School Policy:	**Student Misconduct Rules and Procedures**
Category:	Academics
Last Modified:	November 14, 2019
Approval Date:	**September 23, 2021**
Review Date:	September, 2022
Approved By:	Head of School
Contact Person:	Executive Services Administrator

PURPOSE

The purpose of these Rules and Procedures 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.

SCOPE

These Rules and Procedures only apply to Student Misconduct as defined by the Student Code of Conduct that could result in Major Discipline; they are 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 Student Code of Conduct.

c) "Head" is the Head of STS.

d) "Academic Leadership Team" includes the Deputy Head, the Elementary School, Middle School and Senior School Principals, the Director of Curriculum and Instruction, and the Director of Innovative Learning.

e) "Major Discipline" includes discipline set out in the Student Code of Conduct.

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 a person who is registered at STS.

h) "Student Misconduct" includes behaviour set out in the Student Code of Conduct.

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 these Rules and Procedures regardless of concurrent action or inaction of civil or criminal authorities.

Anyone may file a complaint concerning Student Misconduct with the divisional Principal within one month of the alleged incident. The time period for filing a complaint may be extended at the discretion of the 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. The divisional Principal will determine, in his or her sole discretion, whether the alleged Student Misconduct is sufficiently serious to refer it to the Head.

If the Head determines, in his or her sole discretion, that the Student Misconduct is sufficiently serious such that it could result in Major Discipline, he or she will arrange a Hearing. If the Head arranges a Hearing, the Student and his or her Parent 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 heard by the Head or Deputy Head, and at least one or more of: a Principal (other than the divisional Principal receiving the complaint concerning the Student Misconduct) and/or a member of the Academic Leadership Team. This will constitute the "Committee".

The Committee 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 Committee 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 Student Code of Conduct.

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 these Rules and Procedures where immediate action is required because:

a) there are reasonable grounds to believe that the safety of the community is endangered;
b) damage to STS property is likely or the continued presence of the Student would be disruptive; or
c) the Head believes that immediate action is necessary.

Pending convening of a Hearing, the Head or his or her 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.

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 these Rules and Procedures rather than pursuing remedy through civil or criminal proceedings. In cases where the Head 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 set 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) these Rules and Procedures were not followed and the decision of the Committee might have been substantially affected by this failure.

NOTE: dissatisfaction with the Committee's decision does not constitute grounds for an Appeal.

The Chair of the Board or his or her 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 his or her designate, can substitute his or her decision for the Committee's or refer the matter back to the Committee for reconsideration.

The decision of the Chair of the Board or the Committee if an Appeal is not allowed, is final.

RECORDS

Records of Expulsion will be recorded in Student academic records and kept on file for three (3) years. Records of all decisions will be maintained as part of the confidential records maintained by STS in accordance with its records management procedures.

HISTORY

December, 2015	Approved by the Board of Governors
February, 2016	Approved by the Board of Governors
November 21, 2019	Approved by the Board of Governors
September 24, 2020	Approved by the Board of Governors
September 22, 2021	Approved motion to move the Policy from Board oversight to School oversight