



<b>School Policy:</b>	<b>Student Misconduct Rules and Procedures</b>
<b>Category:</b>	Academics
<b>Last Modified:</b>	September, 2022
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<b>Approved By:</b>	Head of School

## PURPOSE

The purpose of the Student Misconduct Rules and Procedures Policy is to provide a clear and transparent process for managing and addressing student misconduct and to do so in a fair and consistent manner that follows the principles of fundamental justice found in [The Canadian Charter of Rights and Freedoms](#).

## SCOPE

This Policy applies to student misconduct as defined by the Code of Conduct for Students Policy that could result in Major Discipline. This Policy is not intended to apply to Minor Discipline that may arise during the day-to-day operations at STS.

## DEFINITIONS

- a) “Appeal” is a review of the Committee decision made pursuant to these Rules and Procedures.
- b) “Hearing” is the meeting set up to resolve a potential violation of the Code of Conduct - Students.
- c) “Head” is the Head of School at STS.
- d) “Committee” includes the Deputy Head, the Assistant Head of School, Academics, the Elementary School, Middle School, and Senior School Principals, and any other individuals the Head of School deems necessary.
- e) “Major Discipline” includes discipline set out in the Code of Conduct - Students Policy.
- f) “Parent” is as defined in the *School Act*, R.S.A. 2000, c.S-3 and regulations thereto, as amended from time to time.
- g) “Student” is an individual who is registered at STS.
- h) “Student Misconduct” includes behaviour set out in the Code of Conduct - Students.
- i) “STS” means Strathcona-Tweedsmuir School, and includes buildings and lands owned, leased, operated, controlled or supervised by the STS. It includes the School buses on contract with STS.

## PRINCIPLES

Any Student reported for alleged student misconduct is subject to this Policy regardless of concurrent action or inaction of civil or criminal authorities.

Anyone may file a complaint concerning student misconduct with a Divisional Principal. The time period for filing a complaint is at the discretion of a Divisional Principal based upon factors including the seriousness of the alleged student misconduct, when the complainant became aware of the alleged student misconduct, and whether the student involved in the alleged student misconduct attempted to hide the alleged student misconduct. A Divisional Principal will determine, in their sole discretion, whether the alleged student misconduct is sufficiently serious to refer it to the Committee.

If the Committee determines that the student misconduct is sufficiently serious such that it could result in Major Discipline, they will recommend, to the Head of School, that a Hearing be scheduled. If the Head of School arranges a Hearing, the Student and their Parent(s) will be provided with:

- a) a proposed date and time of the Hearing;
- b) communication or notice of the alleged Misconduct; and
- c) information regarding the alleged Misconduct.

The Hearing will be held by the Head of School and any other individual(s) the Head of School deems necessary. The Head of School may seek out further information, including statements in writing, if they consider it helpful when making their decision. Legal Counsel are not permitted to attend the Hearing.

The Head of School may:

- a) dismiss the complaint and provide written notification to the referring complainant and the Student of the decision within ten (10) working days; or
- b) if found that student misconduct has been committed, impose Major Discipline as set out in the Code of Conduct for Students.

Where the student and/or the student's parent(s) decide not to appear at a Hearing, a decision may be made in the absence of the student and/or the student's parent(s) based on available information.

### **IMMEDIATE ACTION**

STS reserves the right to bypass this Student Misconduct Rules and Procedures Policy where immediate action is required because:

- a) there are reasonable grounds to believe that the safety of the community is compromised;
- b) damage to STS property is likely or the continued presence of the Student would be disruptive to the Student's peers, teachers, or the school as a whole; or
- c) the Head of School believes that immediate action is necessary.

Pending convening a Hearing, the Head of School or their designate may apply a temporary Suspension. Upon imposition of a temporary Suspension, the student will be excluded from STS, for as long as reasonably required. The appropriate Divisional Principal will ensure that the student's assignments and school work are provided for by the student's teachers.

A formal notification of the Hearing will normally be delivered within three (3) working days of the temporary Suspension. The student, having received notice of the Hearing, may only enter the School premises on that day.

In most circumstances, STS will endeavour to deal with student misconduct under this Policy rather than pursuing remedy through civil or criminal proceedings. In cases where the Head of School deems it appropriate, however, STS may contact the Police to respond to an incident.

### **APPEALS**

In the event of Expulsion, a student may request an Appeal within five (5) working days of receiving a decision. The Appeal sets out the grounds for Appeal, the outcome sought and any supporting documentation.

The grounds for Appeal are one or more of the following:

- a) relevant evidence which was not available at the time of the original decision; or

- b) there was clear evidence of bias in making the initial decision; or
- c) this Policy was not followed and the decision of the Head of School might have been substantially affected by this failure.

**NOTE:** dissatisfaction with the Head of School's decision does not constitute grounds for an Appeal.

The Chair of the Board or their designate will review the request for an Appeal and determine whether there are sufficient grounds for an Appeal.

The Appeal will be in writing only. If substantiated, the Chair of the Board or their designate, can refer the matter back to the Head of School for reconsideration.

### **RECORDS**

Records of Expulsion will be recorded in a student's academic record and kept on file for three (3) years as outlined in STS's Student Record Policy and Alberta Education's [Student Record Regulations](#).

A record of all decisions will be maintained as part of the confidential records maintained by STS in accordance with its records management procedures.