

INVESTIGATIONS AND DOCUMENTATION, OH MY!



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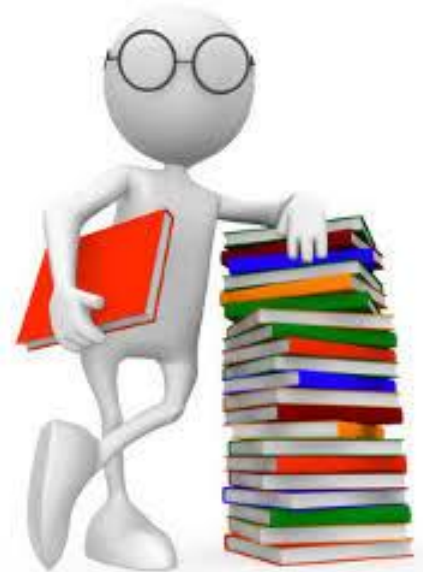
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TOPICS TO BE COVERED

- **Why Investigate**
- **The Purpose of the Investigation**
- **Who should Investigate**
- **How to Prepare for the Investigation**
- **Order of Interviews**
- **Conducting an Effective Interview**
- **Documentation**
- **Finalizing the Investigation/Discipline**
- **Miscellaneous**



WHY INVESTIGATE?

- **Schools should conduct an investigation whenever a school official with authority to take action becomes aware, through any means, of possible violations of Board policies prohibiting bullying, harassment or discrimination of students or employees.**
 - formal complaint
 - informal report (e.g. – employee sticks head in office, and says “I just want you to know”)
 - personal observations that suggest violations or misconduct (e.g. – sexually-oriented email; racist graffiti; repeated rumors?)
- **Why?: (1) students and employees should learn in a school/workplace free of violations of important Board policies; (2) failure to investigate can give rise to liability (e.g. – defense to harassment claim, that school took prompt and effective remedial action); (3) failure to investigate could suggest indifference to misconduct, which could result in increased damages; (4) the investigation itself can be a defense.**

RECOGNIZING THE NEED FOR AN INVESTIGATION

A school should conduct an investigation even if:

- **No one requests that an investigation be conducted.**
 - “Teacher or Student is making inappropriate comments to me about my race or gender orientation.”
- **The person complaining requests that no investigation be conducted.**
 - “Teacher or Student is making inappropriate comments.”
 - Teacher has a wife and children.
 - I don’t want anything done; I just want you to know.

RECOGNIZING THE NEED FOR AN INVESTIGATION (CONT'D)

- **The person complaining states that he or she is speaking “off the record.”**
 - The law does not recognize an OTR exception to the duty to investigate.
- **The policy requires that complaints be in writing, and no written complaint has been filed.**
 - It is good to request that complaints be in writing: (1) record of complaint; (2) useful in interviewing.
 - But, even if the complainant refuses to put the complaint in writing, you still must investigate in certain circumstances to protect the student, the employee, yourself and the District.

RECOGNIZING THE NEED FOR AN INVESTIGATION (CONT'D)

- **The relevant facts appear to be incontrovertible, or you believe the accused would never have done that.**
 - (1) the facts may not be as they appear
 - (2) get the accused's side of the story; better to find out right away, rather than six months from now, after the accused has had the chance to create an alibi.
 - (3) fairness and due process –how will this appear to a judge or jury or OCR or other agency or the media or your school community...or your school board.

PURPOSE OF THE INVESTIGATION

- **Gather facts and relevant evidence**
- **Provide basis for management decision on what action if any to take**
- **Establish expectations of behavior**
- **Provide reassurance that misconduct will be taken seriously**
- **Investigation is not for the purpose of law enforcement or prosecution**
- **Enforce and comply with a variety of anti-harassment policies where the obligation to investigate is part of the employer's or school's best practice to avoid liability**

PURPOSE OF THE INVESTIGATION

- **Many Circumstances May Prompt an Investigation**
 - A formal (or informal) complaint
 - Co-worker reports of questionable conduct (although not wanting to become involved or reported anonymously)
 - Employee misconduct including violation of workplace rules
 - Theft or suspected theft
 - Drug use or activity
 - Workplace accidents
 - Student allegations/ Student disclosures



OBJECTIVES IN CONDUCTING INVESTIGATIONS

- **Gather facts and relevant evidence, so that appropriate action can be taken.**
 - The main reason for investigating – so you can “do the right thing.”
 - Your role is to gather information so that appropriate action can be taken (e.g. – what did X say or do; witnesses; did anyone have similar experiences with X; etc.).
 - A student’s well-being or an employee’s job depend on your investigation.

- **Obtain information that may assist the District in defending against future claims.**
 - Contemporaneous statements by witnesses with personal knowledge of the facts.
 - Possible admissions by the accused.

OBJECTIVES IN CONDUCTING INVESTIGATIONS (CONT'D)

- **Act of investigating may assist the District in avoiding liability.**
 - One of the few situations under the law in which actions taken by the school, after alleged misconduct has occurred, may absolve the school of, or limit, its liability.
- **Afford a wrongdoer the opportunity to lie.**
 - Witness credibility is very important.
 - Example: sexual harassment case: have you ever contacted Student Y using social media?

WHO SHOULD INVESTIGATE

- **Internal or external**
- **Skill-set to conduct the investigation**
 - Knowledge of child development if with students
 - Ability to judge credibility
 - Ability to think on their feet and ask follow-up questions and (with kids) go with the flow
 - Ability to be impartial, objective, and non-judgmental
 - Ability to determine the scope of the investigation
 - Knowledge of school policies and potential employment or other issues
 - Time to conduct in a relatively prompt timetable
 - Ability to make decision in particular situation without fear of retaliation from individual being investigated

HOW TO PREPARE FOR INVESTIGATION

- **Consult with others (HR, Board, Administration)**
 - Need to understand their objectives
- **Be familiar with the allegations**
 - Do not make any assumptions about the truth of the allegations
- **Determine what evidence is relevant and necessary**
 - Have a clear understanding of what you are trying to prove – develop a plan
 - Determine order of interviews
 - Emails, telephone records, cell phones, text messages – PRIORITY ATTENTION
- **Consider whether you should use outside legal counsel**

HOW TO PREPARE FOR INVESTIGATION (CONT'D)

- **Investigation will not always be the same**
 - When dealing with students be prepared to throw your “plan” out the window
- **Circumstances or conduct prompting investigation will determine manner and scope**
 - Information provided by witnesses almost always changes the scope
- **Objective is to obtain sufficient information upon which to make decisions (or take action) and collect reliable information to support decisions (or action)**

HOW TO PREPARE FOR INVESTIGATION (CONT'D)

- **Gather relevant written policies, contracts, handbooks, rules**
 - If a harassment case, make sure collect all applicable policies, rules and forms
 - Review all relevant collective bargaining provisions
- **Be aware of the rights of the person you are interviewing**
 - Employee right to representation
 - Weingarten rights – check collective bargaining agreement as rights may exceed Weingarten
 - Parents notified
- **Check all collective bargaining provisions that apply to investigations, if any**
 - Timeline for notice of receipt of complaint

HOW TO PREPARE FOR INVESTIGATION (CONT'D)

- **Investigate Promptly – won't get better with time**

- Avoid unnecessary delay
- Whenever possible, begin the investigation immediately
- Continue the investigation without delay
- Work diligently to conclude the investigation as quickly as possible



- **Create a consistent opening statement**

- Purpose of the interview
- Any rights and obligations
- Process to be followed
- What they can expect to happen



HOW TO PREPARE FOR INVESTIGATION (CONT'D)

- **Select a private and quiet interview space**
- **Determine initial timeline for investigation if possible**
- **Prepare an outline of all questions to be asked and topics to be covered (need to be flexible)**
- **Make any necessary preliminary decisions**
 - Should employee be placed on leave?
 - If so, paid or unpaid?
 - Do you need to contact police or DHS?
 - If a student, do you need to contact parents?

ORDER OF INTERVIEWS (NOT SET IN STONE)

- **Prepare open-ended, unbiased questions**
 - Review questions with HR or legal counsel
- **Interview complainant**
- **Interview witnesses to the behavior or action that forms the basis for the complaint**
- **Interview witnesses identified by the complainant**
- **Interview the person who is the subject of the complaint**
- **Additional witnesses identified by the subject of the complaint**

PLANNING FOR THE INTERVIEW

- **Give witness minimal notice of interview**
- **Check collective bargaining agreement on right to union representation**
- **How to handle waiver of right to union representation**
- **Prior notice to union representative?**



MUST DISTRICT ALLOW EMPLOYEE'S OR STUDENT'S ATTORNEY TO ATTEND?

- If a public employer, Fifth Amendment right against self-incrimination may restrict the extent to which a public employer is able to require an employee to cooperate or discipline if reason for lack of cooperation is fear of self-incrimination. *Garrity v New Jersey*, 385 U.S. 493 (1967), but only when criminal charges are also potentially involved.
- An employer does not have to permit an employee's attorney to attend the interview in a union or non-union setting (if criminal behavior consider letting attorney sit in, if requested).
- Due process for students MAY include the presence of legal counsel when criminal charges are also pending.

STARTING THE INTERVIEW

- **Introduce yourself and explain the nature of the investigation**
- **Put witness at ease – particularly students**
 - May want subject of complaint uncomfortable
 - Inform subject of complaint that investigation could lead to discipline – prior to asking any questions so that complainant can obtain union representation, if applicable
- **Explain how witness's statement may be used**



CONDUCTING AN EFFECTIVE INVESTIGATION

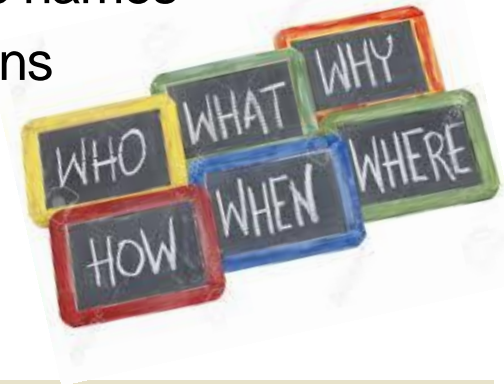
- **If requiring a written statement – tell witness up front**
- **If you have a written statement, clarify origin and purpose**
 - Is statement a recorded recollection of highlights or a detailed account
 - Remember any additional facts
- **Take verbatim notes**
- **Ask open-ended questions that cannot be answered with a simple “yes” or “no” (INTERVIEW FORM)**
- **Children - avoid questions about time and distance**



CONDUCTING AN EFFECTIVE INVESTIGATION

• Witness interviews

- Interview separately not in a group
- Emphasize need for completeness, accuracy, and truth
- Be mindful of additional conditions and events that need to be documented (witnesses spoke to each other before, threats made if statement given)
- Cover any other similar incidents or the lack thereof
- Be mindful of word choice. Write (and speak) like a regular person; "before" not "prior to." Don't refer to the "victim," use names
- Ask who, what, when, where, why, and how questions



CONDUCTING AN EFFECTIVE INVESTIGATION

- **Ask questions about inconsistencies and gaps in information**
- **Ask questions about discrepancies with previous statements**
- **Ask for specific detail**
- **Do not fill in the gaps for witness**
- **Ask if there is a way to corroborate witness's account**
- **Silence really is golden!**



CONDUCTING AN EFFECTIVE INVESTIGATION

- **Take steps to assure that the witness understands the question you are asking**
 - Ask witness (particularly students) to restate the question you asked
 - Always remember that what you say may not be what witness hears (ex. be brave and tell the truth)
- **Make sure the answer you are getting is to the question you asked**
 - Are you saying...
 - Do you mean...



CONDUCTING AN EFFECTIVE INVESTIGATION

- **If witness/student is uncooperative**
 - Try to determine reason for lack of cooperation
 - Students often concerned about how it will look to peers
 - Students can be uncomfortable and afraid of repercussions
 - Students want to “be cool”
- **Reassure student that they are safe and doing the right thing**
- **Tell them what you know or think you know**
- **Provide reassurance about how to handle actual or perceived retaliation – give names and numbers of who to contact if retaliation is suspected**

CONDUCTING AN EFFECTIVE INVESTIGATION

- **Interviewing subject of complaint**

- Ask about relationship and prior contact with complainant
- Ask if subject of complaint can think of any reason why complaint would have made
- Try to get agreement, i.e., Is it possible..., Would you agree that.... (ex. I can understand why she thinks I might be stalking her)
- Ask who he/she thinks you should interview (common witnesses can be pivotal)
- Before concluding interview, ask if there is any other information they have to share
 - Remind of ‘no retaliation’ policy
- May want to direct subject not to have contact with complainant or other witnesses to avoid taint of investigation or alleged retaliation or harassment

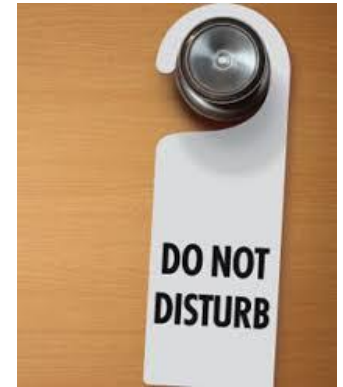
CONDUCTING AN EFFECTIVE INVESTIGATION

- **If subject of complaint is uncooperative**
 - Encourage participation by explaining the investigation process, answering any questions the witness has, and reiterating the prohibition against retaliation (if applicable)
 - An employee can be compelled to cooperate in an investigation and it is appropriate to discipline employees who refuse to cooperate



CONDUCTING AN EFFECTIVE INVESTIGATION

- **As much as possible prevent interruptions during interview**
- **There is no need to share all information obtained through the investigation with the witness; share only those details that are needed to effectively interview the witness**



CONDUCTING AN EFFECTIVE INVESTIGATION

- **Confidentiality**

- When interviewing, always asks the witnesses to treat the information discussed during the interview confidential
- Explain why confidentiality is necessary
- Explain that the information provided during the interview will be shared on a need to know basis and not necessarily held in strict confidence
- State any policy prohibiting retaliation (if applicable)



DOCUMENTATION

- **Recording the Information**

- Determine at the outset how information will be documented
- Options to document witness interviews include:
 - Handwritten notes
 - Typed summaries for signature by the witness
 - Allow witness to make changes before signing
 - Statements written by each witness
- If handwritten notes are used, before concluding the interview review notes with witness to ensure all information was captured accurately
- Handwritten notes should be legible

SHOULD YOU TAPE RECORD THE INTERVIEW?

- **Advantages:**

- Preserves the witness' statement, in his/her own words.
 - Unlike a written statement, TR avoids the contention that the school wrote out the words that it wanted the witness to say.
- Minimizes the likelihood of allegations that the witness' statement was coerced.
- Helpful to law enforcement, if criminal charges are filed.

SHOULD YOU TAPE RECORD THE INTERVIEW? (CONT'D)

- **Disadvantages:**

- Appears heavy-handed.
- May cause the witness to be less forthcoming.
- May result in the recording of unrelated information that the school may not wish to record.
 - Witnesses tend to ramble.
 - Can ramble into irrelevant areas.
 - Can record harmful information that you may not want to record (e.g., “I reported this previously, but nothing was done about it.”).
- Recommend when: witness is likely to be unavailable later.

DOCUMENTATION – FERPA ISSUES

- **If educational records are involved, may need to obtain written consent of parents/guardians or student if 18 or older, to share records during investigation**
- **May also need to obtain written consent to permit access to educational records by union representative who generally is not a school official for purposes of having access to educational records**
- **Records of School Resource Officer compiled for criminal case are not educational records but if used to investigate violation of school rules, become educational records**

FERPA AND STUDENT RECORDS: POP QUIZ!

Student A and Student B get into a fight in the high school hallway during a passing period. The fight is captured on the school's surveillance camera. On the video, you can see both Student A and B, as well as Student C. Student D is present, but you cannot see his/her face. Students A and B receive suspensions as a result of the fight. Parents of Student A demand a copy of the video. What do you do?



U.S. DEPARTMENT OF EDUCATION, FAMILY POLICY COMPLIANCE OFFICE (FPCO)

- FPCO's current informal guidance is that where a video (or other picture image) of one or more students is taken, the video or image is "directly related" to, and thus the "education record" of, the student or students who are the focus of the video (such as two students in an altercation). Therefore, students (or their parents) who are the "focus" of the video may view the video or image since it is their "education records".
- The video would not be a FERPA-protected education record for those students who are "set dressing" (*i.e.*, present, but not involved in the altercation), since they are not the focus of the video.
- However, if the school uses the video to find witnesses to the altercation and the students are named or used as witnesses, the video becomes the witnessing student's education record also.
- Require parents of Student A come in and view video in presence of Administrator.

INVESTIGATION FILE

- **Create a separate file for the investigation**
- **The file should include all documents and other information gathered during the investigation**
 - The allegation/complaint
 - Notes
 - Evidence of all contacts or attempts to contact witnesses
 - Documents and physical evidence
 - Final report
 - Documentation that parties received the final report

DETERMINATION

- **Reach a Determination**

- Review all of the evidence, including witness interviews
- If necessary, follow up with additional interviews or other activity needed to conduct an adequate investigation
- Consider and weigh all the evidence
- If evidence conflicts, assess credibility (is witness believable, did witness account make sense, is account based upon personal knowledge or gossip, hearsay or speculation, does witness have reasons to lie, does account contradict documentary evidence)

DETERMINATION

- **Remediation**
 - Determine what, if any, correction action or remedial measures are necessary
 - Always consider polices and practices
- **Consider/Discuss how to organize and prepare the report**
- **Prepare the report**

PREPARE THE REPORT

- **The Investigation Report**

- Is a written report needed or will a verbal report be sufficient?
- Will report (whether written or verbal) provide the facts with conclusions or will recommendations be included?
- If a formal report is needed, the report should include:
 - Background information
 - An explanation of the situation prompting the investigation
 - How the investigation was carried out
 - Witnesses interviewed
 - Documentary evidence reviewed
 - Consider attaching significant documents to report

PREPARE THE REPORT

- **Think about your audience when writing your report**
- **Edit and proof your report from the perspective of someone with no knowledge of event**
- **Better yet have someone with no knowledge read and see if it is clear (confidentiality)**
- **Decide how you are going to refer to your witnesses and then refer to them in the exact same way throughout the report (Mr. Jones, or R. Jones, or Robert Jones)**
- **Will the report be subject to a FOIA request?**
- **Will the report be Exhibit A in litigation?**

NOTICE OF OUTCOME

- **April 4, 2011 – OCR Dear Colleague Letter**
 - After a school investigation concludes, FERPA influences how schools can relay the outcome to the complainant and the public.
 - Both parties **must be notified, in writing**, about the outcome (*i.e.*, whether or not discrimination/harassment occurred).
 - **FERPA permits a school to disclose to the harassed student information about the sanction** imposed upon a student who was found to have engaged in harassment when the sanction directly relates to the harassed student (*i.e.*, an order that the harasser is to stay away from the harassed student, has been transferred to another class, or is prohibited from attending school for a period of time).

NOTICE OF OUTCOME

- **Written notice to respondent and complainant concurrently. (TEMPLATES)**
- **Complainant must be told in writing:**
 - whether or not the alleged conduct occurred,
 - any individual remedies offered or provided to the complainant,
 - any sanctions imposed on the respondent that directly relate to the complainant,
 - steps taken to eliminate the hostile environment.
- **The respondent should not be told of the remedies offered or provided to the complainant.**



NOTICE OF OUTCOME

- **Respondent should be told in writing:**
 - Summary of evidence reviewed (do not give witness names or share evidence).
 - Summary of findings.
 - Any remedial action to be taken regarding the respondent.
 - Non-retaliation expectations.

DISCIPLINE PROCEDURES AND DOCUMENTATION



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DISCIPLINE DOCUMENTATION

- **Long-Term Discipline/Expulsion Recommendation Letter:**
 - TO: Parent(s) **AND** Student
 - Date of offense/complaint
 - Summary of Investigation, if applicable:
 - # of witnesses interviewed/statements
 - Video or other evidence review?
(i.e. text messages/social media)
 - Admissions by student?
 - Findings, including citation to BOE policy/Code of Conduct/Law

DISCIPLINE DOCUMENTATION

- **Long-Term Discipline/Expulsion Recommendation Letter:**
 - Discipline Recommendation
 - Notice of Hearing
 - Date/time/location
 - Prehearing Rights (5610)
 - Review evidence
 - Review student records
 - Waive hearing (include waiver form - [template](#))



DISCIPLINE DOCUMENTATION

- **Long-Term Discipline/Expulsion Recommendation Letter:**
 - Rights at Hearing:
 - Appear and produce witnesses/cross-examine witnesses
 - Produce other evidence
 - Attach: Copies of relevant BOE policies/Code of Conduct
 - **Template**

****GIVE 3-5 DAYS PRIOR TO HEARING****

DUE PROCESS HEARING DOCUMENTATION

- **Checklist:**

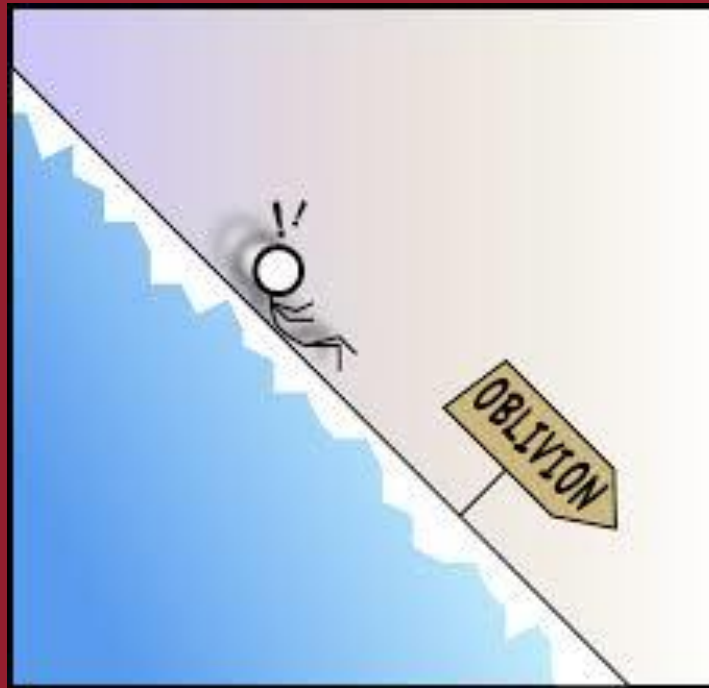
- Waiver
- Witness statements
- Video/photos
- Student academic file
- Confirmation if student is Section 504/IEP
- Witnesses to testify on behalf of District
- Investigator/Administrator recommending discipline
- Others involved



POINTS TO REMEMBER

- **Investigate promptly**
- **Listen to both sides – stay neutral until the end**
- **Adjust language to developmental level of witness**
- **Make sure questions are understood and fully answered**
- **Ensure confidentiality when possible**
- **Document EVERYTHING**
- **Prepare a final report/formal documentation to parties**
- **Follow BOE policies and procedures – READ!**

STUDENT SEARCHES: SLIPPERY SLOPE?



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SEARCHES

Based on information that you have obtained during witness interviews, you suspect that Jim has pornography in his locker. You also believe that there are e-mails on Jim's personal cell phone that corroborate that he has sent nude pictures to other students.

- **What should you do?**

SEARCHES (CONT'D)

- 1. You may not search Jim's locker or examine his cell phone, because he has an expectation that the contents of his locker and his emails on his personal cell phone are private.**
- 2. You may search his locker and cell phone with consent.**
- 3. You may search his locker and examine his cell phone without consent.**
- 4. You may search his locker without consent but not examine his cell phone.**

MICHIGAN INTERNET PRIVACY PROTECTION ACT

MCL 37.274

Section 4 of IPPA:

- **An educational institution shall not do any of the following:**
 - (a) Request a student or prospective student to grant access to, allow observation of, or disclose information that allows access to or observation of the student's or prospective student's personal internet account.
 - (b) Expel, discipline, fail to admit, or otherwise penalize a student or prospective student for failure to grant access to, allow observation of, or disclose information that allows access to or observation of the student's or prospective student's personal internet account.

IPPA – DIFFERENT FOR EMPLOYEES!

MCL 37.375

Section 5:

- **This act does not prohibit an employer from doing any of the following:**
 - (c) Conducting an investigation or requiring an employee to cooperate in an investigation in any of the following circumstances:
 - (i) If there is specific information about activity on the employee's personal internet account, for the purpose of ensuring compliance with applicable laws, regulatory requirements, or prohibitions against work-related employee misconduct.

HYPOTHETICAL FACT PATTERN

Susie:

Principal Bob suspects that Susie has been carrying out drug deals during school. Principal Bob was told by Billy that Susie had sold Tonja marijuana on school property a couple hours earlier so Tonja could get “high” at lunch. Billy says the basis of his information is that he saw Susie Facebook messaging Tonja during class about the drug deal and both were bragging about how easy it is to sell drugs and get “high” at school.

- **May Principal Bob ask Susie and/or Tonja for their Facebook account information to retrieve these messages?**

SOME CIRCUMSTANCES THAT PROMPT STUDENT SEARCHES

- Suspected or Reported Violations of Student Code of Conduct.
- Improper use of electronic equipment (cell phone, computers, internet, iPad, etc.).
- Improper behavior toward fellow students or staff.
- General Parent/Student Complaint.
- Theft or Suspected Theft.
- Anonymous Complaint.
- Information obtained from school video surveillance equipment.

Note: Schools should investigate any incident that is related to the school regardless of whether the matter has been reported to police or other authorities. Schools may make their own decision and need not await the outcome of criminal charges or other investigations.

SCHOOL SEARCHES (5771)

- **Search only when there is an individualized suspicion or reasonable cause to suspect a rule violation.**
 - e.g. – theft of property; student had access to property.
- **Conduct the search in the least intrusive manner possible.**
- **If pat down, same gender with a witness present.**
- **Avoid strip and/or body cavity searches.**

TECHNOLOGY

- Investigating school computer activity or videos is often essential.
- Social media may be used if in public domain, provided with consent of recipient of social media or sender, or obtained via district technology devices or network.
- Law enforcement or parent involvement may be helpful.



NEW SEXUAL ASSAULT/CSC LEGISLATION



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NEW MICHIGAN LAW FOR CSC

- Effective **August 8, 2018**: PA 145 of 2018.
- Resulting from Brighton Public Schools sexual assault of multiple female students “off campus.”
- New CSC offense is created, “Criminal Sexual Conduct against another pupil enrolled in the same school district.”
- Does not require the offense to be committed “at school” – on school grounds, transportation or at activity/event.
- CSC committed by one student against another student from the same District – at any time/anywhere – is a violation the District can now punish.

NEW MICHIGAN LAW FOR CSC

Effective August 8:

- A District may suspend or expel someone who commits CSC against another student in the District off campus
- A District must permanently expel a student who “pleads to, is convicted of, or is adjudicated for” CSC against another student.
- Mandate kicks in only after there has been a Court proceeding and adjudication – which could be months later.

NEW MICHIGAN LAW FOR CSC

Effective August 8:

- Permanent expulsion is also subject to 7 Restorative Justice Mitigating Factors
 - “Whether a lesser intervention would properly address the violation or behavior committed by the student.”
- This allows a District to conclude that a 60-day suspension or a non-permanent expulsion, for example, could “properly address” the violation, rather than a permanent expulsion.

NEW MICHIGAN LAW FOR CSC

- If a student is convicted of CSC against another student in the District, the Court (not the District) shall order that the convicted student not attend school in the same building as the victim.
- PPO to be issued to the student-victim (on top of the bar from attending the same school).
- **Remember:** School District is NOT a party to the Order or PPO. The parties to the proceeding, not the school, are responsible for complying with any Order from the Court.
- However, if student is special education, District may be responsible under IDEA or Section 504 to find alternative schooling or transportation for student.

CHANGE IN CODE OF CONDUCT

- Most Codes of Conduct currently identify as an offense a violation of Michigan’s CSC law on school property.
- Should add a **NEW** category of CSC, covering a violation of Michigan’s CSC law against, “any student of the District, regardless of location.”
- Consequence: “Suspension up through permanent expulsion.”
- “Under state law, the District may suspend or expel a student who commits CSC with another District student. The District shall suspend or permanently expel a student who is convicted, by plea or adjudication, of CSC with another District student.”

NEW MICHIGAN LAW FOR CSC

- SB 871/**872**
- Amends statute of limitations for ***civil actions*** because of CSC from 3 years to 10 years. It is not necessary for a criminal prosecution to have been brought as a result of the conduct.
- Add new Section 5851b to allow an individual who, while a minor, is the victim of CSC to commence a civil action to recover damages from CSC at any time until they are 28 years old (previous – 19 years) or until 3 years after the individual discovers his or her injury and its relationship to CSC, whichever is later.

QUESTIONS?



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- As with all legal issues, this presentation provides general principles only, and your attorney should be consulted for specific questions related to any and all principles contained herein.
- School law issues are complex and fact specific; when in doubt, consult with your legal counsel!

THANK YOU!



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