's notices of its public meetings. (See Bylaw 0165.)
  - b. By announcement at a meeting at least seven (7) days prior to the meeting at which a vote on the contract is to be taken. The staff member must use this method of disclosure if his/her pecuniary interest amounts to \$5,000 or more.
4. Employees shall not engage in business, private practice of their profession, the rendering of services, or the sale of goods of any type where advantage is taken of any professional relationship they may have with any student, client, or parents of such students or clients in the course of their employment with the School District.

Included, by way of illustration rather than limitation are the following:

- a. the provision of any private lessons or services for a fee
- b. the use, sale, or improper divulging of any privileged information about a student or client gained in the course of the employee's employment or through his/her access to School District records
- c. the referral of any student or client for lessons or services to any private business or professional practitioner if there is any expectation of reciprocal referrals, sharing of fees,

or other remuneration for such referrals

- d. the requirement of students or clients to purchase any private goods or services provided by an employee or any business or professional practitioner with whom any employee has a financial relationship, as a condition of receiving any grades, credits, promotions, approvals, or recommendations
- 5. Employees shall not make use of materials, equipment, or facilities of the School District in private practice. Examples would be the use of facilities before, during, or after regular business hours for service to private practice clients, or the checking out of items from an instructional materials center for private practice.
- B. Should exceptions to this policy be necessary in order to provide mandatory services to students or clients of the School District, all such exceptions will be made known to the employee's supervisor and will be disclosed to the Superintendent **before** entering into any private relationship.



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**3210 - STAFF ETHICS**

An effective educational program requires the services of men and women of integrity, high ideals, and human understanding. To maintain and promote these essentials, the Board of Education expects all certified staff members to maintain high standards in their working relationships, and in the performance of their professional duties, to:

- A. recognize basic dignities of all individuals with whom they interact in the performance of duties;
- B. represent accurately their qualifications;
- C. exercise due care to protect the mental and physical safety of students, colleagues, and subordinates;
- D. seek and apply the knowledge and skills appropriate to assigned responsibilities;
- E. keep in confidence legally-confidential information as they may secure;
- F. ensure that their actions or those of another on their behalf are not made with specific intent of advancing private economic interests;
- G. avoid accepting anything of value offered by another for the purpose of influencing judgment;
- H. refrain from using position or public property, or permitting another person to use an employee's position or public property for partisan political or religious purposes. This will in no way limit constitutionally or legally protected rights as a citizen.

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**3122.01 - DRUG-FREE WORKPLACE**

The Board of Education believes that quality education is not possible in an environment affected by drugs. It will seek, therefore, to establish and maintain an educational setting which meets the requirements in the Drug-Free Workplace Act and the Drug-Free Schools and Communities Act and is not tainted by the use or evidence of use of any controlled substance.

In compliance with the Act, the Board prohibits the manufacture, possession, use, distribution, or dispensing of any controlled substance, including alcohol, by any member of the District's professional staff at any time while on District property or while involved in any District-related activity or event. Any staff member who violates this policy shall be subject to disciplinary action in accordance with District guidelines and the terms of any collective bargaining agreements.

The Superintendent shall establish whatever programs and procedures are necessary to meet the Federal certification requirements but which also comply or do not interfere with any collective bargaining agreements.

The Board shall not permit the manufacture, possession, use, distribution, or dispensing of any controlled substance, alcohol, and any drug paraphernalia, by any member of the District's professional staff at any time while on District property or while involved in any District-related activity or event. Any staff member who violates this policy shall be subject to disciplinary action in accordance with District guidelines and the terms of collective bargaining agreements.

The Superintendent may establish guidelines that ensure compliance with this policy and that each staff member is given a copy of the standards regarding unlawful possession, use, or distribution of illicit drugs and alcohol by staff and informed that compliance with this requirement is mandatory. Such guidelines shall provide for appropriate disciplinary actions, if and when needed, which comply with the terms of any negotiated agreement.

P.L. 101-126  
Drug-Free Workplace Act of 1988, 41 U.S.C. 701, et seq.  
20 U.S.C. 3224A

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## 4213 - STUDENT SUPERVISION AND WELFARE

Support staff members may be confronted with situations which, if handled incorrectly, could result in liability to the School and personal liability to the staff member.

The School Leader may prepare administrative guidelines to ensure the maintenance of the following standards:

- A. Each support staff member shall report immediately to the principal any accident or safety hazard s/he detects.
- B. Each support staff member shall immediately report to the principal any knowledge of threats of violence by students.
- C. A support staff member shall not send students on any personal errands.
- D. A support staff member shall not associate with students, at any time in a manner which gives the appearance of impropriety, including, but not limited to, the creation or participation in any situation or activity which could be considered abusive or sexually suggestive or involve illegal substances such as tobacco, alcohol, or drugs.

This provision should not be construed as precluding a support staff member from associating with students in private for legitimate or proper reasons. However, dating, romantic and/or sexual relationships with students, regardless of their age and regardless of consent are absolutely prohibited, unless the staff member and student are legally married.

- E. A support staff member shall not transport students in a private vehicle without the approval of the principal.
- F. A student shall not be required to perform work or services that may be detrimental to his/her health.

Most information concerning a child in school, other than directory information described in Policy 8330, is confidential under Federal and State laws. Any staff member who shares confidential information with another person not authorized to receive the information may be subject to discipline or civil liability. This includes, but is not limited to, information concerning assessments, grades, behavior, family background, and alleged child abuse.

M.C.L.A. 722.621 et seq., 750.520b, 750.520d, 750.520e

Revised 3/19/07

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**3231 - OUTSIDE ACTIVITIES OF STAFF**

The Board of Education directs the Superintendent to promulgate the following guidelines so that professional staff members may avoid situations in which their personal interests, activities, and associations may conflict with the interests of the District. If such situations threaten a staff member's effectiveness within the school system, the Superintendent shall evaluate the impact of such interest, activity, or association upon the professional staff member's responsibilities.

- A. Staff members should not give work time to an outside interest, activity, or association without valid reason to be excused from assigned duties.
- B. Staff members shall not use school property or school time to solicit or accept customers for private enterprises without written administrative permission.
- C. Staff members shall not engage in business transactions on behalf of private enterprises in which s/he may profit by virtue of his/her official position or authority or benefit financially from confidential information which the employee has obtained or may obtain by reason of his/her position or authority.
- D. Staff members shall not campaign on school property during duty hours on behalf of any political issue or candidate for local, State, or National office.
- E. Staff members may not accept fees for tutoring when such tutoring is conducted during the normal work day.
- F. Staff members may not accept fees for remedial tutoring of students currently enrolled in one (1) or more of their classes.

**Research and Publishing**

- A. Professional staff members are encouraged to contribute articles to professional publications and to engage in approved professional research.
- B. Materials which might be considered for publication and/or production, which identify the District in any manner, shall be cleared with the Superintendent prior to publication and/or production.
- C. Publications and productions shall be subject to the following copyright provisions:
  - 1. Rights to copyrights or patents of books, materials, devices, etc. developed by professional staff members on their own time will be relinquished by the Board upon request of the staff member provided that:
    - a. the books, materials, devices, etc. were prepared without the use of District data, facilities, and/or equipment;
    - b. the District is granted the privilege of purchasing the materials or products free of any copyright or royalty charges;
    - c. the staff member does not become involved in any way in the selling of the product to the District.

The final decision regarding whether materials were produced independently of any work assignment, and/or without using school equipment, facilities, data, or equipment rests with the Superintendent.

2. All books, materials, devices, or products which result from the paid work time and/or prescribed duties of professional staff members shall remain the property of the District. The District shall retain all rights and privileges pertaining to the ownership thereof.

In the event that any of these products have commercial possibilities, the Superintendent is authorized to secure copyrights, patents, etc. which will ensure the ownership of the product by the District.

The Superintendent is authorized to negotiate with appropriate agencies for the production and distribution of products with commercial appeal. Such negotiations shall ensure fair and appropriate compensation, including sharing of royalties, for the staff member(s) who developed the products.

M.C.L.A. 380.1805 (1)



# CHIPPEWA VALLEY SCHOOLS

19120 Cass Avenue, Clinton Township, MI 48038  
(586)-723-2000 FAX (586) 723-2001

"Chippewa Valley Schools...preparing students today for the challenges of tomorrow"

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Mr. Mark F. Deldin  
Superintendent

## MEMORANDUM

August 22, 2006

TO: All Employees  
FROM: Dr. Michael C. Reeber, Assistant Superintendent  
RE: Smoking on School Property

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Chippewa Valley Schools is dedicated to providing the best learning environment possible for all students and the best working conditions for all staff members. Recently, there have been several complaints regarding employees smoking on school property.

The purpose of this letter is to remind you that smoking on public school grounds is a misdemeanor and in violation of the Penal Code Act 328 of 1931 (see below). Smoking anywhere on the grounds of Chippewa Valley Schools is in violation of a policy set forth by the Board of Education (see policy #3215 below). Employees found violating these policies may be subject to disciplinary action.

We appreciate your understanding and conformance with this policy and thank you for continuing to make Chippewa Valley Schools such a fine school district.

### THE MICHIGAN PENAL CODE (EXCERPT) Act 328 of 1931

#### **750.473 Use of tobacco product on school property prohibited; violation as misdemeanor; definitions; applicability of subsection (1) to outdoor areas.**

Sec. 473.

(1) Except as otherwise provided in subsection (4), a person shall not use a tobacco product on school property.

(2) A person who violates subsection (1) is guilty of a misdemeanor, punishable by a fine of not more than \$50.00.

(3) As used in this section:

(a) "School district" means a school district, local act school district, or intermediate school district, as those terms are defined in the school code of 1976, Act No. 451 of the Public Acts of 1976, being sections 380.1 to 380.1852 of the Michigan Compiled Laws; a joint high school district formed under part 3A of Act No. 451 of the Public Acts of 1976, being sections 380.171 to 380.187 of the Michigan Compiled Laws; or a consortium or cooperative arrangement consisting of any combination of these.

(b) "School property" means a building, facility, or structure and other real estate owned, leased, or otherwise controlled by a school district.

(c) "Tobacco product" means a preparation of tobacco to be inhaled, chewed, or placed in a person's mouth.

(d) "Use a tobacco product" means any of the following:

(i) The carrying by a person of a lighted cigar, cigarette, pipe, or other lighted smoking device.

(ii) The inhaling or chewing of a tobacco product.

(iii) The placing of a tobacco product within a person's mouth.

(4) Subsection (1) does not apply to that part of school property consisting of outdoor areas including, but not limited to, an open-air stadium, during either of the following time periods:

(a) Saturdays, Sundays, and other days on which there are no regularly scheduled school hours.

(b) After 6 p.m. on days during which there are regularly scheduled school hours.

**History:** Add. 1993, Act 140, Eff. Sept. 1, 1993

### **3215 - USE OF TOBACCO BY CERTIFIED STAFF**

The Board of Education recognizes that the use of tobacco presents a health hazard which can have serious consequences both for the user and the nonuser and is, therefore, of concern to the Board.

In order to protect students and employees who choose not to use tobacco from an environment noxious to them and potentially damaging to their health, the Board prohibits the use of tobacco on District premises, in District vehicles, and in all school buildings owned and/or operated by the District.

For purposes of this policy, "use of tobacco" shall mean all uses of tobacco, including a cigar, cigarette, pipe, snuff, or any other matter or substances that contain tobacco.

The Board prohibits the use of tobacco by professional staff members in District buildings, on District buses, and at any District-related event.

M.C.L.A. 333.12601 et seq.

## Chippewa Valley Schools Bylaws & Policies

### 5517.01 - BULLYING AND OTHER AGGRESSIVE BEHAVIOR TOWARD STUDENTS

It is the policy of the District to provide a safe and nurturing educational environment for all of its students.

This policy protects all students from bullying/aggressive behavior regardless of the subject matter or motivation for such impermissible behavior.

Bullying or other aggressive behavior toward a student, whether by other students, staff, or third parties, including Board members, parents, guests, contractors, vendors, and volunteers, is strictly prohibited. This prohibition includes written, physical, verbal, and psychological abuse, including hazing, gestures, comments, threats, or actions to a student, which cause or threaten to cause bodily harm, reasonable fear for personal safety or personal degradation.

Demonstration of appropriate behavior, treating others with civility and respect, and refusing to tolerate harassment or bullying is expected of administrators, faculty, staff, and volunteers to provide positive examples for student behavior.

This policy applies to all "at school" activities in the District, including activities on school property, in a school vehicle, and those occurring off school property if the student or employee is at any school-sponsored, school-approved or school-related activity or function, such as field trips or athletic events where students are under the school's control, or where an employee is engaged in school business. Misconduct occurring outside of school may also be disciplined if it interferes with the school environment.

#### Notification

Notice of this policy will be **annually** circulated to and posted in conspicuous locations in all school buildings and departments within the District and discussed with students, as well as incorporated into the teacher, student, and parent/guardian handbooks. State and Federal rights posters on discrimination and harassment shall also be posted at each building. All new hires will be required to review and sign off on this policy and the related complaint procedure.

Parents or legal guardians of the alleged victim(s), as well as of the alleged aggressor(s), shall be promptly notified of any complaint or investigation as well as the results of the investigation to the extent consistent with student confidentiality requirements. A record of the time and form of notice or attempts at notice shall be kept in the investigation file.

To the extent appropriate and/or legally permitted, **confidentiality** will be maintained during the investigation process. However, a proper investigation will, in some circumstances, require the disclosure of names and allegations. Further, the appropriate authorities may be notified, depending on the nature of the complaint and/or the results of the investigation.

#### Implementation

The Superintendent is responsible to implement this policy, and may develop further guidelines, not inconsistent with this policy.

This policy is not intended to and should not be interpreted to interfere with legitimate free speech rights of any individual. However, the District reserves the right and responsibility to maintain a safe environment for students, conducive to learning and other legitimate objectives of the school program.



## Procedure

Any student who believes s/he has been or is the victim of bullying, hazing, or other aggressive behavior should immediately report the situation to the Principal or assistant principal. The student may also report concerns to a teacher or counselor who will be responsible for notifying the appropriate administrator or Board official. Complaints against the building principal should be filed with the Superintendent. Complaints against the Superintendent should be filed with the Board President.

Every student is encouraged, and every staff member is required, to report any situation that they believe to be aggressive behavior directed toward a student. Reports shall be made to those identified above. Reports may be made anonymously, but formal disciplinary action may not be taken solely on the basis of an anonymous report.

The Principal (or other administrator as designated) shall promptly investigate and document all complaints about bullying, aggressive or other behavior that may violate this policy. The investigation must be completed as promptly as the circumstances permit after a report or complaint is made.

If the investigation finds an instance of bullying or aggressive behavior has occurred, it will result in prompt and appropriate remedial action. This may include up to expulsion for students, up to discharge for employees, exclusion for parents, guests, volunteers and contractors, and removal from any official position and/or a request to resign for Board members. Individuals may also be referred to law enforcement or other appropriate officials.

The individual responsible for conducting the investigation shall document all reported incidents and report all verified incidents of bullying, aggressive or other prohibited behavior, as well as any remedial action taken, including disciplinary actions and referrals, to the Superintendent. The Superintendent shall submit a compiled report to the Board on an annual basis.

## Non-Retaliation/False Reports

Retaliation or false allegations against any person who reports, is thought to have reported, files a complaint, participates in an investigation or inquiry concerning allegations of bullying or aggressive behavior (as a witness or otherwise), or is the target of the bullying or aggressive behavior being investigated, is prohibited and will not be tolerated. Such retaliation shall be considered a serious violation of Board policy, independent of whether a complaint of bullying is substantiated. Suspected retaliation should be reported in the same manner as bullying/aggressive behavior.

Making intentionally false reports about bullying/aggressive behavior for the purpose of getting someone in trouble is similarly prohibited and will not be tolerated. Retaliation and intentionally false reports may result in disciplinary action as indicated above.

## Definitions

The following definitions are provided for guidance only. If a student or other individual believes there has been bullying, hazing, harassment or other aggressive behavior, regardless of whether it fits a particular definition, s/he should report it immediately and allow the administration to determine the appropriate course of action.

**"Aggressive behavior"** is defined as inappropriate conduct that is repeated enough, or serious enough, to negatively impact a student's educational, physical, or emotional well-being. Such behavior includes, for example, bullying, hazing, stalking, intimidation, menacing, coercion, name-calling, taunting, making threats, and hitting/pushing/shoving.

**"At School"** is defined as in a classroom, elsewhere on school premises, on a school bus or other school related vehicle, or at a school-sponsored activity or event whether or not it is held on school premises. It also includes conduct using a telecommunications access device or telecommunications service provider that occurs off school premises if either owned by or under the control of the District.

**"Bullying"** is defined as any gesture or written, verbal, graphic, or physical act (including electronically

transmitted acts – i.e. internet, telephone or cell phone, personal digital assistant (PDA), or wireless hand held device) that, without regard to its subject matter or motivating animus, is intended or that a reasonable person would know is likely to harm one (1) or more students either directly or indirectly by doing any of the following:

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

Bullying can be physical, verbal, psychological, or a combination of all three. Some examples of bullying are:

- A. Physical – hitting, kicking, spitting, pushing, pulling; taking and/or damaging personal belongings or extorting money, blocking or impeding student movement, unwelcome physical contact.
- B. Verbal – taunting, malicious teasing, insulting, name calling, making threats.
- C. Psychological – spreading rumors, manipulating social relationships, coercion, or engaging in social exclusion/shunning, extortion, or intimidation. This may occur in a number of different ways, including but not limited to notes, emails, social media postings, and graffiti.

**"Harassment"** includes, but is not limited to, any act which subjects an individual or group to unwanted, abusive behavior of a nonverbal, verbal, written or physical nature, often on the basis of age, race, religion, color, national origin, marital status or disability, but may also include sexual orientation, physical characteristics (e.g., height, weight, complexion), cultural background, socioeconomic status, or geographic location (e.g., from rival school, different state, rural area, city, etc.).

**"Intimidation/Menacing"** includes, but is not limited to, any threat or act intended to: place a person in fear of physical injury or offensive physical contact; to substantially damage or interfere with person's property; or to intentionally interfere with or block a person's movement without good reason.

**"Staff"** includes all school employees and Board members.

**"Third parties"** include, but are not limited to, coaches, school volunteers, parents, school visitors, service contractors, vendors, or others engaged in District business, and others not directly subject to school control at inter-district or intra-district athletic competitions or other school events.

For further definition and instances that could possibly be construed as:

Harassment, see Policy [5517](#);

Hazing, see Policy [5516](#).

MCL 380.1310B (Matt's Safe School Law, PA 241 of 2011)  
Policies on Bullying, Michigan State Board of Education  
Model Anti-Bullying Policy, Michigan State Board of Education

Adopted 11/6/06  
Revised 4/23/12

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## ***REVISED POLICY***

### **STUDENT RECORDS**

In order to provide appropriate educational services and programming, the Board of Education must collect, retain, and use information about individual students. Simultaneously, the Board recognizes the need to safeguard student's privacy and restrict access to student's personally identifiable information.

Student "personally identifiable information" ("PII") includes, but is not limited to: the student's name; the name of the student's parent or other family members; the address of the student or student's family; a personal identifier, ~~such as the student's social security number~~, student number, or biometric record; other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name; other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or information requested by a person who the District reasonably believes know the identity of the student to whom the education record relates.

The Board of Education is responsible for maintaining records of all students attending schools in this District. Only records mandated by the State or Federal government and/or necessary and relevant to the function of the School District or specifically permitted by this Board will be compiled by Board employees. The Board hereby authorizes collection of the following student records, in addition to the membership record required by law:

- A. Observations and ratings of individual students by professional staff members acting within their sphere of competency
- B. Samples of student work
- C. Information obtained from professionally acceptable standard instruments of measurement such as:
  - Interest inventories and aptitude tests,
  - Vocational preference inventories,
  - Achievement tests,
  - Standardized intelligence tests,
- D. Authenticated information provided by a parent or eligible student concerning achievements and other school activities which the parent or student wants to make a part of the record
- E. Verified reports of serious or recurrent behavior patterns

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- F. Rank in class and academic honors earned
- G. Psychological tests
- H. Attendance records
- I. Health records
- J. Custodial arrangements

In all cases, permitted, narrative information in student records shall be objectively-based on the personal observation or knowledge of the originator.

Student records shall be available only to students and their parents, eligible students, and designated school officials who have a legitimate educational interest in the information, or to other individuals or organizations as permitted by law. “The term “parents” includes legal guardians or other persons standing in loco parentis (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the welfare of the child). The term “eligible student” refers to a student who is eighteen (18) years of age or older or a student of any age who is enrolled in a postsecondary institution.

In situations in which a student has both a custodial and a noncustodial parent, both shall have access to the student’s educational records unless stipulated otherwise by court order. In the case of eligible students, parents will be allowed access to the records without the student’s consent, provided the student is considered a dependent under section 152 of the Internal Revenue Code.

A school official is a person employed by the Board as an administrator, supervisor, teacher/instructor (including substitutes); or support staff member (including health or medical staff and law enforcement unit personnel); **and** a person serving on the Board. The Board further designates the following individuals and entities as “school officials” for the purpose of FERPA:

- A. Persons or companies with whom the Board has contracted to perform a specific task (such as an attorney, auditor, insurance representative, or medical consultant);**
- B. Contractors, consultants, volunteers or other parties to whom the Board has outsourced a service or function otherwise performed by the Board employees (e.g. a therapist, authorized information technology (IT) staff, and approved online educational service providers).**

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**The above-identified outside parties must (a) perform institutional services or functions for which the Board would otherwise use its employees, (b) be under the direct control of the Board with respect to the use and maintenance of education records, and (c) be subject to the requirements of 34 C.F.R. 99.33(a) governing the use and re-disclosure of PII from education records.**

**Finally, a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his/her tasks (including volunteers) is also considered a “school official” for purposes of FERPA provided s/he meets the above-referenced criteria applicable to other outside parties.**

“Legitimate educational interest” shall be defined as a “direct or delegated responsibility for helping the student achieve one (1) or more of the educational goals of the District” or if the record is necessary in order for the school official to perform an administrative, supervisory or instructional task or to perform a service or benefit for the student or the student’s family. The Board directs that reasonable and appropriate methods (including but not limited to physical and/or technological access controls) are utilized to control access to student records and to make certain that school officials obtain access to only those education records in which they have legitimate educational interest.

The Board authorizes the administration to:

- A. Forward student records, including any suspension and expulsion action against the student, on request to a school or school district in which a student of this District seeks or intends to enroll upon condition that the student’s parents be notified of the transfer, receive a copy of the record if desired, and have an opportunity for a hearing to challenge the content of the record;
- B. Provide “personally-identifiable” information to appropriate parties, including parents of an eligible student, whose knowledge of the information is necessary to protect the health or safety of the student or other individuals, if there is an articulable and significant threat to the health or safety of a student or other individuals, considering the totality of the circumstances;
- C. Report a crime committed by a child with or without a disability to appropriate authorities and, with respect to reporting a crime committed by a student with a disability, to transmit copies of the student’s special education records and disciplinary records including any suspension and expulsion action against the student to the authorities and school officials for their consideration;
- D. Release de-identified records and information in accordance with Federal regulations;

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- E. Disclose personally identifiable information from education records, without consent, to organizations conducting studies “for, or on behalf of” the District for purposes of developing, validating or administering predictive tests, administering student aid program, or improving instruction;

Information disclosed under this exception must be protected so that students and parents cannot be personally identified by anyone other than representative of the organization conducting the study, and must be destroyed when no longer needed for the study. In order to release information under this provision, the District will enter into a written agreement with the recipient organization that specifies the purpose of the study. (See Form 8330 F14) Further, the following personally identifiable information will not be disclosed to any entity: ~~social security number(s)~~; religion; political party affiliation or voting history.

This written agreement must include: (1) specification of the purpose, scope, duration of the study, and the information to be disclosed; (2) a statement requiring the organization to use the personally identifiable information only to meet the purpose of the study; (3) a statement requiring the organization to prohibit personal identification of parents and students by anyone other than a representative of the organization with legitimate interests; and (4) a requirement that the organization destroy all personally identifiable information when it is no longer needed for the study, along with a specific time period in which the information must be destroyed.

While the disclosure of personally identifiable information (other than religion, political party affiliation, voting or record is allowed under this exception, it is recommended that de-identified information be used whenever possible. This reduces the risk of unauthorized disclosure.

- F. Disclose personally identifiable information from education records without consent, to authorized representatives of the Attorney General, and the Secretary of Education, as well as state and local educational authorities. The disclosed records must be used to audit or evaluate a federal or state supported education program, or to enforce or comply with Federal requirements related to those education programs. A written agreement between the parties is required under this exception. (See Form 8330 F16)
- G. Request each person or party requesting access to a student’s record to abide by the Federal regulations concerning the disclosure of information.

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The Board will comply with a legitimate request for access to a student's records within a reasonable period of time but not more than forty-five (45) days after receiving the request or within such shorter period as may be applicable to students with disabilities. Upon the request of the viewer, a record shall be reproduced, unless said record is copyrighted, and the viewer may be charged a fee equivalent to the cost of handling and reproduction. Based upon reasonable requests, viewers of education records will receive explanation and interpretation of the records.

The Board shall maintain a record of those persons to whom information about a student has been disclosed. Such disclosure records will indicate the student, person viewing the record, information disclosed, date of disclosure, and date parental/eligible student consent was obtained (if required).

Only "directory information" regarding a student shall be released to any person or party, other than the student or his/her parent, without the written consent of the parent; or, if the student is an eligible student, the written consent of the student, except those persons or parties stipulated by the Board policy and administrative guidelines and/or those specified in the law.

The Board shall exempt from disclosure directory information, as requested for the purpose of surveys, marketing, or solicitation, unless the Board determines that the use is consistent with the educational mission of the Board and beneficial to the affected students. The Board may take steps to ensure that directory information disclosed shall not be used, rented, or sold for the purpose of surveys, marketing, or solicitation.

## **DIRECTORY INFORMATION**

Each year the Superintendent/designee shall provide public notice to students and their parents of the District's intent to make available, upon request, certain information known as "directory information". The Board designates as student "directory information":

- A. A student's name
- B. Address;
- C. Telephone number;
- D. Date and place of birth;
- E. Major field of study;



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- F. Participation in officially recognized activities and sports;
- G. Height and weight, if member of an athletic team;
- H. Dates of attendance;
- I. Date of graduation;
- J. Awards received;
- K. Honor rolls;
- L. Scholarships;
- M. School photographs or videos of students participation in school activities, events or programs;
- N. Student email addresses

The Board designates school-assigned e-mail accounts a “directory information” for the limited purpose of facilitating students’ registration for access to various online educational services, including mobile applications/apps that will be utilized by the student for educational purposes and for inclusion in internal e-mail address books. School-assigned e-mail accounts shall not be released as directory information beyond this/these limited purpose(s) and to any person or entity but the specific online educational service provider and internal users of the District’s Education Technology.

Parents and eligible students may refuse to allow the District to disclose any or all of such “directory information” upon written notification to the District within 10 days after receipt of the District’s public notice.

## **Armed Forces Recruiting**

The Board shall provide United States Armed Forces recruiters with at least the same access to the high school campus and to student directory information (names, addresses, and telephone listings of secondary students) as is provided to other entities offering education or employment opportunities to those students. “Armed Forces of the United States” means the armed forces of the United States and their reserve components and the United States Coast Guard.

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If a student or the parent or legal guardian of a student submits a signed, written request to the Board/Designee that indicates that the student or the parent or legal guardian does not want the student's directory information to be accessible to official recruiting representatives, then the official of the school shall not allow that access to the student's directory information. The Board shall ensure that students and parents and guardians are notified of the provisions of the opportunity to deny release of directory information.

Public notice shall be given regarding the right to refuse disclosure of any or all "directory information" including to the armed forces of the United States and the service academies of the Armed Forces of the United States.

A fee, not to exceed the actual cost incurred by the high school, for copying and mailing student directory information under this section, may be charged an official recruiting representative.

Directory information received under armed services authorization request shall be used only to provide information to students concerning educational and career opportunities available in the armed forces of the United States or the service academies of the Armed Forces of the United States. An official recruiting representative who receives student directory information under this section shall not release that information to a person who is not involved in recruiting students for the Armed Forces of the United States or the service academies of the Armed Forces of the United States.

Annually the Board will notify male students age eighteen (18) or older that they are required to register for the selective service.

Requests to the District records officer shall be presented on a standardized form developed by the Armed Forces of the United States requesting access to a high school campus and a time for the access. Requests should bear the signature of the ranking recruiting officer of the armed service making the request.

Whenever consent of the parent(s)/eligible student is required for the inspection and/or release of a student's education records or for the release of "directory information", either parent may provide such consent unless stipulated otherwise by court order. If the student is under the guardianship of an institution, the Superintendent/Designee shall appoint a person who has no conflicting interest to provide such written consent.

The Board may disclose "directory information" on former students without student or parental consent, unless the parent or eligible student previously submitted a request that such information not be disclosed without their prior written consent.

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The Board shall not permit the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose).

The Board may establish online access for the parents or the eligible student to the student's confidential academic and attendance record. To authorize such access, the parents or the eligible student must sign a release (see Form 8330 F10). This release shall remind the parents or eligible student that the account and confidential information about the student is only as secure as they keep their account information. Neither the District nor its employees will be held responsible for any breach of this policy by the parent/eligible student or any unauthorized party.

The Superintendent/Designee shall prepare administrative guidelines to ensure that students and parents are adequately informed each year regarding their rights to:

- A. Inspect and review the student's education records;
- B. Request amendments if the record is inaccurate, misleading, or otherwise in violation of the student's rights;
- C. Consent to disclosures of personally-identifiable information contained in the student's education records, except to unauthorized disclosures allowed by the law;
- D. Challenge the Board's noncompliance with a parent's request to amend the records through a hearing;
- E. File a complaint with the United States Department of Education;
- F. Obtain a copy of the Board's policy and administrative guidelines on student records.

The Superintendent/Designee shall also develop procedural guidelines for:

- A. The proper storage and retention of records including a list of the type and location of records;
- B. Informing Board employees of the Federal and State laws concerning student records.

The Board authorizes the use of the microfilm process or electromagnetic processes of reproduction for the recording, filing, maintaining, and preserving of records.

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No liability shall attach to any member, officer, or employee of this District specifically as a consequence of permitting access or furnishing student records in accordance with this policy and regulations.

Any entity receiving personally identifiable information pursuant to a study, audit, evaluation or enforcement/compliance activity must comply with all FERPA regulations. Further, such an entity must enter into a written contract with the Board of Education delineating its responsibilities in safeguarding the disclosed information. Specifically, the entity must demonstrate the existence of a sound data security plan or data stewardship program, and must also provide assurances that the personally identifiable information will not be redisclosed without prior authorization from the Board. Further, the entity conducting the study, audit, evaluation or enforcement/compliance activity is required to destroy the disclosed information once it is no longer needed or when the timeframe for the activity has ended, as specified in its written agreement with the Board of Education. See Form 8330 F14 and Form 8330 F16 for additional contract requirements.

M.C.L. 380.1135

Letter, April 6, 2004 Jeremy Hughes, Deputy Supt. Department of Education 34 C.F.R. Part 99, 2002

Section 444 of subpart of part C of the General Education Provisions Act

Title IV of Public Law 90-247

20 U.S.C., Section 1232f through 1232i (FERPA)

20 U.S.C. 1400 et seq., Individuals with Disabilities Education Improvement Act

20 U.S.C. 7165 (b)

26 U.S.C. 152

20 U.S.C. 7908

## Chippewa Valley Schools Bylaws & Policies

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### **8350 - CONFIDENTIALITY**

It is the policy of the Board of Education that when the District receives in trust from a public agency information identified to be confidential or exempt from disclosure under the Freedom of Information Act, Common Law, Privilege Case Law, or Federal Law, the Board will maintain the confidentiality of said information to the maximum extent permitted by the law.

Further, employees must not divulge confidential information contained in any records and files of this Board.

Employees must not divulge confidential information contained in the records and files of this Board, except to other employees who may need such information in connection with their duties and to authorize parties in accordance with proper departmental procedures.

The Board and/or its employees shall not permit the release of the social security number of an employee, student, or other individual except as authorized by law. Documents containing social security numbers shall be restricted to those employees who have a need to know that information or a need to access those documents. When documents containing social security numbers are no longer needed, they shall be shredded by an employee who has authorized access to such records.

Freedom of Information Act requests shall only be responded to in accordance with the District's Policy.

If an employee is approached to provide information inappropriately, the employee must refuse to release the requested information in accordance with applicable procedures, and should refer the requestor to the employee's immediate supervisor.

Any employee who inappropriately releases information, or uses confidential information for personal reason, will be disciplined in accordance with established policies and procedures.

In order to prohibit the unauthorized disclosure of information identified as confidential by a sending public agency, the Board may seek to obtain court protection by:

- A. denying requests for release of such information absent subpoena or court order;
- B. pursuing motions to quash or protective orders to prohibit unauthorized disclosure.

When possible, the Board will attempt to notify the sending public agency of the requests for release of such information prior to complying with the request.

Employees who violate this policy may be subject to discipline, up to and including discharge.

The Superintendent shall assure that employees receive a copy of and have readily available access to this policy.

The Superintendent may establish Administrative Guidelines to ensure proper compliance with the intent of this policy and the Freedom of Information Act.

Freedom of Information Act 1976, paragraph 15.243 et seq.  
M.C.L.A. 445.83, 445.84

Revised 12/5/05  
Revised 3/16/09