

## **Penn-Harris-Madison Code of Conduct**

Penn-Harris-Madison Schools use the Lifelong Guidelines and Life Skills as the basis for its Positive School-Wide Behavior Plans. These plans are unique to each building. The skills and expectations in these plans are taught and reviewed at various times throughout the student's school experience. Expectations, guidelines and skills are posted in every classroom and teachers all expect that children follow them on a daily basis.

The Lifelong Guidelines are: Truth, Trust, Active Listening, No Put Downs, and Personal Best.

The Life Skills are: Integrity, Initiative, Flexibility, Perseverance, Organization, Sense of Humor, Effort, Common Sense, Problem-Solving, Responsibility, Patience, Friendship, Curiosity, Cooperation, and Caring.

The Board of School Trustees has adopted the following Code of Conduct. This Code of Conduct is applicable to students:

- on Corporation property at any time;
- during and immediately before and after any Corporation activity at any location;
- traveling to and from the Corporation or to and from a Corporation activity.

**Violations of the Code of Conduct may be punishable by suspension, expulsion, or other discipline as determined by the administration. Violations may also be referred to law enforcement agencies where appropriate. The word "school" refers to all corporation properties and activities. Students engaging in conduct punishable as a felony on school grounds, while attending school-related events, or traveling to or from school or a school-related event will be recommended for expulsion.**

1. Violating school policies, Indiana or Federal law

2. Harassing others (See Board Policy 5517); the school believes that every individual deserves to be able to come to school without fear of demeaning remarks or actions. The harassment/bullying of other students or members of the staff or any other individuals by any means is not permitted. This includes any communication or action that disrupts a safe positive educational or working environment, regardless of whether the action or communication occurs in school or outside of school. Conduct constituting harassment on the basis of sex may take different forms, including but not limited to the following.

A. Verbal: The making of written or verbal sexual innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, or threats to a fellow student, staff member, or other person associated with the Corporation or third parties (visiting speaker, athletic team member, volunteer, parent, etc.). Directing unwelcome statements, communications, or conduct of a sexual nature to another person.

B. Nonverbal: Causing the placement of sexually suggestive objects, pictures, or graphic commentaries in the school environment or the making of sexually suggestive or insulting gestures, sounds, leering, whistling, etc., to a fellow student, staff member, or other person associated with the Corporation or third parties.

C. Physical Contact: Threatening or causing unwanted touching or contact of a sexual nature, or attempts at same, including patting, pinching, brushing the body, or coerced sexual activity with a fellow student, staff member, or other person associated with the Corporation, or third parties.

**Other Protected Forms of Harassment including but not limited to: Race, Color, Religion, National Origin, Age, Disability**

D. Verbal:

- Written or verbal innuendoes, comments, jokes, insults, threats, or disparaging remarks concerning a person's gender, national origin, religious beliefs, etc. toward a fellow student, staff member, or other person associated with the Corporation, or third parties.

- Conducting a "campaign of silence" toward a fellow student, staff member, or other person associated with the Corporation, or third parties by refusing to have any form of social interaction with the person.

E. Nonverbal: Placing insulting or threatening objects, pictures, or graphic commentaries in the school environment or making insulting or threatening gestures toward a fellow student, staff member, or other person associated with the corporation, or third parties.

F. Physical Contact: Any intimidating or disparaging action such as hitting, pushing, shoving, or spitting on a fellow student, staff member, or other person associated with the corporation, or third parties.

Any student who believes that he is the victim of any of the above actions or has observed such actions taken by another student, staff member, or other person associated with the corporation, or third parties should make contact with a staff member selected by each building principal with whom the students would most likely be comfortable in discussing a matter of this kind.

The student may make contact either by a written report or by telephone or personal visit. During this contact, the reporting student should provide the name of the person(s) whom he believes to be responsible for the harassment and the nature of the harassing incident(s). A written summary of each such report is to be prepared promptly on the appropriate form available in the school office and a copy forwarded to Dr. Kay Antonelli, Assistant Superintendent.

Each report received by a designated person shall be investigated in a timely and confidential manner. While a charge is under investigation, no information is to be released to anyone who is not involved with the investigation, except as may be required by law or in the context of a legal or administrative proceeding. No one involved is to discuss the subject outside of the investigation.

The purpose of this provision is to:

- protect the confidentiality of the student who files a complaint;
- encourage the reporting of any incidents of sexual or other forms of harassment;
- protect the reputation of any party wrongfully charged with harassment.

Additional information regarding PHM's Anti-Harassment Policy and the procedures for making and investigation complaints can be found in Board Policy 5517.

3. Bullying: (See Board Policy 5517.01) Bullying as defined in State law means overt, unwanted, repeated acts or gestures, including verbal or written communications

transmitted in any manner (including digitally or electronically), physical acts committed, aggression, or any other behaviors committed by a student or group of students against another student with the intent to harass, ridicule, humiliate, intimidate, or harm the targeted student and create for the targeted student an objectively hostile school environment. This type of behavior is a form of harassment although it need not be based on any of the legally protected characteristics, such as sex, race, color, national origin, marital status, or disability. It includes but is not be limited to such behaviors as stalking, intimidating, menacing, coercion, name-calling, taunting, making threats, and hazing. The prohibition on bullying also applies whenever a student is using data or computer software that is accessed through a computer, computer system, or computer network. These rules may be applied regardless of the physical location in which the bullying behavior occurred, whenever (1) the individual committing the bullying behavior and any of the intended targets of the bullying behavior are both students of the P-H-M School Corporation; and (2) disciplinary action is reasonably necessary to avoid substantial interference with school discipline or prevent an unreasonable threat to the rights of others to a safe and peaceful learning environment.

**Cyber-bullying:** The use of any data or computer software that is accessed through a computer, computer system, or a computer network to convey overt, unwanted, repeated acts or gestures, including verbal or written communications or images transmitted in any manner, aggression, or any other behaviors that are committed by a student or group of students against another student with the intent to harass, ridicule, humiliate, intimidate, or harm the targeted student and create for the targeted student an objectively hostile school environment. These rules may be applied regardless of the physical location in which the bullying behavior occurred, whenever (1) the individual committing the bullying behavior and any of the intended targets of the bullying behavior are both students of the P-H-M School Corporation; and (2) disciplinary action is reasonably necessary to avoid substantial interference with school discipline or prevent an unreasonable threat to the rights of others to a safe and peaceful learning environment.

Any student who believes he has been or is currently the victim of bullying should immediately report the situation to the building administration, or the Superintendent. The student may also report concerns to a teacher or counselor who will be responsible for notifying the appropriate administrator or school board official. Complaints against the building principal should be filed with the Superintendent. Complaints against the Superintendent should be filed with the Board President.

Every student is encouraged and every staff member is required to promptly report any situation that they believe to be bullying behavior directed toward a student. Reports may be made to those identified above. Reports may be submitted anonymously.

4. False reporting of bullying. Students who make false reports of bullying will be subjected to discipline.

5. Knowingly causing bodily harm to another person;

6. Threatening another person with bodily injury;

7. Use of an object as a weapon; Any object that is used to threaten, harm, or harass another may be considered a weapon.

This includes but is not limited to padlocks, pens, pencils, laser pointers, jewelry and so on. Intentional injury to another may result in a report to the police as well as discipline by the school. This violation may subject a student to expulsion.

8. Possessing a firearm or any other object that is readily usable as a weapon or is dangerous to others (such as fireworks)

9. Any student who is found to possess a firearm, deadly weapon, destructive device, or other weapon (as defined in

Board Policy 5772) on school property, including school buses and other school transportation, shall be reported immediately to law enforcement officials. It will make no difference whether or not the weapon belongs to someone else unless the student can provide convincing evidence that the weapon was placed in the student's possession without his knowledge. If it can be confirmed that a weapon belonged to a student other than the one who possessed the weapon, that student shall also be subject to the same disciplinary action. A weapon includes conventional objects like guns, pellet guns, knives, or club type implements. It may also include any toy that is presented as a real weapon or reacted to as a real weapon. Criminal charges may be filed for this violation. Possession of a weapon may subject a student to expulsion.

A. A firearm is defined as any weapon that is capable of or designed to expel, or that may readily be converted to expel a projectile by means of an explosion.

B. A destructive device means an explosive, incendiary, or overpressure device that is configured as a bomb, grenade, rocket with a propellant charge of more than 4 ounces, missile having an explosive or incendiary charge of more than one-quarter (1/4) ounce, mine, Molotov cocktail or device that is substantially similar to an item described in this list. In addition a destructive device can be a type of weapon that may be readily converted to expel a projectile by the action of an explosive or other propellant through a barrel that has a bore diameter of more than one-half inch or a combination of parts designed or intended for use in the conversion of a device into a destructive device.

C. A deadly weapon is defined as a loaded or unloaded firearm or a destructive device, weapon, device, taser or electronic stun weapon, equipment, chemical substance, or other material that in the manner it is used or could ordinarily be used or is intended to be used, is readily capable of causing serious bodily injury.

**10. In addition, students possessing firearms or destructive devices shall be subject to mandatory expulsion for a period of one (1) year. Students possessing deadly (or other) weapons may be subject to expulsion for a period of up to one (1) calendar year. Students engaging in conduct punishable as a felony on school grounds, while attending school-related events, or traveling to or from school or a school-related event will be recommended for expulsion**

11. Knowledge of deadly or dangerous weapons or threats of violence. Because the School Board believes that students, staff members, and visitors are entitled to function in a safe school environment, students are required to report knowledge of deadly or dangerous weapons or threats of violence to the school administration. Failure to report such knowledge may subject the student to discipline.

12. Aggressive behavior and fighting; Penn-Harris-Madison Schools promote a safe and orderly environment for all students. Student involvement in fights or verbal confrontations on school grounds, on the school bus, at a bus stop or at any school-

sponsored activity will result in disciplinary action. In addition, students may be subject to legal action.

13. Gang-related behavior; Penn-Harris-Madison Schools prohibit all gang related behavior. The School Corporation will vigorously discipline any student who conducts gang related activities at any time when the student is under the jurisdiction of the school, on any school properties, or at any school related function or activity. Examples of gang related behavior include but are limited to the following.

- wearing of gang colors;
- wearing of any symbols that are known to be associated with gangs;
- wearing of any jewelry, clothing, or objects associated with gangs;
- creating, distributing, writing, drawing any symbols or having any in one's possession that are related to gangs;
- flashing, flagging, or any other signs or symbols by hand or gesture that is related to gangs;
- wearing of clothing in such a manner that is associated with gangs, and
- any and all other actions, whether written, verbal or non-verbal that is associated with gangs.

Disciplinary action will result for any gang related behavior which may result in suspension, expulsion and referral to legal authorities

14. Possessing, providing, selling or using a drug or any type of drug-related paraphernalia except as authorized by prescription and in compliance with Board Policy 5530 "Use of Medication"

15. Possessing, providing, selling or using any substance or any type of paraphernalia represented to be a drug or drug-related paraphernalia

16. Refusing to take a drug test when requested by administration

17. Tampering with the drug test

18. Consuming or being under the influence of a drug or alcohol except as authorized by prescription and in compliance with Board Policy 5530 "Use of Medication"

19. Possessing, providing or selling an alcoholic beverage

20. Possessing, providing, or using tobacco or any tobacco product

21. The possession of an electronic cigarette (generally known as "e-cigarette") is prohibited which also includes any item that looks like or is represented to be an electronic cigarette.

22. Stealing or damaging school property or property of another person

23. Possession of electronic equipment and cell phones; The school supplies most electronic equipment necessary in school. While students may possess cell phones and electronic devices on school property, students are prohibited from turning on their personal devices or allowing them to be visible during the school day without permission of a staff member. Students may be allowed to use personal or school issued electronic devices during instructional time with the permission of the instructor.

**The school will not be responsible for lost, stolen and/or damaged phones or electronic devices at school.** By bringing electronic equipment and cell phones to school, students consent to the search of their devices for the purpose of determining ownership if the device is lost. In addition, school officials may search a student's electronic equipment and cell phone if there is reason to believe that the device

contains evidence of a school rule or state/federal law violation and the search is reasonable in scope. Students using any type of personal electronic device during a class assessment (test, quiz, etc.) may be considered in violation of the academic dishonesty policy. A device that is not put away and/or turned off will be confiscated and returned at the end of the day. A second violation will result in the confiscation of the electronic device, which will only be returned to a parent or guardian. Further disciplinary actions will be taken if the student continues to violate this policy. Students using any type of personal electronic device during standardized assessments (ISTEP+, ECA, Acuity, WIDA etc.) will be in violation of state and local policy. Student-level consequences for any such violations will be determined by Penn-Harris-Madison School Corporation.

- It is a violation of test security procedures for students to have access to cell phones or any other unauthorized device during testing.

- It is a violation of test security procedures for students to discuss or paraphrase test questions/materials (in person, by phone, via texting or social media, or any other communication vehicle) with anyone, including, but not limited to, other students (other students not only refers to students within the same school but also applies to any Indiana student).

- It is a violation of test security procedures for students to take pictures or snapshots of any test materials (practice or operational).

- In addition, it is a violation of test security procedures to share pictures or snapshots of test materials with anyone.

#### **Important Notice to Students and Parents Regarding Cell Phone Content and Display:**

The Child Abuse/Neglect law requires school personnel to report to law enforcement or child protective services whenever there is reason to believe that any person/student is involved with “child exploitation” or “child pornography” as defined by Indiana Criminal Statutes. Because student cell phones have been found in a number of Indiana school districts to have contained evidence of “sexual content” as defined above, it is important for parents and students to be aware of the legal consequences should this occur in our school system.

24. Sexting; Sending, sharing, viewing, or possessing pictures, text messages, emails, or other material of a sexual nature in electronic or any other form, including the contents of a cell phone or other electronic device may be considered as grounds for suspension or expulsion, regardless of whether the activities occurred in school or outside of school.

25. Public show of affection; the school does not encourage public displays of affection.

26. Knowingly interfering with school purposes or inducing another student to do so

27. Attempting or conspiring with another person to violate any student behavior standard

28. Knowingly failing to report to scheduled assignment without permission or acceptable excuse

29. Failing or refusing to comply with directions of an adult supervising a class or school activity

30. Leaving a school activity or school property without prior approval of a teacher or supervising adult

31. Cheating on an academic assignment such as a test or homework, or knowingly assisting another student in academic dishonesty

32. Materially altering any school document such as a hall pass

### **Enforcement of Student Behavior Standards and Code of Conduct**

The standards and the Code of Conduct will be enforced by school administrators, teachers, teacher aides, bus drivers, and any other adult authorized by the school to supervise students.

1. The objectives of the enforcement of these standards and the Code of Conduct are:

A. to protect the physical safety of all persons and prevent damage to property;

B. to maintain an environment in which the educational objectives of the school can be achieved;

C. to enforce and instill the core values of the Penn-Harris-Madison School Corporation and its school community.

2. The seriousness of the offense and nature and extent of any discipline utilized to enforce student behavior standards and Code of Conduct will be determined by:

A. the nature and extent of any potential or actual injury, property damage, or disruption;

B. the student's prior disciplinary history and the relative success of any prior corrective efforts;

C. the willingness and ability of the student and the student's parents to participate in any corrective action;

D. the interest of other students in the school in a school environment free from behavior that violates the school's behavior standards;

E. any other aggravating or mitigating factor or circumstance including but not limited to zero tolerance policies.

Any student who is found to possess a firearm, deadly weapon, destructive device, or other weapon (as defined in Board Policy 5772) on school property, including school buses and other school transportation, shall be reported immediately to law enforcement officials. It will make no difference whether or not the weapon belongs to someone else unless the student can provide convincing evidence that the weapon was placed in the student's possession without his knowledge. If it can be confirmed that a weapon belonged to a student other than the one who possessed the weapon, that student shall also be subject to the same disciplinary action.

A weapon includes conventional objects like guns, pellet guns, knives, or club type implements. It may also include any toy that is presented as a real weapon or reacted to as a real weapon. Criminal charges may be filed for this violation. Possession of a weapon may subject a student to expulsion.

- A firearm is defined as any weapon that is capable of or designed to expel, or that may readily be converted to expel a projectile by means of an explosion.

- A destructive device means an explosive, incendiary, or overpressure device that is configured as a bomb, grenade, rocket with a propellant charge of more than 4 ounces, missile having an explosive or incendiary charge of more than one-quarter (1/4) ounce, mine, Molotov cocktail or device that is substantially similar to an item described

in this list. In addition an destructive device can be a type of weapon that may be readily converted to expel a projectile by the action of an explosive or other propellant through a barrel that has a bore diameter of more than one-half inch or a combination of parts designed or intended for use in the conversion of a device into a destructive device.

- A deadly weapon is defined as a loaded or unloaded firearm or a destructive device, weapon, device, taser or electronic stun weapon, equipment, chemical substance, or other material that in the manner it is used or could ordinarily be used or is intended to be used is readily capable of causing serious bodily injury.

Disabled students under IDEA or Section 504 shall be expelled only in accordance with Federal law. Students who qualify for service under IDEA or Section 504 may be expelled only after a manifestation determination has ruled that the behavior was not due to the disability.

A student who has been expelled may apply for reinstatement in accordance with guidelines that are provided at the time of the expulsion.

### **Discipline**

It is important to remember that the school's rules apply going to and from school, at school, on school property, at school-sponsored events, and on school transportation. In some cases a student can be suspended from school transportation for infractions of school bus rules. The Board has also extended the authority for school administrators to impose discipline for unlawful activity by students that occurs on or off school property if the activity interferes with school purposes or the educational function of the school. This authority applies to unlawful activity that may occur on weekends, holidays, and other school breaks including summer recess. In addition, students may be disciplined for cyber bullying that occurs off campus where disciplinary action is reasonably necessary to avoid substantial interference with school discipline or prevent an unreasonable threat to the rights of others to a safe and peaceful learning environment.

Penn High School teachers and staff are taking a proactive approach to discipline by utilizing the following steps:

- Warning
- Teacher assigns a classroom consequence that is minor but meaningful
- Teacher calls home
- Formal referral to student's dean

These steps are used as a framework for positive behavior support. Depending upon the particular circumstance, teachers and staff may invoke one or more of these steps, without having first invoked the prior steps.

Ultimately, it is the Principal's responsibility to keep things orderly. In all cases, the school shall attempt to make discipline prompt and equitable and to have the consequences match the severity of the incident.

Two types of discipline are possible, informal and formal.

### **Informal Discipline**

Informal discipline takes place within the school. It may include but is not limited to:

- alternate assignments;
- change of seating or location;
- before-school, lunch-time, or after-school detention;

- loss of parking;
- loss of driver's license;
- loss of dances and prom;
- removal from a class or activity;
- community service in accordance with IC 20-33-8-24 (9).

### **Formal Discipline**

Formal discipline removes the student from school. It includes:

- suspension for up to 10 school days;
- and/or expulsion for the remainder of a semester or longer.

### **Expulsion**

#### **Due Process Rights**

Before a decision is made as to whether or not to suspend or expel a student from school, the school will follow specific procedures.

#### **Suspension from School**

The school administration may deny a student the right to attend school and/or take part in any school function for up to a maximum of ten (10) consecutive school days. When a student is being considered for a suspension, the administrator in charge will notify the student of the reason. The student will then be given an opportunity to explain his actions in an informal hearing with the administrator. After that informal hearing, the administrator in charge will make a decision whether or not to suspend. If a student is suspended, his parents will be then be notified, in writing, of the reason for and the length of the suspension.

When a student is suspended, he may make up work missed. The student/parent should initiate the request for his schoolwork. Work can be made up within 1 times the number of school days suspended. Teachers will provide such work during the period of the suspension or upon the student's return to school.

Students serving Out of School Suspension may not participate in extracurricular activities or events during the suspension. Any learning that cannot be made up such as labs, field trips, skill-practices, and the like or any learning that the student chooses not to make up may be reflected in the grades earned.

Two (2) suspensions or an expulsion may result in the revocation of the student's driver's license.

#### **Expulsion from School**

An expulsion is a removal from school attendance and any school function for a period of more than ten (10) consecutive school days.

If, in the Principal's opinion, the alleged infraction warrants a longer period of removal from school, he shall refer the case to the Superintendent. The Superintendent shall review and appoint an expulsion examiner to conduct an expulsion hearing.

The student and/or the parent(s) will be notified of the time and place of the expulsion meeting and their rights in connection with that meeting as well as their right to waive the meeting if they choose to do so. The expulsion examiner, appointed by the Superintendent, will issue a written decision following the expulsion meeting.

**NOTE:** Any student who is found to possess a firearm, deadly weapon, destructive device, or other weapon (as defined in Board Policy 5772) on school property shall be reported immediately to law enforcement officials. In addition, students possessing firearms or destructive devices shall be subject to mandatory expulsion for a

period of one (1) year. Students possessing deadly (or other) weapons may be subject to expulsion for a period of up to one (1) calendar year.

The parent may appeal the expulsion decision. Upon receipt of a written appeal, the Board shall hold a meeting to consider the written evidence and arguments presented at the expulsion meeting. The Board may then decide to uphold the expulsion, authorize alternative disciplinary action, or decide no disciplinary action is necessary. The student or his parents may appeal the Board's decision to the appropriate court.

### **Search and Seizure**

Prior to a search of a student's person or his or her possessions, a school administrator shall seek consent from the student. If the student does not consent, such a search shall be permitted based only upon the administrator's individualized reasonable suspicion to believe that the search will produce evidence of a violation of a law, school rule, or a condition that endangers the safety or health of the student or others. Students who have obtained a Penn High School Parking Pass and drive a vehicle to school have consented to the search of their vehicle. Additional information regarding Search and Seizure can be found in Board Policy 5571.

Students equipment is the property of the school and may be searched at any time (I.C. 20-33-8-32). Locks are to prevent theft, not to prevent searches. Anything that is found in the course of a search that may be evidence of a violation of school rules or the law may be taken and held or turned over to the police. The school reserves the right not to return items that have been confiscated.

### **Drug Test Instrument Use**

Drug tests are randomly conducted for all students participating in extra-curricular activities, those whose parent/guardian have signed the Drug Testing Consent Form, and all students holding parking permits. Drug testing will test for the presence of any drugs or controlled substances, synthetic or otherwise, prohibited by P-H-M policy or state or federal law. Students who produce positive test results will be disciplined according to co-curricular, extra-curricular and/or student handbooks.

In addition, any student may be subject to a breath and/or drug test with reasonable suspicion. If the result indicates a violation of school rules as described in this handbook, the student will be disciplined in accordance with disciplinary procedures described in this handbook. If a student refuses to take the test, he will be advised that such refusal is a violation of school rules and Board policies and considered an admission of being under the influence of alcohol or drugs and may subject the student to disciplinary action.

### **Student Rights of Expression**

The school recognizes the right of students to express themselves. With the right of expression comes the responsibility to act appropriately. All items of self-expression must meet school guidelines. Material cannot be displayed or distributed if it:

1. is obscene, libelous, indecent, or vulgar,
2. advertises any product or service not permitted to minors by law,
3. contains harassing or derogatory messages that refer to race, ethnicity, religion, sex, disability and contains messages that are contrary to the school's educational mission.
4. intends to incite fighting; or

5. presents a reasonable likelihood that, either because of its content or manner of distribution or display, it will cause a material and substantial disruption of school or school activities, a violation of school regulations, or the commission of an unlawful act.

Students or non-students are not to distribute written communications or any other objects or materials on school property that have not received prior approval by the high school administration.

#### **Use of Seclusion and Restraint with Students**

A student will not be subject to seclusion or restraint unless the student's behavior poses an imminent risk of injury to the student or others. However, significant violations of the law, including assaults on students and staff, will be reported to the police. As soon as possible after any use of seclusion or restraint, the student's parent or guardian will be informed and provided with a detailed account of the incident, including the circumstances that led to the use of seclusion or restraint.