

# MEMORANDUM

TO: All Staff

FROM: Dustin Cichocki, Director of Human Resources

DATE: August 18, 2023

RE: Bullying and Other Aggressive Behavior  
Child Abuse Identification  
Corporal Punishment  
Drug & Tobacco Free School Law  
Drug Prevention  
Sexual Harassment & Other Forms of Harassment  
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Statement of Nondiscrimination and Reasonable Accommodation  
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New: FMLA Rights and Responsibilities  
New: Military Leave

*Current federal and state laws require the following information to be distributed to all staff on a yearly basis. Below is an excerpt and/or full summary of the above stated policies, full policies can be found on the District Web Site under the School Board information. Please read the information below and keep it on file for future reference.*

## Bullying and Other Aggressive Behavior toward Students (Policy 5517.01)

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.

## Child Abuse Identification (Policy 8462)

The Michigan Child Protection Law, 1975 PA 238, MCL 722.621 et. seq., requires the reporting of child abuse and neglect by certain persons (called mandated reporters) and permits the reporting of child abuse and neglect by all persons. The Child Protection Law includes the legal requirements for reporting, investigating, and responding to child abuse and neglect.

Mandatory reporters include an audiologist, psychologist, school counselor, school administrator, social worker, and teachers. Mandated reporters are always required to report suspected child abuse and neglect to Department of Human Services (DHS). The report must be made directly to DHS by the person who first suspects the abuse, third-hand reporting is not allowed. There are civil and criminal penalties for a mandated reporter who fails to make a report. Likewise, there is a civil and criminal immunity for someone making a report in good faith.

A complete copy of the Mandated Reporters' Resource Guide can be found at:

[https://courts.michigan.gov/Administration/SCAO/OfficesPrograms/CWS/Documents/Mandated\\_Reporters\\_Resource\\_Guide.pdf](https://courts.michigan.gov/Administration/SCAO/OfficesPrograms/CWS/Documents/Mandated_Reporters_Resource_Guide.pdf) or, you can request an electronic copy from Central Office.

#### Corporal Punishment (Policy 5630)

*Seclusion and Restraint laws apply in conjunction with this policy.*

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. 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 pursue the removal of the student from the classroom or school through suspension or expulsion procedures with administration.

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.

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 the Board of Education and possibly criminal assault charges as well. This prohibition applies as well to volunteers and those with whom the District contracts for services.

#### Drug & Tobacco Free School Law (Policies 3122.01, 3215, 4215, and 7434)

The Board of Education believes that quality education is not possible in an environment affected by drugs. It will seek to establish and maintain an educational setting which is not tainted by the use or evidence of use of any controlled substance. 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 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 due process, up to and including termination.

The Board of Education recognizes that the use of tobacco (all forms including "vapor" or other substitute forms) 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, on all school properties owned and/or operated by the District, and at any District-related event. The Tobacco Free Schools Act (Senate Bill 459) became law on September 1, 1993.

#### Drug Prevention (Policy 5530)

In accordance with Federal Law, the Board of Education hereby establishes a "Drug-Free School Zone" that extends 1000 feet from the boundary of any school property. The Board prohibits the use, possession, sale, concealment, delivery, or distribution of any drug or drug-related paraphernalia at any time on District property, or school-approved vehicles, or at any school-related event. Drugs include any alcoholic beverage, performance enhancing drugs, all chemicals which release toxic vapors, dangerous controlled substance as

defined by the State statute or substance that could be considered a "look-a-like" controlled substance, any other illegal substance so designated and prohibited by law. Compliance with this policy is mandatory for all staff members. Any part-time or full-time employee who violates this policy will be subject to disciplinary action, in accordance with due process, up to and including termination. When appropriate or required by law, Lowell Area Schools will also notify law enforcement officials.

Lowell Area Schools is concerned about any staff member who is a victim of alcohol or drug abuse and will facilitate the process by which s/he receives help through programs and services available in the community. A staff member should contact his/her supervisor or the Business Office whenever such help is needed.

#### Sexual and Other Forms of Harassment (Policies 3362, 4362 and 5517)

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

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

The Board of Education recognizes that a staff member has the right to freedom from employment discrimination including the opportunity to work in an environment untainted by sexual and other forms of harassment. The sexual or other forms of harassment of a staff member (or student) of Lowell Area Schools is strictly forbidden. This includes unwelcome sexual advances, requests for sexual favors and verbal or physical contacts of a sexual nature whenever submission to such conduct is made a condition of employment or a basis for an employment decision. Also included as sexual and other forms of harassment is when such conduct has the purpose or effect of unreasonably interfering with work performance or creating an intimidating, hostile or offensive work environment.

All complaints should be directed to the immediate supervisor and will be handled promptly and thoroughly in a confidential manner.

#### Staff Ethics (Policies 3210 & 4210) and Outside Activities of Staff (Policies 3231 & 4231)

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 staff members to maintain high standards in their working relationships, and in the performance of their duties. Please read the full policy for complete expectations.

It is the policy of the Board of Education that staff members avoid situations in which their personal interests, activities, and associations may conflict with the interests of the District. If such situations occur, the Superintendent shall evaluate the impact of such activity or association upon the staff member's responsibilities and take appropriate action as necessary. Please read the full policy for complete expectations.

#### Statement of Non-Discrimination and Reasonable Accommodation (Policies 3122, 3123, 4122 and 4123)

The Board of Education does not discriminate on the basis of race, color, national origin, sex, (including sexual orientation and transgender identity), disability, age, religion, height, weight, marital or family status, military status, ancestry, genetic information, or any other legally protected category, (collectively, "Protected

Classes") in its programs and activities, including employment opportunities.

The Board of Education prohibits discrimination against any employee or applicant based upon his/her disability. As such, the Board will not engage in employment practices or adopt policies that discriminate on the basis of disability, or otherwise discriminate against qualified individuals with disabilities in regard to job application procedures, the hiring, advancement or discharge of employees, employee compensation, job training, or other terms, conditions and privileges of employment. The Board further will not limit, segregate or classify applicants or employees in any way that adversely affects their opportunities or status because of disability. Handicapped employees or applicants who feel accommodation is needed to perform the essential duties of their job, must notify the District's Business Office, in writing, of the need for reasonable accommodation within 182 days after the date the employee or applicant knew or reasonably should have known that an accommodation was needed. The Board will provide a reasonable accommodation to a qualified individual who has an actual disability or who has a record of a disability, unless the accommodation would impose an undue hardship on the operation of the District's program and/or activities. A reasonable accommodation is not necessarily required for an individual who is merely regarded as having a disability.

Employees are encouraged to promptly report incidents of unlawful discrimination and/or retaliation to an administrator, supervisor, or other District-level official so that the Board may address the conduct. Any administrator, supervisor, or other District-level employee or official who receives such a complaint shall file it with the Director of HR or Special Education Director within two (2) school days.

Employees who believe they have been unlawfully discriminated/retaliated against are entitled to utilize the complaint process set forth in the full policy. Initiating a complaint, whether formally or informally, will not adversely affect the complaining individual's employment. While there are no time limits for initiating complaints under this policy, individuals should make every effort to file a complaint as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

#### Student Supervision and Welfare (Policies 3213 and 4213)

Staff members may be confronted with situations which, if handled incorrectly, could result in liability to the District and personal liability to the staff member. Staff members shall not associate or fraternize with students at any time in a manner which may give 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 harmful substances such as illegal drugs, alcohol, or tobacco. Any sexual or other inappropriate conduct with a student by any staff member will subject the offender to potential criminal prosecution and disciplinary action by the Board up to and including termination of employment. Staff members shall not transport students in a private vehicle without the approval of the District. Additional information can be found in the stated policies.

#### Weapons (Policy 3217 and 4217)

The Board of Education prohibits staff members from possessing, storing, making, or using a weapon in any setting that is under the control and supervision of the District for the purpose of school activities approved and authorized by the District including, but not limited to, property leased, owned, or contracted for by the District, a school-sponsored event, or in a District vehicle without the permission of the Superintendent. The term "weapon" means any object which, in the manner in which it is used, is intended to be used, or is represented, is capable of inflicting serious bodily harm or property damage, as well as endangering the health and safety of persons. Weapons include, but are not limited to, firearms, guns of any type, including air and gas-powered guns (whether loaded or unloaded), knives, razors, clubs, electric weapons, metallic knuckles, martial arts weapon, ammunition, and explosives.

The Superintendent shall refer a staff member who violates this policy to law enforcement officials. The staff member will also be subject to disciplinary action, up to and including termination, as permitted by applicable Board policy and the terms of existing collective bargaining agreements.

Exceptions to this policy include: weapons under the control of law enforcement personnel; items approved by a Superintendent as part of a class or individual presentation under adult supervision, if used for the purpose of and in the manner approved; (Working firearms and ammunition shall never be approved.) theatrical props used in appropriate settings; starter pistols used in appropriate sporting events.

Staff members shall report knowledge of dangerous weapons and/or threats of violence by students, staff members, or visitors to the principal. Failure to report such information may subject the staff member to disciplinary action, up to and including termination.

#### Freedom of Speech in Non-Instructional Setting (Policy 3310)

The Board of Education acknowledges the right of its professional staff members, as citizens in a democratic society, to speak out on issues of public concern. When those issues are related to the District, however, the professional staff member's expression must be balanced against the interests of this District.

The following guidelines are adopted by the Board to help clarify and, therefore, avoid situations in which the professional staff member's expression could conflict with the District's interests. In such situations, s/he should:

- A. state clearly that his/her expression represents personal views and not necessarily those of the School District;
- B. refrain from expressions that would disrupt harmony among co-workers or interfere with the maintenance of discipline by school officials;
- C. not make threats or abusive or personally-defamatory comments about co-workers, administrators, or officials of the District;
- D. refrain from making public expressions which s/he knows to be false or are made without regard for truth or accuracy.

#### Staff Technology Acceptable Use and Safety (Policy 7540.04)

##### Social Media Use (See excerpt below)

An employee's personal or private use of social media may have unintended consequences. While the Board respects its employees' First Amendment rights, those rights do not include permission to post inflammatory comments that could compromise the District's mission, undermine staff relationships, or cause a substantial disruption to the school environment. This warning includes staff members' online conduct that occurs off school property including from the employee's private computer. Postings to social media should be done in a manner sensitive to the staff member's professional responsibilities.

#### Staff Dress (Policy 3216)

The Board of Education believes that professional staff members set an example in dress and grooming for their students to follow. A professional staff member who understands this precept and adheres to it enlarges the importance of his/her task, presents an image of dignity, and encourages respect for authority. These factors act in a positive manner toward the maintenance of discipline.

The Board retains the authority to specify the following dress and grooming guidelines for staff that will prevent such matters from having an adverse impact on the educational process. When assigned to District duty, all professional staff members shall:

- A. be physically clean, neat, and well groomed;
- B. dress in a manner consistent with their professional responsibilities;
- C. dress in a manner that communicates to students a pride in personal appearance;
- D. dress in a manner that does not cause damage to District property;

- E. be groomed in such a way that their hair style or dress does not disrupt the educational process nor cause a health or safety hazard.

#### Controversial Issues (Policy 2240)

The Board of Education believes that the consideration of controversial issues has a legitimate place in the instructional program of the schools.

Properly introduced and conducted, the consideration of such issues can help students learn to identify important issues, explore fully and fairly all sides of an issue, weigh carefully the values and factors involved, and develop techniques for formulating and evaluating positions.

For purposes of this policy, a controversial issue is a topic on which opposing points of view have been promulgated by responsible opinion or is likely to arouse both support and opposition in the community.

The Board will permit the introduction and proper educational use of controversial issues provided that their use in the instructional program:

- A. is related to the instructional goals of the course of study and level of maturity of the students;
- B. does not tend to indoctrinate or persuade students to a particular point of view;
- C. encourages open-mindedness and is conducted in a spirit of scholarly inquiry.

Controversial issues related to the program may be initiated by the students themselves provided they are presented in the ordinary course of classroom instruction and it is not substantially disruptive to the educational setting.

Controversial issues may not be initiated by a source outside the schools unless prior approval has been given by the principal.

When controversial issues have not been specified in the course of study, the Board will permit the instructional use of only those issues which have been approved by the principal.

In the discussion of any issue, a teacher may express a personal opinion, but shall identify it as such, and must not express such an opinion for the purpose of persuading students to his/her point of view.

The Board recognizes that a course of study or certain instructional materials may contain content and/or activities that some parents find objectionable. If after careful, personal review of the program lessons and/or materials, a parent indicates to the school that either content or activities conflicts with his/her religious beliefs or value system, the school will honor a written request for his/her child to be excused from particular classes for specified reasons. The student, however, will not be excused from participating in the course or activities mandated by the State and will be provided alternative learning activities during times of parent requested absences.

The Superintendent shall develop administrative guidelines for dealing with controversial issues.

#### Family and Medical Leaves of Absence (1630.01 "FMLA")

In accordance with Federal law, the Board of Education shall provide up to twelve (12) weeks of unpaid FMLA leave in any twelve (12) month period to eligible administrators for the following reasons:

A-1. the birth of a child and/or the care of a newborn child within one (1) year of the child's birth

B-1. the placement of a child with the staff member by way of adoption or foster care and/or to care for the child within one (1) year of the child's arrival

C-1. the staff member is needed to care for a spouse, parent, or dependent child if such individual has a serious health condition, or

D-1. the staff member's own serious health condition prevents him/her from performing the functions of his/her position

FMLA Request Form:

[https://docs.google.com/document/d/1\\_a4d\\_2x40Z6MXUGzTpHc0sLec9RII8Z0jeMswKqRMus/edit?usp=sharing](https://docs.google.com/document/d/1_a4d_2x40Z6MXUGzTpHc0sLec9RII8Z0jeMswKqRMus/edit?usp=sharing)

FMLA Memo:

<https://docs.google.com/document/d/1RRKWJynrZqLBt8atJQsE4f4QAFDgQiefimmlTlqZtYE/edit?usp=sharing>

Military Leave (Policy 3437.01)

The Board of Education provides military leave, reemployment, and other rights as established by the Federal Uniformed Services Employment and Reemployment Rights Act (USERRA) and State law. To qualify:

- A. the employee (or an appropriate officer in the uniformed service in which the employee's military service is performed) gave advance written or verbal notice of his/her military duty unless excused;
- B. the cumulative length of all periods of military service with the employer do not exceed five (5) years, except as provided under State statute;
- C. the employee timely reports to work after the period of military service ends;
- D. the employee has not separated from service with a disqualifying or other than honorable conditions.

The Superintendent shall post notices of employees' right under USERRA at conspicuous locations within the District.

Employees may contact the U.S. Department of Labor or the Michigan Department of Military and Veteran's Affairs to obtain more information regarding their rights under these statutes.

This policy is intended to comply with and explain the service person's rights under USERRA and State law. To the extent there is any conflict, the USERRA, State law and their regulations prevail.

*I would urge you to read these policies. They contain excellent reminders of how we need to conduct ourselves as District employees.*

*The District's complete and updated versions of the Bylaws, Policies and Administrative Guidelines are always available at <https://go.boarddocs.com/mi/lowell/Board.nsf/Public?open&id=policies>. This site has a search feature to make reference easily accessible by all staff members.*

*Kindly let me know if you have questions about any of the above.*