

NINER UNIVERSITY ELEMENTARY CODE OF STUDENT CONDUCT

I. Introduction

Niner University Elementary (“NUE”) is committed to creating a safe, orderly, and inviting school. All decisions related to student behavior are guided by NUE’s philosophy that discipline should be fair and restorative and be based on input and research from stakeholders representing the University of North Carolina at Charlotte. NUE also adheres to trauma-invested discipline strategies that are intended to break down barriers to student success by decreasing suspensions and students’ removal from classrooms. The code of student conduct is provided in order to establish (1) expected standards of student behavior; (2) principles to be followed in managing student behavior; (3) consequences for prohibited behavior or drug/alcohol policy violations; and (4) required procedures for addressing misbehavior.

II. Principles

NUE’s goals for managing student behavior are to (1) maximize student time engaged in learning; (2) minimize disruption to the learning environment; (3) improve social and emotional development of all students; (4) strengthen partnerships among teachers, administration, and families on behalf of students; and (5) engage in collaborative problem solving. The following principles apply in managing student behavior:

- A. Teachers, staff, families, and students work as partners to support students in creating sustainable changes in behavior.
- B. Student behavior management strategies will complement other efforts to create a safe, orderly, and inviting environment.
- C. Positive behavioral interventions will be employed as appropriate to improve student behavior.
- D. Responsibility, integrity, civility, and other standards of behavior will be integrated into the curriculum.
- E. Consequences for unacceptable behavior will be designed to help a student learn to comply with rules, to be respectful, to accept responsibility for his or her behavior, and to develop self-control.
- F. Strategies and consequences will be age and developmentally appropriate.

III. Communication of Policies

NUE policies related to student behavior are located in this Policy as well as other policies listed in Section V below. The principal may also create a student behavior

management plan that will elaborate further on processes for addressing student misbehavior and the use of intervention strategies and consequences.

The principal will inform parents and students of any discipline philosophies or strategies that undergird NUE's practices. For example, the HeART (Helping and Responding to Trauma) team is involved in training staff members and students on identifying and addressing the social and emotional needs that may underlie behavioral issues.

At the beginning of each school year, the principal shall make available to each student and parent all of the following: (1) this Policy; (2) any NUE policies related to behavior that are not part of this Policy; (3) any related administrative procedures; (4) any additional discipline-related information from the school's student behavior management plan, including behavior standards, prohibited conduct or disciplinary measures; and (5) any other school rules. This information must be available at other times upon request and must be made available to students enrolling during the school year and their parents.

For the purpose of NUE policies related to student behavior, all references to "parent" include a parent, a legal guardian, a legal custodian or another caregiver adult authorized to enroll a student.

IV. Applicability

Students must comply with this Policy in the following circumstances:

- A. while in the school building or on any school premises before, during, or after school hours;
- B. while on any bus or other vehicle as part of any school activity;
- C. while waiting at any school bus stop;
- D. during any school-sponsored activity or extracurricular activity;
- E. when subject to the authority of school employees, including during remote instruction; and
- F. at any place or time when the student's behavior has or is reasonably expected to have a direct and immediate impact on the orderly and efficient operation of the schools or the safety of individuals in the school environment.

V. Prohibited Conduct

- A. Interpersonal Misconduct, including:
 - 1. assaults or threats;

2. discrimination or harassment prohibited by federal law;
3. bullying or harassing behavior;
4. Title IX sexual harassment; and
5. weapons, bomb threats, terrorist threats, and clear threats to safety.

B. Disruptive Behavior, including but not limited to:

1. intentional verbal or physical acts that result or have the potential to result in blocking access to school functions or facilities or preventing the convening or continuation of school-related functions;
2. appearance or clothing that (i) violates a reasonable dress code adopted and publicized by the school; (ii) is substantially disruptive; (iii) is provocative or obscene; or (iv) endangers the health or safety of the student or others;
3. possessing or distributing literature or illustrations that significantly disrupt the educational process or that are obscene or unlawful;
4. engaging in behavior that is immoral, indecent, lewd, disreputable or of an overly sexual nature in the school setting;
5. activating, using, displaying, or otherwise making visible during the instructional day a personal wireless communication device;
6. any gang-related activity;
7. failing to observe established safety rules, standards and regulations, including on buses and in hallways; and
8. interfering with the operation of school buses, including delaying the bus schedule, getting off at an unauthorized stop, and willfully trespassing upon a school bus.

C. Alcohol, Tobacco, or Drug Offenses, including:

1. possessing or using any tobacco product, including all lighted and smokeless tobacco products, as well as electronic cigarettes, vaporizers, and other electronic smoking devices even if they do not contain tobacco or nicotine;
2. possessing, using, selling, delivering, manufacturing, or being under the influence of alcohol or any illegal drug, including synthetic drugs;
3. possessing, using, selling, delivering, or manufacturing counterfeit (fake) drugs;
4. possessing, using, selling, delivering, or manufacturing drug paraphernalia; and
5. possessing, using, selling, delivering, or sharing prescription or over-the-counter drugs.

D. Theft, Trespass, or Damage to Property, including:

1. stealing or attempting to steal school or private property and/or from knowingly being in possession of stolen property;
2. damaging or attempting to damage school or private property; and
3. trespassing on school property.

E. Failing to Display Integrity and Civility, including:

1. cheating, including the actual giving or receiving of any unauthorized assistance or the actual giving or receiving of an unfair advantage on any form of academic work;
2. plagiarizing, including copying the language, structure, idea and/or thought of another and representing it as one's own original work;
3. violating copyright laws, including the unauthorized reproduction, duplication and/or use of printed or electronic work, computer software, or other copyrighted material;
4. cursing or using vulgar, abusive or demeaning language toward another person; and
5. playing abusive or dangerous tricks or otherwise subjecting a student or an employee to personal indignity.

F. Violating Law or Policy, including:

1. violating other NUE policies, including the Responsible Use of Technology policy; and
2. violating state or federal criminal law.

VI. Process

A. Investigations

The NUE principal is authorized and responsible for investigating conduct that may violate this Policy or other school rule, unless that authority and duty is conferred on another school administrator under a particular NUE policy.

All employees and students, including students alleged to have engaged in misconduct, are expected to respond fully and truthfully to any questions or issues raised in the course of an investigation and any related proceedings. Employees and students may be subject to disciplinary action for knowingly making false statements or knowingly submitting false information during an investigation or any related proceedings.

All investigations will include gathering information regarding the facts and circumstances related to the alleged misbehavior and offering the accused student an opportunity to be heard on the matter.

If a violation has occurred, the principal or other school administrator shall implement an appropriate consequence in accordance with the school's plan for managing student behavior, this Policy, or other applicable NUE policy. Parents are to be notified and involved in accordance with NUE policy.

When the misbehavior may result in a suspension from school, procedures provided in related NUE policies or state law also will apply.

A student with disabilities recognized by Section 504 of the Rehabilitation Act of 1973 or the Individuals with Disabilities Education Act (IDEA) will be accorded all rights granted by federal and state laws and regulations.

B. Student Searches

School officials have the authority to conduct reasonable searches of students and to seize students' unauthorized materials for the purposes of maintaining a safe, orderly environment and upholding standards of conduct established by NUE. Any searches or seizures must be conducted in accordance with applicable legal standards. All school officials carrying out a search or seizure are expected to be knowledgeable about the constitutional rights of students and the appropriate procedures for conducting the search or seizure. A search must be justified at its inception and permissible in scope. School officials shall make reasonable, good faith efforts to investigate allegations of misconduct before a student search is conducted. This Section applies to searches conducted on school grounds, in school facilities, or at school-sponsored events.

C. Removal of Student During the Day

The principal is authorized to impose out-of-school short-term suspensions in accordance with NUE policy. The principal may remove from school grounds a student who has been suspended during the school day, under any of the following circumstances:

1. the parent has been notified and is able to make arrangements for the student to leave the school or agrees to the student's using public transportation;
2. the parent has been notified and is available to receive the student, and the principal is able to arrange for transportation from the school to the home; or
3. the principal involves law enforcement in the removal of the student from school grounds because such action is necessary to provide a safe, orderly school environment.

If none of these circumstances exists, the suspension will begin on the next school day.

D. Hearings

In most cases, formal hearings will not be provided. However, when NUE policy or state or federal law requires a hearing, the following procedures will be followed.

1. Administrative Hearings

The rules set out below will govern hearings held under NUE policies in assessing misbehavior and appropriate consequences. The purpose of the hearing will be to

determine the facts relevant to the alleged misbehavior and the credibility of witnesses, based on the evidence presented at the hearing.

- a. The hearing will be informal and conducted in private.
- b. Prior to the hearing, the student and his or her parents and representative will have an opportunity to review any audio or video recordings of the incident and, consistent with federal and state student records laws and regulations, the information that may be presented as evidence against the student, including statements made by witnesses whose names are withheld in accordance with subsection e, below.
- c. The hearing must be attended by the principal and/or assistant administrators and any persons the principal deems necessary. The student has the right to be present at the hearing, to be accompanied by his or her parents, and to be represented by an attorney or non-attorney advocate. Witnesses should be present only when providing information.
- d. The school representatives have the burden of proving the misbehavior; the violation of NUE policy or school rules; and the appropriateness of the recommended consequence for the violation.
- e. The school representatives will present the witnesses and documentary evidence against the student first. School officials may withhold witness names or other identifying information if identification of a witness could threaten the witness's safety.
- f. After the school representatives have presented their evidence, the student or his or her representative may present evidence relating to the alleged disciplinary infraction, the student's intent at the time of the incident, any mitigating or aggravating factors involved, the disciplinary and academic history of the student, and the potential benefits to the student of alternatives to suspension. Such evidence may include oral testimony by the student or witnesses, written statements, and other documents.
- g. Both the school representatives and the student or his or her parent or representative may examine the witnesses presented by the other side. The hearing officer or panel has the authority to limit questioning by any person if the questioning is unproductive, unnecessarily lengthy, repetitive, or irrelevant.
- h. In reaching a determination in the matter, the hearing officer or panel shall consider the documents produced in the hearing, the testimony of the witnesses, and other evidence presented at the hearing. If the hearing officer or panel determines that a violation occurred, the hearing officer or panel also shall determine the appropriateness of the recommended consequences for the violation. Formal rules of evidence do not apply, and the hearing officer or panel

may rely on evidence that a reasonably prudent person would consider in the conduct of serious affairs.

i. Following the hearing, the hearing officer or panel shall render a written decision based on substantial evidence presented at the hearing and shall notify the student and parent of that decision in accordance with the requirements of NUE policy and/or state law.

j. The hearing officer or panel shall provide for making a record of the hearing, including any findings or conclusions made by the hearing officer or panel. The student will have the right to make his or her own audio recording of the hearing.

2. Appeal of a Long-Term or 365-Day Suspension

The Dean of the Cato College of Education will provide the opportunity for a hearing that follows the procedures established for administrative hearings, except that (1) the dean or designee will be the decision maker, and (2) unless the dean requests otherwise or doing so would create a substantial threat of unfairness, the dean or designee will limit presentations of testimony to the student, the student's parent and representative, and the principal and will limit documentation to the records and evidence presented at the administrative hearing. The dean or designee, at its discretion, may request additional information or evidence.

The dean or designee will review any records created by the hearing officer or panel's decision and the record created from any administrative hearing held. The dean or designee will review the hearing officer or panel's decision to be sure that: (1) there was a reasonable basis for determining that the student engaged in the specified misbehavior; (2) a NUE policy or school rule was violated; (3) the consequence for the violation was reasonable; and (4) procedures established by NUE policy were followed.

VII. Consequences for Violations

Violations of this Policy must be dealt with in accordance with the guidelines established in the school's behavior management plan.

A. Minor Violations

Minor violations of this Policy are those less severe infractions involving a lower degree of dangerousness and harm. Examples of minor violations include the use of inappropriate or disrespectful language, noncompliance with a staff directive, dress code violations, and minor physical altercations that do not involve a weapon or an injury. Aggravating circumstances, however, may justify treating an otherwise minor violation as a serious violation.

Minor violations of this Policy may result in disciplinary measures or responses up to and including short-term suspension. Other disciplinary measures or responses may include, but are not limited to, the following:

1. verbal redirection, co-regulation time with student, or emotional regulatory check-in system redirection;
2. parental involvement, such as conferences;
3. isolation or time-out for short periods of time;
4. problem solving or reflection activity with student;
5. emotional coping skills plan or behavior improvement agreements;
6. loss of privilege;
7. referrals for play therapy, MTSS, or outside mental health resources;
8. academic intervention;
9. in-school or short-term out-of-school suspension;
10. community service;
11. exclusion from extracurricular activities; and
12. suspension from bus privileges.

The parent or guardian is responsible for transportation that may be required to carry out a consequence. With the exception of suspension from bus privileges, if a parent or guardian is unable to provide transportation, another consequence will be substituted.

B. Serious Violations

Serious violations of this Policy may result in any of the consequences that may be imposed for minor violations. In addition, serious violations that threaten to substantially disrupt the educational environment may result in long-term suspension, and serious violations that threaten the safety of students, school employees, or school visitors may result in long-term suspension. Certain violations involving firearms or explosive devices may result in a 365-day suspension.

VIII. Enforcement

The principal is responsible for supervising the enforcement of this Policy to ensure that school disciplinary policies are uniformly and fairly applied throughout NUE. The principal has the authority and responsibility to investigate and take appropriate action regarding any prohibited or criminal student behavior and any other behavior appropriately referred to him or her.

The teacher has the authority and responsibility to manage student behavior in the classroom and when students are under his or her supervision. The teacher is expected to implement the student behavior management plan and any other school standards or rules. Teachers and other school personnel have the authority to manage

or remove disruptive or dangerous students from the classroom and other locations within the school building. School personnel may use reasonable force to control behavior or to remove a person from the scene in those situations when necessary:

- A. to correct students;
- B. to quell a disturbance threatening injury to others;
- C. to obtain possession of a weapon or another dangerous object on the person, or within the control, of a student;
- D. for self-defense;
- E. for the protection of persons or property; or
- F. to maintain order on school property, in the classroom, or at a school-related activity whether on or off school property.

Students must comply with all directions of principals, teachers, substitute teachers, student teachers, teacher assistants, bus drivers, and all other school personnel who are authorized to give such directions during any period of time when they are subject to the authority of such personnel.

IX. Reporting

Every teacher, student teacher, substitute teacher, voluntary teacher, teacher assistant, or other school employee is required to report to the principal all acts of violence occurring in school, on school grounds, or at any school-sponsored activity.

X. Records

A. Retention

The principal shall retain in each student's file, either in paper or electronic form, all records related to violations of NUE policies or rules.

The principal shall also maintain the following data on each student who was suspended for more than 10 days, reassigned for disciplinary reasons, or to whom corporal punishment was administered: race, gender, age, grade level, ethnicity, disability status, type of incident or offense, duration of the suspension, whether alternative education services were provided, and whether the student had multiple suspensions in that academic year. The principal also shall maintain records from any considerations of 365-day suspensions and any readmission reconsiderations of 365-day suspensions.

The principal shall ensure that data on disciplinary incidents is reported using the state student information system application in accordance with State Board of Education policies and procedures.

B. Disclosure

Confidential student records concerning conduct that posed a significant safety risk to the student or others in the school community may be disclosed to teachers and school officials, including teachers and school officials in other schools, who have legitimate educational interests in the behavior of the student.

C. Removal of Records

The following types of discipline records may not be removed from student records, electronic files, and databases at the end of the school year:

1. notice of any suspension for a period of more than 10 days and the record of the conduct for which the student was suspended; and
2. any records (including of in-school suspensions or short-term suspensions) that need to be maintained in order to be able to serve the student appropriately or to protect the safety of others.

The principal shall expunge any record of suspension for a period of more than 10 days if certain legal criteria are met. This section is not intended to limit parents' right to request removal of information from a student's record under NUE policy Student Records.

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