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Series 3000: Operations, Finance, and Property

3100 General Operations

3118 Title IX Sexual Harassment

Consistent with Policy 3115, the District prohibits unlawful sex discrimination, including harassment and retaliation, in any of its education programs or activities in accordance with Title IX of the Education Amendments of 1972 and its implementing regulations.

This Policy addresses allegations of Title IX sexual harassment that occurred on or after August 14, 2020 unless the District previously investigated the allegations under a different policy pursuant to the now-vacated Title IX 2024 regulations. Allegations of discrimination, harassment, or retaliation not covered by this Policy should be addressed under the District's applicable non-discrimination or anti-harassment policies. Allegations alleging both Title IX sexual harassment and other forms of Unlawful Discrimination and Unlawful Harassment (e.g., race, age, disability) that cannot be reasonably separated into distinct complaints should be investigated under this Policy. Complaints that include allegations of Title IX sexual harassment may be investigated under this Policy or bifurcated and investigated pursuant to the applicable Grievance Procedure under Policies 3115-3115H. Investigating other forms of discrimination, including harassment and retaliation, pursuant to this Policy will fulfill the District's investigation requirements under Policies 3115-3115H, 4104, and 5202, but nothing in this paragraph limits the District's right to determine at any time that a non-Title IX allegation should be addressed under Policies 3115-3115H, 4104 or 5202 or any other applicable Policy.

The Board directs the Superintendent or designee to designate one or more employees who meet the training requirements in Section M of this Policy to serve as the District's Title IX Coordinator(s). The Title IX Coordinator will designate an Investigator, Decision-Maker, and Appeals Officer, if applicable, for each Formal Complaint made under this Policy. If a Formal Complaint is made under this Policy against the Title IX Coordinator, the Board President will designate the persons who will serve as the Investigator, Decision-Maker, and Appeals Officer and will work with District administrators to ensure that all other requirements of this Policy are met.

The Investigator, Decision-Maker, Appeals Officer, and Informal Resolution Facilitator cannot be the same person on a specific matter, and the persons designated to serve in those roles may or may not be District employees. Any person serving as the Investigator, Decision-Maker, Appeals Officer, or Informal Resolution Facilitator must meet the training requirements in Section M of this Policy.

Inquiries about Title IX's application to a particular situation may be referred to the Title IX Coordinator(s), the Assistant Secretary for Civil Rights of the United States Department of Education, or both.

A. Definitions

For purposes of this Policy only, the below terms are defined as follows:

1. "Sexual Harassment" means conduct on the basis of sex that satisfies one or more of the following:
 - a. a District employee conditioning the provision of a District aid, benefit, or service on a person's participation in unwelcome sexual conduct;
 - b. unwelcome conduct that a reasonable person would determine to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's education program or activity; or
 - c. "Sexual assault" as defined in 20 USC 1092(f)(6)(A)(v), "dating violence" as defined in 34 USC 12291(a)(10), "domestic violence" as defined in 34 USC 12291(a)(8), or "stalking" as defined in 34 USC 12291(a)(30).
 - i. "Sexual assault" is an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation. It includes unlawful sexual intercourse (including incest and statutory rape) and any sexual act, including rape, sodomy, sexual assault with an object, or fondling, criminal sexual contact, directed against another person without the consent of that person, including when that person is incapable of giving consent.
 - A) Rape: (Except Statutory Rape) The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
 - B) Sodomy: Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
 - C) Sexual Assault With an Object: To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
 - D) FondlingCriminal Sexual Contact: The (1) intentional touching of the victim's clothed or unclothed body parts without the consent of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation; or (2) the forced touching by the victim of the actor's clothed or unclothed body parts without the victim's consent private body parts of another person for the purposes of sexual degradation, sexual gratification, or sexual humiliation. This offense without the consent of the victim, includes instances where the

victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

- E) Incest: Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - F) Statutory Rape: Nonforcible sexual intercourse with a person who is under the statutory age of consent.
- ii. "Dating violence" means violence committed by a person who is or has been in a romantic or intimate relationship with the Complainant. The existence of such a relationship is based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
 - iii. "Domestic violence" means felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the Complainant, person with whom the Complainant shares a child, person who is cohabitating with or has cohabitated with the Complainant as a spouse or intimate partner, person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Michigan; or any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of Michigan.
 - iv. "Stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to (1) fear for the person's safety or the safety of others; or (2) suffer substantial emotional distress.
- 2. "Actual Knowledge" means notice of sexual harassment or allegations of sexual harassment to the District's Title IX Coordinator or any District employee. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only District employee with actual knowledge is the Respondent.
 - 3. "Appeals Officer" is the person designated by the District to decide appeals of a dismissal or determination of responsibility for matters investigated under this Policy. The Appeals Officer may not be the same person as the Investigator, Title IX Coordinator, Decision-Maker, or person designated to facilitate an informal resolution process on a specific matter.
 - 4. "Complainant" is a person who is alleged to be the victim of conduct that could constitute Title IX sexual harassment.
 - 5. "Consent" means a voluntary agreement to engage in sexual activity by a person legally capable of consenting. Someone who is incapacitated cannot consent. Past consent does not imply future consent. Silence or an absence of

Series 4000: District Employment

4100 Employee Rights and Responsibilities

4113 *Michigan Earned Sick Time Act (ESTA)* [Required for Districts with More Than 10 Employees] [Note: If the District has 10 or fewer employees, please contact the Thrun Board Policy Administrator to receive a different version of this ESTA policy.]

A. General

Eligible employees will accrue paid leave as provided by the ESTA. Applicable provisions of a collective bargaining agreement, individual employment contract, or handbook remain in place and may provide additional paid leave time that is not provided by the ESTA.

Unless otherwise agreed with union representation, the ESTA does not apply to employees subject to a conflicting collective bargaining agreement in effect on February 21, 2025, until the collective bargaining agreement expires.

The ESTA does not apply to an employee subject to a conflicting individual employment contract in effect on February 21, 2025, until that contract expires, if all of the following are satisfied:

- the District and the employee signed the contract on or before December 31, 2024;
- the contract is effective for not longer than 3 years; and
- the District notified the Michigan Department of Labor and Economic Opportunity (LEO) of the contract.

B. Definitions

1. "ESTA benefit year" means the 12-month period from July 1 to June 30. [Optional: may adjust 12-month period]
2. "Eligible employee" means an employee engaged in service to the District. The following, however, are not eligible employees:
 - a. an unpaid trainee or unpaid intern;
 - b. a person employed in accordance with the Michigan Youth Employment Standards Act, MCL 409.101, *et seq*; or
 - c. positions when the employee may schedule their own working hours as approved by the Superintendent or designee. For those approved positions, the District will not take adverse personnel action for failure to schedule a minimum amount of working hours.

use leave is not foreseeable, the employee must provide notice to the District of the employee's intent to use earned sick time as soon as practicable. For leave of more than 3 consecutive days, upon District request, the eligible employee must provide the District – within 15 days after the request – reasonable documentation that earned sick time was used for an ESTA purpose. The District will be responsible for paying the eligible employee's costs in obtaining the requested documentation.

In cases of domestic violence or sexual assault, reasonable documentation includes any of the following:

- a police report indicating that the employee or the employee's family member was a victim of domestic violence or sexual assault;
- a signed statement from a victim and witness advocate affirming that the employee or the employee's family member is receiving services from a victim services organization; or
- a court document indicating that the employee or the employee's family member is involved in legal action related to domestic violence or sexual assault.

All health, sexual assault, and domestic violence information and documentation received from an employee about earned sick time remains confidential and will not be disclosed, except to the employee, with the employee's written permission, or as and to the extent required by law.

Failure to comply with notice procedures or document requests to support the use of earned sick time, or using earned sick time for a non-permissible use, may result in discipline, including discharge.

Unless otherwise provided in an employee's collective bargaining agreement, individual employment contract, or handbook:

- earned sick time must be used in [] [Note: Insert "hourly" or the smallest increment that the District uses to account for absences of use of other time] increments; and
- an employee using earned sick time will not receive overtime pay, holiday pay, or bonuses for the earned sick time.

H. Notice and Recordkeeping

The District will:

1. provide an ESTA notice created by LEO to each eligible employee at hire or by March 23, 2025, whichever is later (see 4113-F-1);
2. display in a conspicuous location in each of its buildings the ESTA poster created by LEO; and

Series 4000: District Employment

4100 Employee Rights and Responsibilities

4113-F-1 Michigan Earned Sick Time Act (ESTA) Form [For Districts with More Than 10 Employees] [Note: If the District has 10 or fewer employees, please contact the Thrun Board Policy Administrator to receive a different version of this ESTA form.]

ESTA Hire Notice

Pursuant to the Michigan Earned Sick Time Act (ESTA), an eligible employee generally (1) earns 1 hour of earned sick time for every 30 hours worked, but the District may cap use of earned sick time to 72 hours per ESTA benefit year, or (2) receives at least 72 hours of earned sick time at the beginning of the District's ESTA benefit year (prorated for a part-time employee under certain circumstances). The District's ESTA benefit year is the 12-month period from July 1 to June 30. [Optional: may adjust 12-month period]

[Optional (if frontloading for a part-time employee, complete the following for that employee): As a part-time employee, the District estimates that you will work approximately _____ hours during the District's ESTA benefit year, subject to the District's discretion and Board Policy].

Retaliatory personnel action by the employer against an employee for requesting or using earned sick time for which the employee is eligible is prohibited. An eligible employee may file a complaint with the Michigan Department of Labor and Economic Opportunity (LEO) for any ESTA violation.

Terms under which earned sick time may be used are identified in the ESTA and in District Policy 4113, which terms are incorporated by reference into this Notice. An eligible employee may use earned sick time for the following reasons:

1. the employee's mental or physical illness, injury, or health condition; medical diagnosis, care, or treatment of the employee's mental or physical illness, injury, or health condition; or preventative medical care for the employee;
2. for the employee's family member's mental or physical illness, injury, or health condition, medical diagnosis, care, or treatment of the employee's family member's mental or physical illness, injury, or health condition or preventative medical care for a family member of the employee;
3. if the employee or the employee's family member is a victim of domestic violence or sexual assault, for medical care or psychological or other counseling for physical or psychological injury or disability, to obtain services from a victim services organization, to relocate due to domestic violence or sexual assault, to obtain legal services, or to participate in any civil or criminal proceedings related to or resulting from the domestic violence or sexual assault;

Series 4000: District Employment

4100 Employee Rights and Responsibilities

4113-F-2 Michigan Earned Sick Time Act (ESTA) Leave Request Checklist*

- ☐ **1. EE Eligibility.** Determine if EE is eligible for earned sick time under ESTA. If EE is ineligible, then ESTA does not apply. EE is ineligible if EE fits within at least 1 of the following exclusions:
 - ☐ CBA Exclusion
 - ☐ EE is covered by a CBA that was in effect on 2/21/25.
 - ☐ The CBA has not expired, and
 - ☐ For every employee covered by the CBA, the CBA addresses sick leave (or a similar benefit) or expressly excludes sick leave.
 - ☐ Individual Employment Contract Exclusion
 - ☐ EE is covered by an individual employment contract that was signed by both the EE and ER on or before 12/31/24.
 - ☐ Contract is effective for 3 years or less.
 - ☐ ER notifies LEO of the contract,¹ and
 - ☐ Contract "conflicts" with ESTA.²
 - ☐ Categorical Exclusion
 - ☐ EE is an unpaid trainee or an unpaid intern.
 - ☐ EE is under 18 years old and employed under the Michigan Youth Employment Standards Act, or
 - ☐ ER policy allows EE to schedule EE's own working hours and prohibits ER from taking adverse personnel action against EE for not scheduling a minimum amount of working hours.
 - ☐ **2. Purpose for Leave.** Confirm EE's requested leave is for an ESTA purpose. If not for an ESTA purpose, then ESTA does not apply. An eligible EE may use accrued earned sick time for any of the following purposes:
 - ☐ EE or EE family member illness, injury, health condition, or preventative medical care.
 - ☐ If EE or EE family member is a domestic violence or sexual assault victim, for:
 - ☐ Medical care or counseling for a physical or psychological injury or disability.
 - ☐ Services from a victim services organization.
 - ☐ Relocation.
 - ☐ Legal services, or
 - ☐ Participation in any civil or criminal proceedings related to the domestic violence or sexual assault.
 - ☐ Meeting at child's school or place of care related to:
 - ☐ The child's health or disability, or
 - ☐ The effects of domestic violence or sexual assault on the child.
 - ☐ Closure of EE's place of business by a public official due to a public health emergency.
 - ☐ EE need to care for a child whose school or place of care is closed by order of a public official due to a public health emergency.
 - ☐ Leave when health authorities or a health care provider determines that EE or EE family member presence in the community jeopardizes the health of others because of EE or EE family member exposure to a communicable disease.
- ☐ **3. Concurrent or Alternate Leave.**
 - ☐ If an eligible EE's requested leave is for an ESTA reason, determine whether earned sick time will run concurrently with any other available leave, such as FMLA leave or leave granted by a CBA, individual employment contract, or policy.
 - ☐ If EE is not an eligible EE or if eligible EE's requested leave is not for an ESTA reason, determine if EE qualifies for any other leave, such as leave granted by a CBA, individual employment contract, or policy.
- ☐ **4. Leave Notice.** ESTA generally permits an ER to require an EE to provide up to 7 days' advanced notice for foreseeable leave and notice as soon as practicable for unforeseeable leave. ESTA also permits an ER to discipline an EE who fails to provide required notice. Check any applicable CBA, individual employment contract, and policy for any ESTA advanced notice requirements applicable to the EE.

* This checklist was created on 9/17/25 and is based on (i) statutory text as of that date, and (ii) 7/22/25 Frequently Asked Questions published by LEO (FAQs). The back side of this checklist contains definitions.

This checklist is intended to assist a school with determining whether an EE's leave request qualifies for earned sick time and, if so, to assist the school with processing that leave. According to the FAQs, an EE must request the use of earned sick time; an ER cannot mandate that an EE use earned sick time before the EE uses other leave.

Review any applicable CBA, individual employment contract, and policy for ESTA provisions that may impact the above checklist. For example, a contract may grant earned sick time to an EE who does not otherwise qualify for earned sick time under ESTA.

ESTA leave mandates do not apply to an ER with less than 11 EEs (Small Employer) until 10/1/25 or, if the Small Employer did not employ an EE before 2/21/22, until 3 years after the ER first employs an EE.

¹ ERs must notify LEO by email: leo-estacontract@michigan.gov.

² Neither ESTA nor the FAQs expressly address what it means for an individual employment contract to "conflict" with ESTA. The FAQs suggest, however, that a conflict exists if the contract addresses sick leave (or a similar benefit) or expressly excludes sick leave.

- ☐ **5. Available Leave.** Confirm EE did not exhaust accrued earned sick time. If EE exhausted accrued time, then ESTA does not apply, assuming that ER granted minimum leave required by ESTA. An ER may satisfy its earned sick time mandate for an EE by either (i) frontloading earned sick time at the beginning of the ER's ESTA benefit year for immediate use (frontloading requirements differ for full-time and part-time EEs), or (ii) granting 1 hour of earned sick time for every 30 hours worked. Reminders:
- ☐ If EE accrues leave at the rate of 1 hour for every 30 hours worked, then:
 - ☐ An ER is not required to permit an EE to use more than 72 hours of earned sick time during an ESTA benefit year (40 hours if a Small Employer).
 - ☐ ER must allow EE to carry over up to 72 hours of accrued leave from ESTA benefit year to ESTA benefit year (40 hours if a Small Employer).
 - ☐ An ER may require an EE hired after 2/21/25 to wait up to 120 calendar days after commencing employment before using accrued leave.
 - ☐ An EE exempt under the Fair Labor Standards Act is assumed to work 40 hours per workweek, unless the EE's normal workweek is less than 40 hours.
 - ☐ If EE (i) transfers to another position while employed for the same ER, or (ii) separates from employment but is rehired by the same ER within 2 months after separation, then EE may use earned sick time that was accrued but unused before the transfer or separation, unless the ER paid the EE the value of

that earned sick time at time of transfer or employment separation.

- ☐ **6. Leave Increment.** Leave may be used in:
- ☐ 1-hour increments, or
 - ☐ The smallest increment the ER uses to account for non-ESTA absences.
- ☐ **7. Supporting Documents.** For leave of more than 3 consecutive days, ER may require EE to provide the ER with reasonable documentation that earned sick time was used for an ESTA purpose. If ER requests such documentation, then ER is responsible for paying EE's costs in obtaining the documentation and EE must return the documentation within 15 days of the request. Reasonable documentation is:
- ☐ Documentation signed by a health care professional indicating that earned sick time is necessary, or
 - ☐ In cases of domestic violence or sexual assault, any of the following selected by the EE:
 - ☐ A police report indicating that the EE or the EE's family member was a victim of domestic violence or sexual assault.
 - ☐ A signed statement from a victim and witness advocate affirming that the EE or the EE's family member is receiving services from a victim services organization, or
 - ☐ A court document indicating that the EE or the EE's family member is involved in legal action related to domestic violence or sexual assault.

Definitions

- CBA – collective bargaining agreement.
- Domestic partner – adult in committed relationship with another adult.
- Earned sick time – Time off from work that can be used for any ESTA purpose.
- EE – Employee.
- ER – Employer.
- Family member –
 - Biological, adopted, or foster child, stepchild or legal ward, a child of a domestic partner, or a child to whom the EE stands *in loco parentis*.
 - Biological parent, foster parent, stepparent, or adoptive parent or a legal guardian of an EE or an EE's spouse or domestic partner or a person who stood *in loco parentis* when the EE was a minor child.

- Individual to whom the EE is legally married under the law of any State or a domestic partner.
- Grandparent or grandchild.
- Biological, foster, or adopted sibling.
- Individual related by blood to the EE, or
- Individual whose close association with the EE is the equivalent of a family relationship.
- FMLA – Family and Medical Leave Act.
- Health Care Professional –
 - Person licensed under Michigan or federal law to provide health care services, including nurses, doctors, and emergency room personnel, or
 - Certified midwife.
- LEO – Michigan Department of Labor and Economic Opportunity.

This checklist provides a general overview of ESTA and its applicability to schools. None of the information in this checklist is intended as legal advice or opinion for specific facts, matters, situations, or issues. Consult legal counsel about the application of this document to a specific circumstance or situation. This checklist is subject to future legal developments.

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APPENDIX I: SEXUAL HARASSMENT AND SEXUAL ASSAULT INFORMATION GUIDE

What Is Sexual Harassment?

Sexual harassment is unwanted sexual remarks or behaviors. It can be verbal, physical, or visual. Here are a few examples of sexual harassment:

Verbal

- Making sexual jokes, comments, or spreading rumors targeted at someone (in person or online)
- Making sexual jokes or comments about students' bodies or how they look or act
- Making jokes or comments about students' masculinity or femininity and/or who they are attracted to or love

Physical:

- Pulling at or touching someone's clothing in a sexual manner (like pulling down someone's pants or snapping a bra strap)
- Touching, pinching, or grabbing someone in a sexual way
- Brushing up against someone's body on purpose

Visual

- Posting or sharing sexual comments, pictures, or videos
- Pressuring someone to take or send sexual pictures or videos ("nudes")

Sexual harassment can make someone feel many emotions.

You may feel scared, uncomfortable, upset, embarrassed or angry.

When it comes to sexual harassment, what matters is how the action makes a person think or feel--not the intention of the person who did it.

Sexual harassment can happen anywhere or to anyone. It can take place in person or online. But no matter where sexual harassment happens, it is never okay. It is wrong and it is against the law.

What Is Sexual Assault?

Sexual assault is any sexual act that one person chooses to do to another person without consent (permission) through physical force, threats, or pressure (verbal or emotional).

Here are a few examples of sexual assault:

- Touching someone's genitals, breast, or butt without their permission (consent) over or under clothes
- Unwanted kissing
- Physically forcing someone to perform a sexual act

- Threatening or pressuring a person to do any sexual act
- Unwanted vaginal, oral, or anal penetration with a body part or object (also known as rape)

Sexually assaulting another person is wrong and it is against the law.

In Michigan statute, this is called “Criminal Sexual Conduct.”

About Consent

- Consent means that each person agrees or gives permission.
- Anyone can change their mind at any time.
- Consent means each person understands what is going on and agrees to all of it.
- Someone needs to get consent every single time.
- Just because someone said “yes” before, does not mean “yes” now.
- It is not okay to use threats, emotional pressure, or the fact that another person is drunk or high to get what you want.

If someone doesn’t consent to sexual acts, it is sexual assault.

What if This is Happening to Me?

It is not your fault. You are not alone.

- No one has the right to sexually harass or assault anyone else.
- You have the right to feel safe and respected.
- If you feel like you won’t be harmed, tell them this is not okay and to stop.
- Consider telling a trusted adult if any of these behaviors happen to you. If the trusted adult is a teacher, coach, or school staff, they may have to tell someone else (like a principal, parents, etc.). If you’re not sure if you are ready or want to tell a trusted adult at your school, you can talk to them without saying it happened to you (“I have a friend who...”).
- If the first person isn’t helpful, keep trying until you find someone who is.
- Speaking up is a brave thing to do. Don’t be afraid to seek help from someone you trust.
- Resources listed on the next page are available 24/7 to support you.

Scientific research tells us that people who experience traumatic events like sexual harassment and sexual assault have many different responses in their brains, bodies, feelings, and behaviors. However YOU respond to trauma is okay and is normal.

What if This is Happening to Someone I Know?

Believe. Listen. Support.

- Believe them! If someone tells you that someone has sexually harassed or assaulted them, know that it is very hard to tell someone about this and that person trusts and respects you enough to share this information. Let them know that what happened is not their fault and you are there to support them.
- Listen without judgment. Give them space and time to tell you what they feel comfortable sharing.
- Ask how you can support them. What you would need might differ from what your friend needs, so always ask. Let your friend decide who else can know.

Resources

There is Help.

You can call or chat with any of the resources below 24/7. People who are trained are there to listen and support you no matter what. **You don't have to tell them your name.** They can connect you with people and organizations nearby who can help you with questions or needs.

Michigan's Hotline for Sexual Assault, Domestic Violence, and Human Trafficking (Voices4)

Text or Call: 855-864-2374 Chat: <https://mcedsv.org/hotline/>

Youth Resources Web Page: <https://mcedsv.org/resources>



School Title IX Coordinator

If someone sexually assaulted or sexually harassed you at school or at a school event, you can choose to talk to your School District's Title IX Coordinator. Part of their responsibilities is to prevent and respond to sexual assault, sexual harassment, and discrimination based on sex and gender. Note: If you report to a Title IX Coordinator, they are required by law to follow up and may conduct an investigation.

If you report a sexual assault or sexual harassment incident, the policies forbid someone from retaliating or doing something to get back at you. See Appendix A of the Student Handbook for your school's Title IX information and other related policies.

This resource was developed in response to Public Act 57 of 2023 by the Michigan Department of Education in partnership with the Michigan Domestic and Sexual Violence Prevention and Treatment Board and the Michigan Coalition to End Domestic and Sexual Violence (MCEDSV).