

CODE OF CONDUCT

Student Good Conduct Rule: Participation in school activities is a privilege. School activities provide the benefits of promoting additional interests and abilities in the students during their school years and for their lifetimes.

Students who participate in extracurricular activities serve as ambassadors of the school district throughout the calendar year, whether away from school or at school. Students who wish to have the privilege of participating in extracurricular activities must conduct themselves in accordance with board policy and must refrain from activities which are illegal, immoral or unhealthy.

Students who fail to abide by this policy and the administrative regulations supporting it may be subject to disciplinary measures. The principal will keep records of violations of the good conduct rule.

It is the responsibility of the superintendent to develop rules and regulations for school activities. Students wanting to participate in school activities must meet the requirements set out by the school district for participation in the activity.

The following activities are covered by the board's policy and these rules: athletics, instrumental and vocal music performing groups, drama productions, speech contests, FFA, National Honor Society, all extracurricular clubs, all honorary and elected offices (e.g., Homecoming King/Queen/court, class officer, student government officer or representative), cheerleading, color-guard, prom, or any other activity where the student represents the school outside the classroom.

Eligibility: To retain eligibility for participation in West Branch High School extracurricular activities, students must conduct themselves as good citizens both in and out of school at all times. Students who represent the school in an activity are expected to serve as good role models to other students and to the members of the community.

The administration reserves the right to suspend students from extracurricular activities/clubs for up to 1 week, during the (intake) or investigation process.

Any student who, after a being provided due process, is found to have violated the school's Good Conduct Code/Code of Conduct Rule will be deemed ineligible for a period of time, as described below. Due process consists of being told the basis of the allegation, presented with any evidence supporting the allegation, and having an opportunity to present student's response and version of the facts.

Impermissible Conduct: Students may be disciplined under the Good Conduct Rule for conduct that violates community standards with respect to the unacceptable, immoral, or inappropriate behavior, including, but not limited to those in the following list.

1. Open and/or persistent defiance of authority, school rules, and regulations (including extracurricular rules);
2. Assault or threatened assault on another person (such harassment does not have to rise to the level of violating the school's anti-bullying/harassment policy, but rather may include inappropriate and/or disparaging comments to or about others, whether made verbally, in writing, or by electronic means (e.g., text messages, electronic mail, or posting on social networking sites). Examples of such harassment includes, but is not limited to: threats; inappropriate comments about the traits of an individual or group; creating parodies to make fun of others; posting or otherwise sharing potentially embarrassing photographs, drawings, video, or depictions of others without permission);
3. Extortion, intimidation or coercion;
4. Inciting others to violate the law or school rules;
5. Vandalism;
6. Gambling;
7. Theft or possession of stolen goods/property;
8. Sale, manufacture or distribution of illegal drugs, controlled substances, imitation controlled substances or drug paraphernalia;
9. Being in attendance at a function or party where the student knows or has reason to know that alcohol or other drugs are being consumed illegally by minors and failing to leave despite having a reasonable opportunity to do so;
10. Possession, use or being under the influence of illegal drugs, controlled substances, imitation controlled substances or drug paraphernalia.
11. Possession, use or threatening to use any instrument that is generally considered a weapon, an instrument that is normally not considered a weapon as a weapon, an imitation weapon or an explosive;
12. Possession, use or being under the influence of alcoholic beverages;
13. Use, possession, and/or transmission of tobacco or imitation substances;
14. Profanity;
15. Possession of pornographic/obscene literature, items or materials;
16. Student dress which is suggestive, advertises or condones illegal activity or in some way disrupts the educational process;
17. Failure to abide by corrective measures for previous acts of misconduct;
18. Harassment in any form of another person;
19. Conduct which discriminates against others based upon an individual's sexual orientation and gender identity, race, national origin, religion or disability;
20. Destruction, damage, unauthorized use, inappropriate use, and/or manipulation of hardware, software or any aspect or component of the school's electronic information system including the Internet; or
21. Inappropriate sexual conduct including harassment, indecent exposure, and unwanted display/s of affection.
22. Engaging in any act that would be grounds for arrest or citation in the criminal or juvenile court system (excluding minor offenses such as traffic or hunting/fishing, violations), regardless of whether the student was cited, arrested, convicted, or adjudicated for the act(s);

For serious violations (such as assaults, bullying, weapons violations, threatening messages or acts against the school, classmates, or staff, or drugs/alcohol on campus) may be grounds for increasing Code of Conduct penalties.

Basic tenants of assaultive or unacceptable behaviors include:

- Any act which is intended to cause pain or injury to, or which is intended to result in physical contact which will be insulting or offensive to another, coupled with the apparent ability to execute the act;
- Any act which is intended to place another in fear of immediate physical contact which will be painful, injurious, insulting or offensive, coupled with the apparent ability to execute the act; or
- Intentionally points any firearm toward another or displays in a threatening manner any dangerous weapon toward another.

The act is not an assault when the person doing any of the above and the other person are voluntary participants in a sport, social or other activity, not in itself criminal, when the act is a reasonably foreseeable incident of such sport or activity, and does not create an unreasonable risk of serious injury or breach of the peace.

The District may impose a range of disciplinary measures for acts of misconduct. Disciplinary measures include, but are not limited to, removal from the classroom, detention, suspension, probation, and expulsion. Discipline will be administered depending on the severity and frequency of the acts of misconduct.

The imposition of discipline will be within the discretion of the individual responsible for imposing the discipline. In instances where there has been a violation of the law, as well as school rules, appropriate law enforcement officials will be contacted and may become involved in the District's administration of discipline. The school reserves the right to seek restitution from the parents/guardians of a student or the student for damage caused by the student. The administration only needs a "preponderance of evidence" to enact Code of Conduct penalties. The school board may agree to review an administrative decision, upon request.

Iowa Department of Education / Case Law Rulings Regarding School / Board

<https://www.educateiowa.gov/resources/laws-and-regulations/legal-lessons/review-good-conduct-policies-october-2017-school-leader>

NOTES: Under Iowa Code section 279.8, a local school board "shall make rules for its own government and that of the . . . pupils, and for the care of the school house, grounds, and property of the school corporation, and shall aid in the enforcement of the rules, and require the performance of duties imposed by laws and rules." Inherent in this law is the school board's authority to adopt and enforce a Good Conduct Policy. In *Bunger v. Iowa High School Athletic Association*, 197 N.W. 2d 555, 564 (Iowa 1972), the Iowa Supreme Court ruled that schools and school districts may govern out of school conduct of its students who participate in extracurricular activities because those student are leaders who are looked up to and other

students emulate. Those students also represent the school and depict the character of the school. *Id.*

The State Board of Education follows several principals when reviewing good conduct appeals that are brought before them. Those principals were established in *Brands v. Sheldon Community School District*, 671 F. Supp. 627, 630-631 (N.D. Iowa 972):

Those principles are as follows:

1. A secondary student has no "right" to participate in interscholastic athletics or other extracurricular activities.
2. Since there is no right to participate, the amount of due process owed to a student in such cases is minimal. Due process requires only two elements: 1) the student must be told what he is accused of; and 2) the student must be given an opportunity to tell his side of the story.
3. In order for a student to be disciplined under a school's good conduct policy there need only be "some evidence" that a student violated the policy. *Id.* Due process does not require courtroom evidence standards. "Some evidence" is less than preponderance of evidence and far from beyond a reasonable doubt.

If a student finds him/herself in the presence of alcohol unknowingly, and he or she does not want to be in violation of the good conduct code, the student's options are:

1. Leave immediately. Call a parent, a trusted adult, or a coach/sponsor to get help or a ride immediately. Be honest with the adult who you speak with and they can contact the school as needed. An *intention* to leave is not a defense, nor is being the "designated driver." A designated driver is acceptable if they never enter the premise and remain in the vehicle at all times (away from the alcohol/drugs).
2. Apply "reverse" peer pressure to convince the persons responsible for bringing the contraband/substances to leave the party and take the drugs/alcohol with them.

Rumors: If the administration or staff notes a substantial rumor of a student violation of this code, the student involved will meet with the coach/sponsor. The following steps will be taken:

1. Students and parents/guardians will be notified of the rumor and the investigation.
2. Informed of the student rights and consequences of such a violation.
3. Allowed the opportunity to respond.

Police Involvement: In accordance with board policy 505.05 - Interviews of Students by Outside Agencies.

Requests to interview students from law enforcement officers or other persons are made through the principal's office. Upon receiving a request, it is the responsibility of the principal or the principal's designee to determine whether the request will be granted. If prior notification is not practical or is not permitted by law, notification will be made as soon thereafter as possible and legally permitted.

1. Incidents happening at school or on school grounds: in-school support or requested support, actions, communications can happen at school and should be timed to happen outside of class (passing times) when possible. Timed calls made to parents by the school/principal.
2. Incidents happening out of school or not on school grounds: investigation, follow-up, communications, citation(s) will be completed outside of the school's instructional hours. Parents will be notified by the police in advance.

If a child abuse investigator wishes to interview a student, the principal will defer to the investigator's judgment as to whether the student should be interviewed independently from the student's parents, whether the school is the most appropriate setting for the interview, and who will be present during the interview. Confidentiality will be respected.

Students will not be taken from school without the consent of the principal and/or without proper warrant. Police may notify the school of a violation(s) that could be reviewed for a Code of Conduct violation.

NOTE:

1. Students may be interviewed during the school day by a student's parents/guardians, school district officials and employees.
2. Students in elementary grades may only be allowed to meet with other persons with the prior verbal or written permission of the building principal and a parent/legal guardian.

Penalties: Any student who, after being provided due process regarding the allegation, is found to have violated the Student Good Conduct Rule, during the school year or summer, is subject to a loss of eligibility as follows:

1. **First Offense in the Student's High School Career:** Declared ineligible from 30% of all activities that the student is currently involved in during the scheduled season. Scrimmages/non-season contests and/or performances that are not officially recognized by the IGHS AU, IHSAA, and IHSMA do not count. The penalty will be applied during the current season, or the next season the student will be participating in if currently not involved in an extracurricular activity.
2. **Second Offense in the Student's High School Career:** Declared ineligible from 60% of all scheduled activities. The penalty will be applied during the current season, or the next season the student will be participating in if currently not involved in an extracurricular activity. (Applies if second offense occurs within a twelve (12) month period after a first offense)
3. **Third and all subsequent offenses in the Student's High School Career:** Declared ineligible for one calendar year and each succeeding offense will result in an additional calendar year of ineligibility. (Applies if third offense occurs within a twelve (12) month period after second offense).

Ineligibility will affect ALL activities during the violation if student is involved in multiple activities. If a student is involved in multiple activities during the season, once penalty for one of

the activities that a student is currently involved in is served, the student is then eligible for the other activities).

Example: If a student is in "Activity A" **and** "Activity B" and receives a penalty of 30% of the scheduled activities; if the student has sat out of 30% of "Activity A" games but has only missed 10% of "Activity B" during that time period due to scheduling, the student would be eligible once the 30% of one activity is done.

Penalties and Students Participating in Multiple Activities: In situations where a Code of Conduct penalty happens near the end of an activity the penalty will be applied equitably to remaining dates for the current activities the student is out for with the remaining percentage(s) of the penalty applied to their next activity(s). (*Example:* Student out for Basketball and Jazz Band)

An ineligible student shall attend all practices or rehearsals but may not "suit up" nor perform/participate.

The period of ineligibility attaches immediately upon a finding of a violation if the student is eligible for and currently engaged in an extracurricular activity. If the period of ineligibility is not started or completed during the current activity, it begins or is carried over into the next activity or contest. However, if the period of time between a violation and the next activity is twelve calendar months or more, the student shall not serve an ineligibility period for the violation. If a student drops out of an activity prior to completion of the ineligibility period, the full penalty or the remainder of the penalty will attach to the student's next activity, subject to the 12-month limitation above.

If a student violates the Student Good Conduct Rule while ineligible due to an earlier violation, the penalty for the subsequent offense will attach at the completion of the first penalty.

Reduction in Penalty:

- 1. Admission Prior to Determination:** If a student comes forward to an administrator to admit (self-report) a violation of the Student Good Conduct Rule prior to a finding of guilt by the administration within 24 hours of the violation, the student's penalty may be reduced by 10% for a first or second violation. In addition, to receive the reduction in penalty, students must complete 15 hours of activity service to be supervised by the coach/sponsor of the activity involved in prior to being reinstated.
- 2. Evaluation and Treatment:** A student who has a second violation of the alcohol or drug provision of the Student Good Conduct Rule may elect to seek evaluation and, if recommended, treatment from a recognized substance abuse facility at the student's or student's family's expense. If the student seeks the evaluation and agrees to waive confidentiality to allow the evaluating facility to report to the superintendent or designee regarding recommendations for treatment or follow-up care, the student's penalty for the second violation may be reduced.
- 3. Items 1 and 2 of this section may not be combined.**

Violations Occurring During Ineligibility: If a student is ineligible at the time of a violation of the Student Good Conduct Rule, the penalty for the violation will not begin until the student regains eligibility.

Example: A student who is academically ineligible for a quarter [or "semester"] is found to have been in possession of tobacco, a Student Good Conduct Rule violation. When the student is again academically eligible, the penalty attaches.

Example: A student violates the Student Good Conduct Rule and is ruled ineligible for 30% of extracurricular activities. While ineligible, the student again violates the Rule. The second penalty attaches when the first penalty is completed.

Academic Consequences: There will be no academic consequences for the violation (e.g., detention, suspension, expulsion from school, or grade reduction/withholding) unless the violation of the Student Good Conduct Rule occurred (a) on school grounds, (b) at a school event regardless of location, or (c) the violation has a direct and immediate negative impact on the efficient operation of the school despite occurring off school grounds/time.

Student Transfers: If a student transfers in from another school district and the student had not yet completed a period of ineligibility for a violation of a Student Good Conduct Rule in the previous district, the student shall be ineligible.

Appeals: Any student who is found by the administration to have violated the Student Good Conduct Rule may initiate a review, in writing, within 3 business (school) days of being advised of the violation. The superintendent's decision is final. A parent/s has a right to a statutory right of appeal to the Department of Education.

The superintendent will keep the school board informed of these situations as necessary.