

- a. abide by a behavior contract which may involve the student, his/her parent(s), guardian(s) and an outside agency;
- b. participate in an anger management program or other counseling activities;
- c. cooperate in processing and discussing periodic progress reviews;
- d. meet other conditions deemed appropriate by the Reinstatement Committee;
- e. accept the consequences for not fulfilling the agreed-upon conditions.

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

- E. In the event a student who has been permanently expelled from another school or public or Academy requests admission to this Academy, the Academy Board shall, in making its decision, rely upon the recommendation of the School Leader, Director and the ESP/EMO.
- F. The Academy Board may, subject to Michigan law:
  1. set aside the expulsion and reinstate the student with or without any limiting conditions;
  2. reduce the expulsion to a suspension or expulsion of 180 days or less with any conditions the Academy Board deems advisable under the circumstances;
  3. affirm the expulsion

H. The Academy Board shall make its decision no later than the next regular Board meeting following the Reinstatement Committee's submission of its recommendations. The Academy Board's decision shall be final and not subject to appeal.

## **Section 10. Bullying.**

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

### **Bullying and Cyberbullying are Prohibited**

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

### **Definitions**

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

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

Bullying is unwanted, aggressive behavior among school aged children that involves a real or perceived power imbalance. The behavior is repeated, or has the potential to be repeated, over time.

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

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

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

Bullying and cyberbullying are prohibited at school. This policy applies to prohibited conduct in any academic, educational, extra-curricular, or other Academy programs, activities, and events

whether occurring at school, during the Academy's Educational Program and process including, but not limited to: in a school building, remote or on-line learning platforms/systems, email, telephone, in-person or virtual conferences with Academy staff or third-party contracted EMO employees/staff and employees/staff of third-party contractors/vendors who provide services to the Academy, on any premises or equipment owned, leased or used by the Academy, in a motor vehicle owned or leased by the Academy or being used for a school-related purpose or at any Academy-related event, activity or function; traveling by any means to or from school or an Academy-related event, activity, or function; and in any location where the conduct has a sufficient connection to or with the Academy, its staff or the third-party contracted EMO employee/staff assigned to work at or on behalf of the Academy, employees/staff of third-party contractors/vendors, Academy students or Academy property that adversely and significantly affects, interferes with or endangers the good order of the Academy's Educational Program or environment at school, the proper functioning of the educational process, or non-school locations which are used for purposes of the Educational Program or Academy-related event, activity or function.

"At school" also includes using a telecommunications access device or a telecommunications service provider if the telecommunications access device or telecommunications service provider is owned by or under the control of the Academy. "Telecommunications access device" and "telecommunications service provider" mean those terms as defined in MCL §750.219a.

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

### **Reporting and Investigating Reports of Bullying**

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

A student may report a complaint of bullying and/or cyberbullying to the Academy's Anti-Harassment Compliance Officers:

Hilary Karnatz – 616 754-9360 [hkarnatz@flatriveracademy.org](mailto:hkarnatz@flatriveracademy.org)

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

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

All complaints about bullying that may violate this Policy shall be promptly investigated and documented. The School Leader, Director or designee is responsible for the investigation; however, the Academy Board may engage an independent third-party to investigate the bullying or cyberbullying complaint. If the investigation results in a finding that bullying or cyberbullying has occurred, prompt and appropriate disciplinary action shall be taken, to and including expulsion for students, to and including the removal of Academy staff or EMO employees/staff members, and to and including exclusion from school property for parents, guests, volunteers, and contractors. Individuals may also be referred to law enforcement officials.

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

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

The School Leader or Director is the school official responsible for ensuring that this policy is implemented.

### **Confidentiality**

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

### **Notification**

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

## **Reporting**

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

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

### **Section 11. Use of Seclusion or Restraint.**

Pursuant to MCL §380.1307a, the Academy Board directs its staff or, if an EMO administers the educational program, the EMO, to adopt as an administrative guideline a policy, applicable to all who work at or on behalf of the Academy and any EMO or third-party employees/staff of contractors/vendors who provide services to the Academy that is consistent with the policy issued by the Michigan Department of Education in connection with the requirements of Public Acts 394 through 402 of 2016, MCL §380.1307, *et seq.*, regarding restrictions on the use of seclusion and restraint in public schools.

### **Section 12. Search and Seizure.**

The Academy Board has delegated to the School Leader and Director, the responsibility of safeguarding the safety and well-being of the students enrolled in the Academy. In the discharge of this responsibility, the School Leader, Director or designated administrator may search Academy property such as lockers, desks, computers, tablets, iPads, cell phones and other electronic and digital equipment owned, leased or provided by the Academy to the student, and used by the student during the Educational Program or the person or property, including vehicles, of a student, in accordance with the following policy. In conducting such search, the individual conducting the search shall observe all legal prohibitions on password protected devices.

### **School Property**

Lockers, desks, computers, tablets, iPads, cell phone and other electronic or digital equipment owned, leased or provided by the Academy to the student and used by the student during the Educational Program are the property of the Academy. Where locks are provided for such places, students may lock them against incursion by other students, but in no such places shall students have an expectation of privacy as to prevent examination by a school official. The School Leader, Director, or designated administrator may search student lockers, desks, computers, tablets, iPads, cell phones and other electronic and digital equipment owned, leased or provided by the Academy to the student at any time and for any reason.

### **Student Person and Possessions**

