

# Code of Conduct

## **I. Purpose of this Code**

This code of conduct is adopted by the School Board of St. Mary's Academy pursuant to and in compliance with the requirements of Project SAVE and §100.2(1) of the Regulations of the Commissioner of Education.

This Code defines the School Boards expectations for conduct on St. Mary's Property and at School functions (on or off property) based on these accepted principles. It also identifies the range of penalties for unacceptable conduct. Unless otherwise indicated, this Code applies to the conduct of students, employees, student's parents and other visitors committed on School Property, at a school function, or those otherwise affecting the School's spiritual and educational program.

## **II Philosophy**

Saint Mary's Academy exists to create a Catholic educational community where the pursuit of academic excellence is enlightened and enlivened by faith in the Gospel of Jesus Christ. The religious and academic goals of the school challenge the students, employees, parents, and visitors to develop: the spiritual dimension of their lives, high moral character, self-worth, self-discipline, respects for the dignity and rights of others, service to others, concern for the community and concern for the common good.

## **III. Bill of Student's Rights and Responsibilities**

### **A. Student Rights.**

Regardless of race, sex, color, national origin, disability, religion, or creed, all students have the right to:

1. A Catholic spiritual atmosphere that supports the faith journey and academic growth of students.
2. The guidance of understanding teachers, staff, and administration.
3. An education that offers students the opportunity for inquiry and development to the fullest potential.
4. Constructive disciplines for the development of good character, conduct and habits.
5. Personal security while on School Property and at School functions.
6. An educational climate where the well being of students is a primary concern.
7. An educational staff that provides positive role models for student development.
8. The opportunity to develop and express opinions, beliefs, and values, provided such expression is not disruptive, slanderous or insubordinate.
9. Wholesome extracurricular activities.
10. Health and psychological services to assist in physical, mental and social development.
11. Appropriate education and/or remediation to serve special needs.
12. Consideration as an individual within the educational environment.
13. The opportunity to approach teachers and administrators with reasonable requests and questions concerning education.

## B. Student Responsibilities.

All students are accountable for their own behavior on School property and at School functions, and have the responsibility:

1. Take full advantage of the opportunities for spiritual and academic growth provided by the school.
2. Treat others with the dignity and respect they deserve as children of God.
3. Comply with the provisions of this Code while on School Property and at School Functions.
4. Grow in Character and ability as they grow with age.
5. Be honest with themselves and others.
6. Show respect for fellow students, teachers and School staff.
7. Set a positive example so that others may enjoy and profit from their company.
8. Perform all assignments to the best of their ability.
9. Consider their education as preparation for the future.
10. Obey all school rules and regulations.
11. Respect public, private and school property.
12. Attend school regularly and punctually.
13. Develop high moral standards and the courage to live by them.
14. Strive for mutually respectful relationships with teachers and comply with reasonable requests of teachers and administrator.
15. Take full advantage of educational opportunities available at school.
16. Develop opinions and values that will make them an asset to the school community.
17. Learn and practice civic responsibility.

## IV. The Roles of Others in the School Community

### A. Teachers and other Professional Staff.

The role (the roles described here are examples) of the teaching and other professional staff employed by St. Mary's Academy is to:

1. Demonstrate, by word and action, respect for the Catholic Identity of the school, law and order, and self-discipline.
2. Keep students and parents informed regarding student progress.
3. Express concern and enthusiasm for teaching and learning.
4. Treat students as individuals, with concern and respect.
5. Provide direction and guidance so students can learn to think, reason, and be responsible for their actions.
6. Be consistent, fair and firm in dealing with students both in and out of the classroom.
7. Reinforce positive student behavior.
8. Seek appropriate resources to effect positive change in student behavior.
9. Before seeking assistance for the Principal for discipline problems, use available resources to bring about positive behavioral changes in the classroom.
10. Show respect to students, parents, fellow teachers and administration in all situations.

**B. The Principal.**

The role of the Principal is to:

1. Maintain an environment that is reflective of the religious and academic goals of a Catholic School in the Diocese of Albany.
2. Responsibly to exercise the authority assigned by the Bishop, the Pastor, and the Superintendent of Schools and Assistant Superintendents.
3. Responsibly to exercise the authority assigned by the School Board.
4. Develop effective schedules and teaching assignments for students and staff.
5. Be consistent, fair, and firm in decisions affecting students, staff and parents.
6. Demonstrate, by word and example; respect for law and order, self-discipline, and sincere concern for all persons under their authority.
7. Participate in the development of rules and regulations and to make them known and understood by students, staff and parents.
8. Initiate and maintain open lines of communication with students, staff and parents.
9. Become involved with students by attending school activities and visiting classrooms.
10. Work with students, teachers, counselors, and parents to establish cooperative techniques for bringing about an effective educational program.

**C. The School Board**

The role of the School Board is to:

1. Visit the school building regularly, attend school functions, and become familiar with the school operations.
2. Keep the community well informed of all school activities through regular publications, announcements, meetings, and other appropriate forms of communication.
3. Develop programs that provide for the needs of all students, including those with special needs.
4. Enforce student and staff discipline in accordance with school policies and the requirements of New York State law.

**D. Parents of Students.**

The role of parents of a student is to:

1. Encourage the child to take advantage of the spiritual, academic, and social opportunities provided by the school.
2. Encourage the child to attend school punctually and regularly as required by law.
3. To notify the school that the child will not attend school on a particular day no later than the start of school each morning.
4. Know and understand the rules and regulations their child is required to observe at school.
5. Strive to keep their child in good health.
6. Require their child to be clean and dressed consistent with acceptable standards and the dress code.
7. Encourage their child to learn and respect the rights of others.
8. Teach their child, by word and example, respect for the Catholic Identity of the school and for law and authority.

9. Provide guidance for their child to develop socially acceptable standards of conduct and behavior.
10. Become involved in their child's school, with its teachers, programs and activities, and to attend conferences and school functions.
11. Encourage and support their child in completing homework assignments.
12. Recognize that primary responsibility for their child's welfare and development rest with the parent.
13. Satisfy all financial obligations to the school.

V. Definitions

A. Definitions of key words and terms.

For purposed of this code, the following words and phrases shall have the meanings set forth below:

1. **Assault**: The physical abuse, or infliction of personal injury, or unlawful detention of any person and the intentional use of physical force, or the threat thereof, that places, or attempts to place, another person in well founded fear of personal injury.
2. **Chronic Violation of School Rules**: The accumulation of any combination of detentions and suspensions that equals 10 or more in a semester.
3. **Civil Rights**: A right, benefit or protection that is guaranteed to an individual by either the federal or New York State Constitution or statute.
4. **Controlled Substance**: A drug or other substance identified in certain provisions of the federal Controlled Substances Act specified in both federal and state law and regulations that apply to this Code.
5. **Disabled Student**: A student who has been classified as suffering from a disability pursuant to the provisions of IDEA and Article 89 of the Education Law.
6. **Dress Code Violation**: The appearance of a student at school in clothing other than that specified in the school's dress code without permission.
7. **Extortion**: Any intentional action which reasonably instills fear in another individual that the actor or another person will cause injury to the persons or property of that individual or another person for the purpose of obtaining money or property from that individual.
8. **Explosive**: An explosive device of a nature or in a quantity that is sufficient to cause injury to the person of the holder thereof or to the person or property of others, including the school.
9. **Forgery**: The involvement in the imitation or fabrication of another's signature or written work.
10. **Harassment**: The act of threatening bodily harm, verbally harassing or repeatedly tormenting another person and any other behavior that is intended to or has the reasonable effect of annoying, intimidating or causing fear in another. Harassment may take the form of comments, name-calling, jokes, stalking, perpetuation of rumors or

gossip, offensive gestures, offensive remarks, physical abuse, or any other behavior that is designed to annoy, intimidate or cause fear.

11. **Illegal Drugs**: A controlled substance except for those legally possessed or used under the supervision of a licensed health-care professional, or those legally possessed or used under any other authority under the Controlled Substances Act or any other federal or New York State law.
12. **Illegal Substances**: Alcohol, illegal drugs and inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any substances commonly referred to as “designer drugs”.
13. **Other Misconduct**: The act of soliciting, commanding, aiding or otherwise abetting any person to commit any act or conduct that is proscribed by this Code, and the commission or omission of any act which is in violation of any Federal, State law or any school rule or regulation, including the School’s Safety Plans.
14. **Parent**: The biological, adoptive or foster parent, guardian or person in parental relation to a student.
15. **Removal**: As it relates to a student who is disruptive in class, the removal from the classroom to ensure that the other students continue to learn. A classroom teacher may remove a student from class for up to 1 day if the teacher determines that the student is disruptive. The removal from class applies to the class of the removing teacher ONLY. For purposes of this Code, the removal commences on the second consecutive day that a student is asked to leave a teacher’s classroom (the first day being considered the discretionary use of a classroom management technique by the teacher.)
16. **School Function**: Any school sponsored extra-curricular event or activity.
17. **School Property**: Any place in or within the school building, athletic playing field, playground, parking lot, or land contained within the real property boundary lines of the school building, or other school or church controlled property, or in or on the school van as defined in Vehicle and Traffic Law §142.5
18. **Suspension**: The disciplinary removal of a student from his or her regular educational program and activities in accordance with Education Law §3214.
19. **Violent Student**: A student under the age of 21 who (a) commits an act of violence upon a school employee; or (b) commits, while on School Property or at a School Function, an act of violence upon another student or any other person lawfully on School Property or at a School function; or (c) displays, while on School Property or at a School Function, what appears to be a weapon; or (d) threatens, while on School Property or at a School Function, to use a weapon; or (e) knowingly and intentionally damages or destroys the personal property of any school employee, student, or any person lawfully on school property or at a school function; (f) knowingly and intentionally damages or destroys school property.
20. **Visitor**: Anyone on School property or at a School function who is not a School employee or a student of the school building in which the individual is physically present.

21. **Weapon:** A firearm as defined in 18 USC §921 for purposes of the Gun Free Schools Act, and any device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, and any other gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, BB gun, starter gun, pellet gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, pocket knife, brass knuckles, sling shot, metal knuckle knife, box cutters, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray, or other noxious spray, explosives or incendiary bomb, or other device, instrument, material or substance that can cause serious physical injury or death when used as a weapon.

## **VI. Violations of the Code of Conduct**

### **A. Acts of misconduct defined.**

The School Board expects the members of the school community to conduct themselves in an appropriate and civil manner, with proper regard for the rights and welfare of the students, employees and other members of the school community, and for the care of school facilities and equipment.

St. Mary's Academy on school property or at a school-sponsored function prohibits the commission of any of the following acts. Such conduct is punishable by the penalties set forth in Section VII of this Code after compliance with the procedures set forth in Section VIII hereof.

1. **Act of Violence:** To strike, hit kick, punch, scratch, or otherwise physically assault another person; to damage or destroy the personal property of a teacher, administrator, other School employee or any person lawfully on School Property; or to intentionally damage or destroy school property; or to commit any act that is included with the definition of a Violent Pupil, as defined herein. Acts of Violence include Arson, Assault, Bomb Threats, Fighting, Possession of Explosives or a Weapon.
2. **Arson:** The intentional destruction or other damage by fire, explosion or smoke to real property or personal property of the School, to personal property of Students, staff, or to personal property of third parties.
3. **Assault:** The physical abuse, or infliction of personal injury, or unlawful detention of any person and the intentional use of physical force, or the threat thereof, that places, or attempts to place, another person in well founded fear of personal injury.
4. **Bias Harassment:** The act of threatening bodily harm or by repeatedly tormenting another person based on the victim's race, ethnic origin, religion, cultural difference, or disability. Bias harassment may take the form of comments, jokes, name-calling, innuendoes, offensive conversations, perpetuating rumors or gossip, offensive gestures, noises, blocking a victim's path, assault, or any other behavior that is designed to show disrespect to an individual based on cultural, racial, or religious differences or based on a disability.
5. **Bomb Threat:** The intentional false claim that an Explosive device is located on School property or at a school function.

6. **Bullying:** The act of deliberate, hurtful behavior, repeated over time. Includes verbal, physical and emotional abuse.
7. **Cheating:** The act of giving or receiving answers to class assignment (includes copying computer materials) or test answers from another source.
8. **Destruction of Property:** The destruction, defacing or other impairment of School property or property belonging to other persons.
9. **Disorderly Conduct:** Conduct that obstructs or disrupts a teaching, administrative or disciplinary procedure or any other authorized School activity. Disorderly conduct includes, but is not limited to, making unreasonable noise, using language or gestures that are profane, lewd, vulgar, or abusive; the willful interference with the free flow of vehicular or pedestrian traffic; or engaging in any willful act that disrupts the normal operation of the school community.
10. **Disruptive Conduct:** Conduct by a student under the age of 21 that is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom. Disruptive Conduct includes, but is not limited to, the failure to comply with the lawful directions of teachers, school administrators or other school employees, and speech or gesture which, by virtue of its content and or circumstances, is likely to disrupt the conduct or classes of other School activities or to undermine the maintenance of discipline within the school setting. Disruptive Conduct also includes being late for school or class; being unprepared for class; and committing other conduct that detracts from the delivery of the School's educational program.
11. **Drug or Alcohol Violation:** The possession, use or sale of an illegal drug or illegal substance, or the act of being under the influence of drugs without appropriate authorization (including substances controlled by law, marijuana, medications, medications or other drugs or substances which stimulate or are purported by the student to be any of the above. Insubordination while under investigation for a drug violation will also be considered a drug violation.
12. **False Alarm:** The intentional or grossly negligent activation of a fire alarm when no threat of fire exists, or the initiation, instigation or communication to the school or any of its employees of any other claim of fire or threat thereof when none exists.
13. **Fighting:** Combative physical contact or other violent encounters between two or more persons.
14. **Harassment:** The act of threatening bodily harm or repeatedly tormenting another person and any other behavior that is intended to or has the reasonable effect of annoying, intimidating, or causing fear in another. Harassment may take the form of comments, name-calling, jokes, stalking, perpetuating rumors or gossip, offensive gestures, offensive remarks, physical abuse, or any other behavior that is designed to annoy, intimidate or cause fear.
15. **Insubordination:** The refusal or failure to comply with any School rule, regulation or policy, or the failure to comply with a reasonable request from School personnel or representatives authorized to make the failure to comply with the lawful directives of teachers, school administrator or other such individual; lateness or, missing or leaving school without permission. Insubordination, as it relates to non-students, includes, but is not limited

to, the violation of regulations governing the use of School Property, and the failure to comply with the lawful directions of School employees or law enforcement officers acting in performance of their duties.

16. **Other Misconduct:** The act of soliciting, commanding, aiding or otherwise abetting any person to commit any act or conduct that is proscribed by this Code, and the commission or omission of any act which is in violation of an Federal or State law or any School rule or regulation.
17. **Plagiarism:** The unauthorized use of another's material that is represented, as one's own work.
18. **Possession of an Explosive:** The use, actual or constructive possession, or the sale of an explosive.
19. **Possession of a Weapon:** The use, actual or constructive possession, or the sale of a weapon.
20. **Reckless Endangerment:** The commission of any act that has the likely potential to cause bodily harm to another individual or oneself.
21. **Repeatedly Disruptive Conduct:** Misconduct that results in the student being removed from the classroom by teacher (s) on four or more occasions during the quarter.
22. **Sexual Harassment:** The act of threatening bodily harm or by repeatedly tormenting another person based on gender. Sexual harassment may take the form of comments, jokes, name calling, innuendoes, offensive conversations, perpetuating unwelcome touching of another's clothes, pinching, whistling, or other noises, blocking a victim's path, assault, or any other behavior that is intended to or has the reasonable effect of being offensive based on a person's gender.
23. **Theft:** The unlawful use, taking possession of, or control over, property belonging to the School or another.
24. **Threatening the Well Being of Another Person:** The act of making a threat of any kind that has at its end the harm to another person.
25. **Tobacco Violations:** The act of possessing, smoking or chewing tobacco or tobacco products anywhere on school grounds. The use of tobacco is not allowed anywhere on school grounds.
26. **Trespassing:** The entry upon or use of school property without proper authorization in situations where said property is restricted in entry or use.
27. **Truancy:** The act of being illegally absent from school without the knowledge and consent of a parent/guardian, or failing to attend school when expected to be in school, or leaving school without permission of the administration, or failing to attend classes in consecutive periods.
28. **Vandalism:** The willful destruction of the real or personal property of the School or another person. (In addition to suspension, restitution in the form of money or work will be expected.)
29. **Violation of Civil Rights:** Conduct that has the effect of depriving another of a civil right.

## **B. The Dress Code.**

The School's employees and students shall be appropriately groomed and dressed while on School property and at School functions. Teachers and all other school employees should exemplify and reinforce acceptable student dress and help students develop an understanding of appropriate appearance in the school setting. Also, visitors are to be appropriately attired while on school property and at school functions. The student uniform is as follows:

### **Girls:**

Uniform Jumper (K-4); Uniform Kilt (5-8)

Long or short sleeve white oxford shirt (5-8)

White uniform blouse (K-4)

Khaki walking shorts with Navy polo shirt, or white oxford shirt (September through Columbus Day; May 1<sup>st</sup>. through last day of school)

Khaki pants (November 1 – May 1<sup>st</sup> ), with Navy polo shirt or white oxford shirt

Belt to be worn with both shorts or pants

Dress shoe maximum 1" heel

Knee socks, tights or ankle socks white or navy

Navy cardigan or pullover sweater

Belts to be worn both shorts and pants

### **Boys:**

Khaki dress pants

White oxford cloth shirt (5-8)

Navy polo shirt (K-4)

Khaki walking shorts (September through Columbus Day; May 1<sup>st</sup>. through the last day of school); Navy polo shirt or white oxford shirt

Belt to be worn with both shorts or pants

Dress shoe

Navy cardigan or pullover sweater

### **Gym uniform:**

Navy blue sweatpants, shorts or wind pants (no stripes, logos or sayings)

Purple SMA Gym T-shirt (K-8)

(PK may purchase as well but not mandatory to wear on gym days)

Sneakers

### **Sneakers are allowed on gym days only**

1. Dress, grooming and appearance, including hair style/color, jewelry, make-up and nails, shall be safe and appropriate and may not disrupt or interfere with the educational process.
2. Extremely revealing garments such as tube tops, net tops, halter tops, spaghetti straps, plunging necklines (front or back), transparent and see-through garments are not allowed.
3. Underwear shall be completely covered with outer clothing.
4. Footwear shall be worn at all time. (Footwear that is a safety hazard will not be allowed). Maximum 1" heel
5. Hats shall not be worn in school, except for a medical or religious purpose.
6. Items of apparel that are vulgar, obscene, libelous or demean others on the basis of race, color, religion, ancestry, national origin, sex and sexual orientation or disability are prohibited.
7. No item of apparel may promote and/or endorse the use of alcohol, tobacco, and illegal drugs or encourage other illegal or violent activities.

### **C. Visitors**

The School Board encourages parents and other Community members to visit the school and classrooms to observe the work of students, teachers and other staff. However, since schools are a place of work and learning, certain limits must be set for such visits. For these reasons, the following rules apply to visitors to the school:

1. The Principal has authority over all persons in the building and on school grounds.
2. All visitors to the school must report to the school secretary upon arrival at the school to sign the visitors register and be issued a visitors identification badge. The identification badge must be worn at all times while in the school or on school grounds, and returned to the secretary before leaving the building. Visitors attending School Functions that are open to the public, such as parent-teacher organization meetings or public gatherings, are not required to register.
3. Parents or community members who wish to observe a classroom while school is in session are required to arrange such visits in advance with the classroom teacher, so the class disruption is kept to a minimum.
4. Teachers should not be expected to take class time to discuss individual matters with visitors.
5. All visitors are required to abide by the rules for conduct on School property contained in this Code.

### **D. Misconduct not Specifically Defined:**

The definitions of misconduct set forth in Section IV. A. of this Code is not meant to be all-inclusive. Thus, any conduct not defined in this Code that violates any federal or New York State Statute, or any rule, regulation or established practice of the School, shall be punishable by penalty to be imposed in the discretion of the appropriate School personnel.

### **E. School Building Rules**

The Principal in conjunction with the teachers of the school is hereby delegated the authority to establish standards of conduct and rules for local matters, school building activities and the granting or withholding of student privileges. These standards and rules may include procedures for homeroom; student assemblies, emergency drills; study halls; use of cafeteria; conduct in the building hallway; use of students lockers; book bags, the use of electronic devices; and other local matters related to discipline and order in the building.

### **F. Conduct on School Buses.**

When riding on a school bus maintained by a public school district, the student is responsible to comply with all of the rules and regulations established by the public school district providing such transportation. In addition, the school may impose a penalty on a student after receiving a report of misbehavior from a representative of the public school district's transportation department.

#### **School Van**

When riding in the school van maintained by St. Mary's Academy, the student is responsible to comply with all the rules and regulations established by SMA. Including, but not limited to, seat belt use, number of students per seat, no eating or drinking, and conduct. SMA may impose a

penalty on a student after receiving a report of misbehavior. The penalty may include the student not being able to use van transportation.

## **VII. Penalties for Violations of the Code of Conduct**

Students, employees and visitors who violate this Code will be subject to disciplinary action as the facts may warrant, including any of the penalties below:

### **A. Range of Potential Responses**

#### **1. Scope**

The penalties described in this section are the range of penalties that may be imposed upon any student who is determined to have committed any act of misconduct specified in Section VI. of this Code.

#### **2. Corrective Actions**

School authorities may use a range of possible responses to correct misconduct committed by a student. In most circumstances, a primary response will be to discuss the student's conduct with the parents in an attempt to correct such inappropriate behaviors. In addition, the School may attempt any or all the following corrective actions:

- (a) **Warning:** Either a verbal or written warning may be given in the appropriate case.
- (b) **Parent Conference:** The student's parent or guardian will be contacted for a conference. The conference will include the student, his/her parent or guardian, school personnel and others whose participation is deemed appropriate by the school.
- (c) **Counseling:** Students may be referred for counseling in appropriate cases.
- (d) **Probation:** The student and Principal may agree that the student will be placed on probation with no other penalty imposed for the misconduct, provided that the student complies with the specific terms of the probation. The probation agreement may further provide that, if the terms of the probation are violated, the student may be disciplined for the original act of misconduct.
- (e) **Court Intervention:** Court assistance in the form of a PINS (Person In Need of Supervision) petition.

#### **3. Range of Penalties.**

Students who violate this student discipline code will be subject to appropriate disciplinary action including, but not limited to, one or more of the following:

- (a) **Verbal Warning:** A verbal warning given by any members of the teaching, staff or administration of SMA.
- (b) **Parent Notification:** Parent's notified of Code of Conduct violation. Contact may be made by faculty, staff or administration.
- (c) **Detention:** Detention may be assigned in appropriate cases.
- (d) **Counseling:** Counseling may be deemed a requirement of continued attendance at SMA. Counseling will be recommended by the Principal only in consultation with the parents.

- (e) **Suspension from School:** The principal may suspend a student from attendance at school for a period not to exceed five (5) school days. The parent or guardian will be notified of such suspension by telephone and/or letter.
- (f) **Suspension from Other Activities:** Students may also be suspended from transportation, athletic participation, social or extracurricular activities or other privileges upon compliance with fundamental due process procedures.
- (g) **Expulsion:** The school removes the student from enrollment in the school. The academic records of the student will be sent to the student's respective public school district unless the school is advised in writing to send them to another educational institution.
- (h) **Personal Liability:** The School may pursue, on behalf of itself or an employee, all available rights and remedies to recover from the student and/or parents of the student for damages to personal property.
- (i) **Police Notification:** In cases involving criminal conduct, the Principal may refer the matter to appropriate law enforcement authorities.

In addition, the principal may invoke the following when in his or her discretion they are warranted:

- (a) **Principal's Disciplinary Conference:** A disciplinary conference may be scheduled before the principal, or his or her designee at the discretion of the principal. At this time the student and his or her parents will have an opportunity to discuss the alleged infractions and his or her parent will have the opportunity to provide the Principal with any other information they feel will help the Principal evaluate the allegations or the student's behavior. At the conclusion of such hearing, the Principal may take whatever action is deemed appropriate, including but not limited to, indefinite suspensions from school or expulsion. Attorneys shall not be present at this conference.

#### 4. Academic Sanctions.

In addition to other penalties provided herein, the Principal may deny credit for work done and may also deny the right to make-up assignment or tests for cheating, leaving a test without permission, plagiarism and other misconduct that is related to academic performance.

#### 5. Progressive Discipline

Depending upon the nature of the violation, it is the School Boards desire that student discipline be progressive (that is, a student's first violation should merit a lighter penalty than subsequent violations). The individual determining the penalty should take into account all other relevant factors in arriving at an appropriate penalty. In the event of a serious infraction the penalties listed will be imposed by the administration upon a finding that the student has committed the conduct specified herein. However, the school expressly reserves the right to impose any penalty within the range set forth above for the violation of any school rule when, under the particular circumstances involved, a different penalty is justified in the judgment of school administration.

Depending on the nature of the violation, the possible penalties listed in Section VII below may be imposed either alone or in combination.

## B. Penalties for Specific Violations

School authorities upon a finding that a student has committed the specific conduct specified herein may impose the following range of penalties.

<b>Conduct</b>	<b>Penalty Range</b>	<b>First Occurrence</b>	<b>Repeated Occurrence</b>
Act of Violence <sup>2</sup>	Minimum Maximum	Verbal Reprimand Expulsion	Suspension Expulsion
Arson <sup>1</sup>	Minimum Maximum	Suspension Expulsion	Suspension Expulsion
Assault <sup>2</sup>	Minimum Maximum	Parent Notification Expulsion	Suspension Expulsion
Bias Harassment	Minimum Maximum	Parent Notification Suspension	Parent Confidence Expulsion
Bomb Threat <sup>1</sup>	Minimum Maximum	Suspension Expulsion	Suspension Expulsion
Cheating	Minimum Maximum	Detention Suspension w/ parent conf.	Suspension w/ parent conf. Expulsion
Chronic Violation Of school rules	Minimum Maximum	Parent Conference Expulsion	Suspension Expulsion
Destruction Of property <sup>2</sup>	Minimum Maximum	Detention and liability for damage Suspension and liability for damage	Suspension and liability Expulsion and liability
Disorderly Conduct	Minimum Maximum	Verbal warning Suspension	Detention Expulsion
Disruptive Conduct	Minimum Maximum	Verbal warning Suspension	Detention Expulsion
Dress Code Violations	Minimum Maximum	Verbal Warning Detention	Parent Notification Suspension
Drug or Alcohol Violations <sup>3</sup>	Minimum Maximum	Suspension Expulsion	Expulsion Expulsion
False Alarm <sup>1</sup>	Minimum Maximum	Suspension Expulsion	Expulsion
Fighting	Minimum Maximum	Detention Suspension	Expulsion
Forgery	Minimum Maximum	Detention Suspension	Suspension Expulsion
Harassment	Minimum Maximum	Verbal Warning Suspension	Written Warning signed by parent Expulsion
Insubordination	Minimum Maximum	Verbal Warning Suspension	Detention Expulsion
Other Misconduct	Minimum Maximum	Verbal Warning Suspension	Detention Expulsion
Plagiarism	Minimum Maximum	Parent Notification Suspension	Parent Conference Expulsion
Possession of Explosive <sup>1</sup>	Minimum	Suspension	Expulsion

<b>Conduct</b>	<b>Maximum Penalty Range</b>	<b>Expulsion First Occurrence</b>	<b>Repeated Occurrence</b>
Possession of a Weapon <sup>1</sup>	Minimum Maximum	Suspension Expulsion	Expulsion
Reckless Endangerment	Minimum Maximum	Suspension Expulsion	Expulsion
Repeatedly Disruptive Conduct	Minimum Maximum	Suspension Expulsion	Expulsion
Sexual Harassment	Minimum Maximum	Verbal Warning/ parent notification Expulsion	Suspension Expulsion
Threat to well being <sup>5</sup>	Minimum Maximum	Suspension with Evaluation Expulsion	Suspension with Evaluation Expulsion
Theft	Minimum Maximum	Parent Conference Suspension	Suspension Expulsion
Tobacco Violation	Minimum Maximum	Detention Suspension	Suspension Expulsion
Vandalism	Minimum Maximum	Detention – liability for loss Expulsion	Suspension – liability for loss Expulsion
Violation of Technology policy <sup>2</sup>	Minimum Maximum	Verbal Reprimand Expulsion	Expulsion

Notations:

- 1 The school will notify police
- 2 The school may notify police
- 3 Stipulations of the Diocesan Drug and Alcohol Policy will be followed in addition to discipline procedure
- 4 In addition loss of driving privileges may result
- 5 The student will be suspended until he or she is evaluated by a mental health professional to determine that the student is not a threat to himself or herself or to anyone else. The parents will be required to sign a release of information permitting school officials to speak to the evaluator before and after he or she has evaluated the student.

**C. Minimum penalties for students.**

**1. Students who bring a Weapon to School.**

The minimum period of suspension from school for any student, other than a student with a disability, found guilty or bringing a weapon onto school property will be at least One Calendar Year.

**2. Students who commit other Violent Acts.**

The minimum period of suspension from school for any student, other than a student with a disability, who is found to have committed a violent act, other than bringing a weapon onto school property, shall be \_\_\_\_\_

**3. Students who are Repeatedly Disruptive.**

The minimum period of suspension from school for any student, who engages in conduct that results in the student being sent from the classroom on five or more occasions during a semester, shall be one day.

**4. Reports by Teachers.**

All staff members must immediately report and refer a violent student to the Principal for a violation of this Code. All recommendations and referrals shall be made in writing, unless the conditions underlying the recommendation or referral warrant immediate attention. In such cases, a written report is to be prepared as soon as possible by the staff member making the referral.

**5. Review by Principal.**

The Principal may reduce the minimum penalties established above on a case-by-case basis. In deciding whether to modify the penalty, the Principal will determine if a lesser suspension period or some other form of discipline may be more effective considering the following:

1. Student age
2. Student grade
3. Student's prior disciplinary record
4. Input from parents, teachers and/or others.
5. Other extenuating circumstances.

**C. For Misconduct at a School Function.**

The Principal shall be responsible for enforcing the conduct required by this Code at School Functions, and may designate other School employees or agents to take action consistent with this Code.

When an individual is committing prohibited conduct that, in the judgment of the Principal or his or her designee does not pose any immediate threat of injury to persons or property, the individual shall be informed that the conduct is prohibited and asked to stop such conduct. The school official shall also warn the individual of the consequences for failing to do so. If the person refuses to stop engaging in the prohibited conduct, or if the person's conduct poses an immediate threat of injury to persons or property, the individual shall be immediately removed from School property or the School function. Students and staff who violate this Code while at a School function shall be subject to immediate ejection from the School function. If necessary, local law enforcement authorities will be contacted to assist in removing the person. The School may initiate disciplinary action against any student or staff member, as appropriate. The School may also pursue civil and/or criminal sanctions against any person violating the Code.

**D. For Violations of the Dress Code.**

Students who arrive at school in clothing that is not prescribed in the uniform policy will call a parent to bring them the appropriate uniform. Individuals who violate the provisions of Section VI. B of this Code shall be asked to cover or remove the offending item, or to replace it with an acceptable article of clothing. Any student who repeatedly fails to comply with the uniform dress code requirements shall be subject to further discipline up to and including out of school suspension. Employees who refuse a request by the building principal to cover, remove or replace an offending item shall be subject to discipline in accordance with law. Visitors who refuse a request by the building principal to cover, remove or replace an offending item shall be subject to removal from School property or the School function, as the case may be.

**G. For Special Education Students**

A student with a disability may be suspended only in accordance with the requirements of state and federal law.

**H. For School Employees**

Any persons who, while on School property or at a School function, wrongfully refuses a valid request or command to desist in any conduct prohibited by this Code shall be ejected from the premises. Persons other than students found in violation of this Code of Conduct shall be subject to criminal and/or civil penalties as provided by law.

**I. For Visitors.**

Any unauthorized person on School property will be reported to the school principal. Unauthorized persons will be asked to leave, and the police may be called if the situation warrants.

The authorization of visitors who violate this Code, if any, to remain on School property or at the school function shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, law shall subject to ejection and to criminal and/or civil penalties as provide them.

**VIII. Discipline Procedures**

**A. For Students.**

The amount of due process a student is to be afforded before a penalty may be imposed depends on the severity of the penalty. In all cases, the school employee authorized to impose the penalty must inform the student of the misconduct that he or she is alleged to have committed, and must investigate the facts surrounding the alleged misconduct. All students must be given an opportunity to present their version of the facts to the school personnel imposing the penalty. Additional process shall be afforded as follows.

**1. For Detentions**

Teachers and principals may use after school detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate. Detention will be imposed as a penalty only after the student's parent has been notified to confirm that there is no parental objection to the penalty and the student has appropriate transportation home following detention.

**2. For Suspensions from Athletics or Extra-curricular Activities**

A student subjected to a suspension from athletic participation, extra-curricular activities or other privileges is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the Principal imposing the suspension to discuss the conduct and the penalty involved.

## **2. For Suspensions from School.**

School authorities must balance the need of individual students to attend school and the need to maintain order in the classroom to establish an environment for all students that is conducive to learning. As such, principals or the Diocesan Superintendent have the authority to place students who would otherwise be suspended from school as the result of a Code violation in “in-school suspension or out-of-school suspension.”

Suspensions from school are a severe penalty. Students who face possible suspension from instruction shall be afforded the procedural protections guaranteed by Education Law §3214 and applicable Commissioner’s regulations. A student subjected to a short-term in-school or out of school suspension is not entitled to a Disciplinary Conference. However, the student and the student’s parents will be provided with a reasonable opportunity for an informal conference with the school official imposing the in-school suspension to discuss the conduct and the penalty.

Any conditions for re-entry to school stipulated in the suspension must be satisfied before the student is readmitted to the school.

## **3. Long Term Suspensions**

When the Superintendent or Principal determines that a suspension for more than five days may be warranted, he or she shall give reasonable notice to the student and the student’s parents of their right to a Discipline Conference at which the parents and students will be informed of the charge against the student, as well as report of the evidence given by those persons and circumstances investigated. The student and his parent will have an opportunity to respond to the charges, the evidence, request that additional witnesses or circumstances be investigated, and provide the school official with any other information the student or parent believes will help him or her understand the behavior and render a decision. *Attorneys are not present at this conference.*

## **4. For Expulsions**

Permanent suspension is reserved for extraordinary circumstances. When the Superintendent, Principal or delegate determines that an expulsion might be warranted, he or she shall give reasonable notice to the student and the student’s parents of the Discipline Conference at which the students and parents will be informed of the charge against the students, as well as report of the evidence given by those persons and circumstances investigated. At that time, the student and his or her parent will have an opportunity to respond to the charges, the evidence, request that additional witnesses be interviewed or circumstances be investigated and provide the school official with any other information the student or parent believed will help him or her understand the behavior and render a decision. Attorneys are not present at this conference.

## **B. Waivers of Disciplinary Conference**

A student and parent may voluntarily and knowingly waive his or her right to a Disciplinary Conference. In this regard, the parents of the student will be required to sign a form documenting a request for a waiver.

### **C. School Employees**

Administrators and teachers and support staff members are subject to the provisions of the Code as well as the provisions of their respective Personnel Policies, Contracts and Handbooks.

Any school employee, whose conduct on school property or at a school function disrupts academic or other school activities while on school property, at school functions or at any other times violated or threatens the welfare of the person or property of others or acts in a manner contrary to the Catholic Identity of the school shall be subject to suspension and to further disciplinary action, including termination, as the facts may warrant in accordance with any legal rights to which they may be entitled.

### **D. For Visitors**

The following procedures shall apply procedurally to violations of this Code by non-students:

1. The Principal has the authority to enforce these rules and regulations. The Principal may designate such person, or persons, as he or she deems necessary, for the enforcement of these rules and regulations.
2. The Principal may initiate and/or receive charges of any alleged violation of these rules and regulations and cause all investigations to be made.
3. The Principal may request all lawful assistance to secure, remove, eject, or otherwise prevent persons from adversely affecting public order or from materially disrupting normal school processes.
4. Enforcement of these rules and regulations against persons other than the students shall be as provided by law.

## **IX. Appeals from Imposition of Discipline for Students**

Appeals from all decisions of the Principal relative to this Code shall be taken to the Assistant Superintendent of Catholic Schools. All appeals shall be made in writing and shall set forth the decision appealed from and the grounds for the appeal. The written appeal shall arrive made no later than ten (10) business days from the date of the decision that is the subject of said appeal, unless they can show extraordinary circumstances precluding them from doing so. The Assistant Superintendent or a delegate will review the case and render a written decision.

## **X. Referral to Authorities**

### **A. To Law Enforcement.**

The building principal must immediately notify the Diocesan Superintendent of those Code violations that constitute a crime and substantially affect the order or security of a school. The Superintendent or delegate is to inform the appropriate local law enforcement agency as soon as practical, but in no event later than the close of business on the day the Diocesan Superintendent or delegate learns of the violation. The notification may be made by telephone, followed by a letter mailed on the same day. The notification must identify the student (s) and explain the conduct that violated the Code and constituted a crime.

The school will immediately confiscate any weapons, alcohol, or illegal substances possessed by a student and will notify the parent of the student involved of the incident. Appropriate

disciplinary action will be taken, up to and including expulsion and referral for criminal prosecution.

**B. To Juvenile Justice Agencies.**

The Diocesan Superintendent shall refer any student who is determined to have brought a weapon to school who is under the age of 16, or who is 14 or 15 years old and does not qualify for juvenile offender status under the Criminal Procedure Law to the County Attorney for a juvenile delinquency proceeding before the Family Court.

The Diocesan Superintendent shall refer a student over the age of 16 and any student 14 or 15 years old who qualifies for juvenile offender status to the appropriate law enforcement authorities for prosecution. Students 14 or 15 years old who qualify for juvenile offender status under §1.20 of the Criminal Procedure Law include those who possess a concealed firearm, machine-gun or loaded firearm on school grounds. The Superintendent may consult the diocesan counsel if he or she has any questions as to whether the student in question does qualify for juvenile offender status.

**C. To Human Services Agencies**

The Superintendent, principal or delegate may make a referral of a student discipline case to an appropriate human service agency whenever, in his or her judgment, the same is warranted. The Superintendent or delegate may receive and consider the recommendations of the student's principal, teachers, counselor, school psychologist and other pupil services personnel familiar with the student in deciding whether to make such a referral and, if so, to which agency. The parent of the student shall be informed of the referral.

**XI. Alternative Education Programs**

The following educational programs shall be utilized as appropriate to meet the individual needs of students:

**A. For Suspended Students.**

When a student of any age is suspended for violation of this code, the school will take immediate steps to provide the student with adequate alternative instruction.

**XII. In Service Educational Program**

The school will provide in-service education programs for all school staff members to ensure the effective implementation of this Code.

**XIII. Interpretation**

**A. Calculating time limits**

When any period of time for an act to be done under this Code ends on a Saturday, Sunday or a public holiday, such act may be done on the next succeeding business day and, if the period ends at a specified hour, such act may be done at or before the same hour of such next succeeding business day.

**B. “Time Out” Techniques**

Nothing in this Code abridges the customary right and responsibility of a teacher to manage student behavior in the classroom. Short-term, time-honored classroom management techniques such as “time out” in a classroom are not considered removals from class. This, however, should not become a substitute for good classroom management.

**C. Authority to Suspend**

Nothing in this Code abridges the customary right or responsibility of a principal to suspend a student when, in the judgment of the principal, the student’s conduct warrants the same.

**D. Inconsistent Provisions.**

To the extent that any provision of this Code regarding student behavior conflicts with any school rule, regulations or policy, the provisions of Code shall be controlling.

To the extent that any provisions of this Code regarding professional staff behavior conflicts with any school rule, regulations or policy, the provisions of this the individual’s respective *Personnel Policies Handbook, Faculty Handbook* and contract shall be controlling.

To the extent that any provision of this Code regarding support staff behavior conflicts with any school rule, regulation or policy, the provisions of this the individual’s respective *Personnel Policies Handbook* shall be controlling.

**E. Not Exclusive.**

These rules and regulations and the penalties imposed here under shall not be deemed exclusive, nor as a limitation, waiver, or extinguishment of the school’s right to utilize other available legal remedies against persons who violate this Code. The school may take additional or other legal action, as it deems appropriate or necessary to maintain public order.