



# Code of Conduct (for Adult Students)

#6211.2

## I. INTRODUCTION

The BOCES is committed to providing a safe and orderly educational environment where students receive and BOCES personnel deliver quality educational services without disruption or interference. The BOCES is also committed to maintaining a climate of mutual respect and dignity in the schools to promote learning within a safe environment. Responsible behavior by students, teachers, other BOCES personnel, parents and other visitors is essential to achieving these goals.

BOCES is committed to provide training to all employees, including school and district administrators and instructional and non-instructional staff at least annually to ensure a proactive anti-bullying/harassment approach that stresses the prevention of incidents through education and enlightenment. This training will enable employees to prevent and respond to incidents of discrimination, harassment, intimidation and bullying and serve to raise awareness and sensitivity to potential acts of discrimination, harassment, intimidation and bullying directed at students that are committed by students or school employees on school property or at school functions; including but not limited to, discrimination, harassment, intimidation and bullying based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practices, disability, sexual orientation, or gender.

The Western Suffolk BOCES Board has a long-standing set of expectations for conduct on school property and at school functions. These expectations are based on the principles of civility, mutual respect, citizenship, character, tolerance, honesty and integrity, as well as the following BOCES beliefs:

- We are a diverse community of adults who are reflective, life-long learners.
- Our community of adult learners is a valuable resource entitled to the highest quality instruction and equitable service.
- Respect, honesty, and trust are essential in all our interactions.
- Integrity, continuous assessment, high standards, and innovation are the foundation of organizational success.
- The integrity and high standards of our educational programs are reflected in our students and provide them with the skills they need to become responsible citizens and useful members of society.
- Successful organizations create effective operational systems and depend upon individuals who take responsibility for their actions, are accountable for the programs and services they deliver, and use all their energies to fulfill the expectations of those who count on them.
- Effective communication of accurate information within BOCES and to all our stakeholders enhances involvement and reduces conflict.
- Production of quality outcomes depends on the collective effort of a well-trained, motivated and healthy workforce who are encouraged to express their opinions.
- Everyone has the right to a safe, healthy and caring environment which fosters respect and high expectations, maximizes potential, motivates interest and enthusiasm, and encourages the pursuit of happiness.

The Board recognizes the need to clearly define the expectations for acceptable conduct on school property, to identify the possible consequences of unacceptable conduct, and to ensure that discipline when necessary is administered promptly and fairly including the prompt notification of local law enforcement agencies when a violation of the Code of Conduct is believed to constitute criminal conduct. To this end, the Board adopts this Code of Conduct ("Code").

Unless otherwise indicated, this Code applies to all students, school personnel, and visitors when on school property or attending a school function.

## II. DEFINITIONS

For purposes of this code, the following definitions apply:

**“Act of Violence”** means violent incident which occurs on school property and is defined by subdivision (gg) of Section 100.2 of the Commissioner’s Regulations and the criteria set forth by the State Education Department in the glossary of definitions under the Uniform Violent Incident Reporting System.

**“Arson”** is deliberately starting a fire with intent to destroy property.

**“Assault with Serious Physical Injury”** is intentionally or recklessly causing serious physical injury to another person. Serious physical injury creates a substantial risk of death or causes serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of any bodily organ.

**“Assault with Physical Injury”** is intentionally or recklessly causing physical injury to another person. Physical injury means impairment of physical condition or substantial pain.

**“Bomb Threat”** is a telephoned, written, or electronic message that a bomb, explosive, chemical or biological weapon has been placed on school property.

**“Bullying”** means the intentional and repeated intimidation of others who are considered by the offender to be weaker, with cruelty, thereby creating a hostile environment. Bullying may involve physical, verbal or electronic intimidation through gestures or social exclusion based on but not limited to a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, gender, sexual orientation or disability.

**“Building”** means the physical site (school) where a program’s services are delivered to students. BOCES may refer to buildings as “centers” or “campuses.”

**“Building Administrator”** means a certified administrator who is responsible for the supervision and management of a building or program.

**“Color”** The term refers to the apparent pigmentation of the skin, especially as an indication or possible indication of their race.

**“Controlled Substance”** means a drug or chemical substance whose possession and use are controlled by law.

**“Crisis Intervention”** means those verbal and non-verbal techniques that enable staff to maintain control in crisis situations through calm, confident actions that help staff defuse a disruptive or violent student and reduce the potential for physical injury to all who are present. In non-violent crisis intervention, the staff’s primary responsibility is always for the care, welfare, safety and security of our students and staff. Physical restraint may be used when all other techniques have been exhausted and is necessary to control and protect the health and safety of students and staff.

**“Cyberbullying”** the repeated use of information technology either on or off of school property including e-mail, instant messaging, blogs, chat rooms, pagers, cell phones, gaming systems and social media web sites to deliberately harass, threaten or intimidate others. It may involve sending mean, vulgar, private information about another person; pretending to be someone else to make that person look bad, or intentionally excluding someone from an online group using either school or personal information technology equipment. **Also includes:**

- **Cyberstalking:** repeated harassment that includes threats or harm or that is highly intimidating and intrusive upon one’s personal privacy.
- **Denigration:** “Dissing” someone online. Sending or posting cruel gossip or rumor about a person to damage his or her reputation or friendships.
- **Flaming:** Online fights using electronic messaging with angry and/or vulgar language.
- **Happy Slapping:** An extreme form of bullying where physical assaults are recorded on mobile phones or digital cameras and distributed to others.
- **Impersonation:** Breaking into someone’s account, posing as that person and sending messages to make the person look bad, get that person in trouble or danger, or damage that person’s reputation or friendships.

**“Defamation”** means making false or slanderous statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them.

**“Disability”** (a) a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable

by medically accepted clinical or laboratory diagnostic techniques or (b) a record of such an impairment or (c) a condition regarded by others as such an impairment, provided, however, that in all provisions of this article dealing with employment, the term must be limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held.

**“Discrimination”** means discrimination against any student by a student or students and/or an employee or employees on school property or at a school function including, but not limited to, discrimination based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.

**“Disrupting the Educational Process”** means behavior that materially or substantially disrupts the educational process, whether on school property or at school-sponsored events and activities such behavior shall not be tolerated and shall subject the offending pupil to appropriate disciplinary action. Students may be disciplined for conduct that occurred outside of the school that may endanger the health or safety of pupils within the educational system or adversely affect the educational process. Behavior which disrupts the educational process shall include, but not be limited to:

- Conduct which threatens the health, safety, or welfare of others;
- Conduct which may damage public or private property, including property of students or staff;
- Illegal activity;
- Conduct that materially or substantially interferes with another student’s access to educational opportunities or programs, including the ability to attend, participate in and benefit from instructional and extracurricular activities, or
- Conduct that materially or substantially disrupts the delivery of instructional services or interferes with the orderly administration of the school and school-related activities or district operations.

**“Electronic Device”** includes cameras, camcorders, radios, beepers, MP3 players, iPods, music players, cell phones, tape recorders, laptops, tablets, iPads, computers, phone watch and any electronic device which assists in communications.

**“Emotional Harm”** means harm to a student’s well-being through the creation of a hostile school environment that is so severe or pervasive as to

unreasonably and substantially interfere with a student’s education.

**“Employee”** means any person receiving compensation from a school district or employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title nine-B of article five of the Social Services Law, and consistent with the provisions of such title for the provision of services to such district, its students or employees, directly through contract, whereby such services such service performed by such person involve direct student contact.

**“Ethnic Group”** means a group of people who identify with each other through a common heritage including language, culture, and often a shared or common religion and or ideology that stresses ancestry.

**“Firearm”** means “(A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device. Such term does not include an antique firearm.” (per 18 U.S.C. § 921).

**“Formal Removal by Teacher”** means the action by a teacher to have a disruptive student removed from the classroom. Classroom management techniques for controlling student behavior, defusing a situation and/or preventing a crisis, which may involve brief periods of time spent out of the classroom, are not considered “formal removal by a teacher” for purposes of this code.

**“Gang”** means any group or sub-group that has a common purpose, a membership, a structured hierarchy and a pattern of continued criminal activity over time.

**“Gender”** means actual or perceived sex and includes a person’s gender identity or expression.

**Gender Identity and Expression:** is an individual’s internal sense of being a man, a woman, a boy, a girl, or something outside of these binaries. Since gender identity is internal, it is not necessarily visible to others. Some ways in which people may express or represent their gender include dress, hair style, mannerisms, body characteristics, name and pronouns. This has also been described by the Empire State Pride Agenda as the way in which people self-identify and present their masculinity and femininity to the world.

**“Harassment and bullying”** means the creation of a hostile environment by employees or students on school property or at school functions by conduct or by verbal threats, intimidation or abuse, including cyberbullying as defined in educational law section 11(8) that either: a) has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities or benefits, or mental, emotional and/or physical well-being; including conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause emotional harm or b) reasonably causes or would reasonably be expected to cause physical injury to a student or to cause a student to fear for his or her physical safety; such conduct, verbal threats, intimidation or abuse includes but is not limited to conduct, verbal threats, intimidation or abuse based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex. This definition is inclusive of acts of harassment or bullying that occur on school property, at a school function or off school property where such acts create or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property.

**“Material Incident of Harassment, Bullying and/or Discrimination”** is defined as a single verified incident or a series of related verified incidents where a student is subjected to harassment, bullying and/or discrimination by a student and/or employee on school property or at a school function. This term includes a **verified** incident or a series of related **verified** incidents of harassment or bullying that occur off school property where such acts create or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property, **and** is the subject of a written or oral complaint to the district superintendent, principal, or their designee, or other school employee.

**“Hazing”** means any intentional or reckless act directed against another for the purpose of initiation into, affiliating with, or maintaining membership in any BOCES or school-sponsored activity, organization, club or team.

**“Illegal or Controlled Substances”** means, but is not limited to, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, non-prescribed prescription drugs and any substances commonly referred to as "designer drugs."

**“Insubordination”** means failing to comply with the reasonable directions of teachers, school administrators or any other school employee.

**“Intimidation”** includes threatening, stalking, or seeking to coerce or compel a person to do something; engaging in verbal or physical conduct that threatens another with harm, including intimidation through the use of epithets or slurs involving race, ethnicity, national origin, religion, religious practices, gender, sexual orientation, age, or disability that substantially disrupts the educational process. This includes any form of harassment that does not involve actual physical contact but does involve the threat of harm, including verbal harassment. This means actions or statements, including bullying, that put an individual in fear of bodily harm and/or emotional discomfort.

**“Menacing”** is intentionally placing or attempting to place another person in fear of imminent physical injury.

**“Mischief (criminal)”** is the intentional or reckless damaging of property of the school or another person including, but not limited to, vandalism and the defacing of property with graffiti.

**“National origin”** means a person’s country of birth or their ancestor’s country of birth.

**"Non-Instructional Staff"** means non-pedagogical staff such as clerical, custodial, and food service personnel who are located within a school building and provide operational support to the school program.

**"Other Administrative, Managerial, and Technical Staff"** means those individuals employed by BOCES who are responsible for central office operations and/or for specialized instructional or administrative management services who provide support and/or oversight to various BOCES programs and/or to component districts.

**"Paraprofessionals"** means teacher aides who work under the supervision of a teacher to support the instruction of students.

**"Positive School Climate"** means a setting where all students and staff experience a safe, healthy and caring environment which fosters learning and high expectations, maximizes potential, and stimulates interest and enthusiasm.

**"Principal's Designee"** means another certified administrator or instructional staff member designated by the principal.

**"Program"** means a BOCES service which provides learning experiences in order to address academic, behavioral, developmental or career needs of students. A program can be center-based or can exist in more than one building.

**"Race"** means geographically local or global human population groups distinguished as a more or less distinct group by genetically transmitted physical characteristics.

**"Reckless Endangerment"** is conduct that subjects individuals to danger by recklessly engaging in behavior that creates a substantial risk of serious injury or physical injury, but no actual physical injury results. A person acts recklessly when he/she is aware of and consciously disregards a substantial and unjustifiable risk that such result will occur.

**"Religion"** a person's group or religion is the specific fundamental beliefs and practices generally agreed to by large numbers of the group, a body of persons adhering to a particular set of beliefs and practices.

**"Religious Practice"** this term includes practices and observances such as attending worship services, wearing religious garb or symbols, praying at prescribed times, displaying religious objects, adhering to certain dietary rules, refraining from certain activities.

**"Robbery"** is forcible stealing from a person by violence or threat of violence with or without a weapon.

**"School Bus"** Every motor vehicle owned by a public or governmental agency or private school and operated for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity, to or from school or school activities, or, privately owned and operated for compensation for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities.

**"School Property"** means in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of any BOCES program location, or in or on a school bus, as defined in Vehicle & Traffic Law §142.

**"School Function"** means any school-sponsored extracurricular event or activity.

**"Sex"** means the biological and physiological characteristics that define men and women (male and female).

**"Sexting"** means sending, receiving or forwarding sexually suggestive nude or nearly nude photos through text message or email using either school or personal information technology equipment.

**"Sexual Harassment"** means overt or subtle behaviors and comments of a sexual nature that are offensive, unwelcome, interfere with another's work or academic performance, or create an intimidating, hostile or offensive working or educational environment.

**"A Sexual Offense which involves forcible compulsion and aggravated sexual contact"** means to compel by either a) use of force or b) a threat, express or implied, which places another person in fear of immediate physical injury.

**"A Sexual Offense which involves forcible compulsion and inappropriate sexual contact"** means the use of force or threat to touch the sexual or other intimate parts of a person whether directly or through clothing.

**"Other Sexual Offenses"** means inappropriate sexual contact with no forcible compulsion. This would include incidents of sexual contact that do not involve the use of force or threat with a child under 17 years of age or a child unable to consent by reason of disability.

**"Sexual Orientation"** actual or perceived heterosexuality, homosexuality, or bisexuality.

**"Student Support Staff"** means any staff member who provides direct educationally related services that assist students in preventing and resolving personal, social, emotional, academic and physical problems.

**"Synthetic Cannabinoids or Synthetic Marijuana"** means products that are produced, distributed, marketed, and sold as legal alternatives to marijuana and often carry a label stating 'not for human consumption' to disguise the true nature of the substance. Synthetic cannabinoid products are sold as incense, herbal mixtures, or potpourri. They are often sold in convenience stores, gas stations, and smoke shops. These products are commonly smoked.

**“Teacher”** means any staff member appointed by BOCES to provide direct instruction to school age or adult students in a BOCES program.

**“Transgender”** refers to people who identify their gender differently from what is traditionally associated with the sex assigned to them at birth. This includes people who have undergone medical procedures to change their sex and those who have not. Transgenders can be gay, straight or bisexual.

**“Trespassing”** means unauthorized presence on any school property, other than the one a student regularly attends, without permission from the administrator in change of the program.

**“Violent Student”** means a school age student or adult who:

- Commits an act of violence upon a school employee, or attempts to do so.
- Commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at the school function, or attempts to do so.
- Possesses a weapon with the intent to menace while on school property or at a school function.
- Displays a weapon or what appears to be a weapon while on school property or at a school function.
- Threatens to use a weapon while on school property or at a school function.
- Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function.
- Knowingly and intentionally damages or destroys BOCES property or attempts to do such.

**“Weapons Possession”**: Possession of one or more of the weapons listed below, except possession in a classroom or laboratory as part of an instructional program or in a school-related activity under the supervision of a teacher or other school personnel as authorized by school officials. Possession includes bringing a weapon to or possessing a weapon at school.

**“Weapons” include:**

- a. a firearm, including but not limited to, a rifle, shotgun, pistol, handgun, silencer, electronic dart gun, stun gun, machine gun, air gun, spring gun, bb gun or paintball gun;
- b. a switchblade knife, gravity knife, pilum ballistic knife, cane sword, dagger, stiletto, dirk, razor, box cutter, metal knuckle knife, utility knife, or any other dangerous knife.

- c. A billy club, blackjack, bludgeon, chukka stick, or metal knuckles;
- d. A sandbag or sandclub;
- e. A sling shot or slungshot
- f. A martial arts instrument, including but not limited to, a kung fu star, ninja star, ninchuck, or shirken;
- g. An explosive, including but not limited to, a firecracker or other fireworks;
- h. A deadly or dangerous chemical, including but not limited to, a strong acid or base, mace, or pepper spray;
- i. An imitation gun;
- j. Loaded or blank cartridges or other ammunition, or
- k. Any other deadly or dangerous instrument.

**“Weight”** aside from its obvious meaning in the physical sciences, in weight discrimination legislation from a variety of sources, the word is used in reference to a person’s size or sometimes interchangeably with a person’s size.

### **III. STUDENT RIGHTS AND RESPONSIBILITIES**

All student interaction and communication among themselves, teachers, school administrators, other school personnel, and visitors on school property will be acceptable, civil, and respectful.

#### **A. Student Rights**

BOCES is committed to safeguarding the rights given to all students under state and federal law. In addition, to promote a safe, healthy, orderly and civil school environment, all BOCES students have the right to:

- Take part in all BOCES activities on an equal basis regardless of race, color, creed, national origin, religion, gender or sexual orientation or disability.
- Present their version of the relevant events to the appropriate school personnel in connection with the imposition of disciplinary consequences.
- Be informed of school rules and, when necessary, receive an explanation of those rules from school personnel.
- Treat all students and school personnel in a kind courteous manner regardless of their actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, gender, sexual orientation or disability.
- Promptly report any witnessed acts of harassment and/or bullying to the school staff.

## **B. Student Responsibilities**

All BOCES students have the responsibility to:

- Contribute to maintaining a safe and orderly school environment that is conducive to learning and show respect to other persons and to property.
- Be familiar with and abide by all BOCES policies, rules and regulations dealing with student conduct.
- Attend school every day unless they are legally excused and be in class, on time, and prepared to learn.
- Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
- React to direction given by all school staff in a respectful, positive manner.
- Utilize available resources to control their anger.
- Ask questions when they do not understand.
- Seek help in solving problems.
- Dress appropriately for school and school functions consistent with the Building Dress Code.
- Be accountable for their actions.
- Conduct themselves as representatives of BOCES when participating in or attending school-sponsored extracurricular events and hold themselves to the highest standards of conduct, demeanor, and sportsmanship.
- Promptly report violations of the Code of Conduct to a teacher, student support staff, the building administrator or his or her designee. When incidents of harassment/intimidation/bullying/discrimination are reported, BOCES will follow the specific steps described in Policy 6560.

## **IV. ESSENTIAL PARTNERS IN CREATING A POSITIVE SCHOOL CLIMATE**

### **A. Teachers**

All teachers are expected to:

- Maintain a climate of mutual respect and dignity, which will strengthen the student's self-concept and promote confidence to learn.
- Demonstrate interest in teaching, concern for student well-being, achievement and educational progress, and respond appropriately to the individual needs of each student.
- Know BOCES policies and school rules, and enforce them in a fair and consistent manner.
- Communicate to students and parents that which is important to the student's emotional, social, behavioral and academic progress, including but not limited to:
  - a. Course objectives and requirements
  - b. Marking/grading procedures

- c. Assignment deadlines
  - d. Expectations for students
  - e. Classroom discipline plan
  - f. Building-wide behavior management plan.
- Communicate regularly with students and other teachers concerning progress and achievement.
  - Be knowledgeable of effective classroom/building behavior management techniques and the non-violent crisis intervention philosophy and techniques.
  - Maintain confidentiality about all personal information and educational records concerning students.
  - Demonstrate dependability, integrity and other standards of ethical conduct.
  - Follow established administrative procedures.
  - Report violent students to the building administrator.
  - Implement appropriate anti-harassment/bullying initiatives of BOCES.
  - Confront issues of discrimination, harassment, intimidation and bullying or any situation that threatens the emotional or physical health or safety of any student, school employee or any person that is lawfully on school property or at a school function.
  - Report immediately to the school's building administrator or other appropriate school personnel any incident witnessed or otherwise brought to the teacher's attention of discrimination, harassment, intimidation or bullying that involve students or employees either as the bully, bullied or bystander on school property or at a school function, that may endanger the health or safety of pupils within the educational system or adversely affect the educational process. This report shall be made not later than one school day after the teacher witnesses or is made aware of such incidents. When incidents of harassment/intimidation/bullying/discrimination are reported, BOCES will follow the specific steps described in Policy 6560.
  - Maintain a school climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, gender, sexual orientation or disability.
  - Address personal biases that may prevent equal treatment of all students in the school or classroom.

### **B. Building Administrators**

All building administrators are expected to:

- Promote a safe, orderly and academically stimulating school environment that supports active teaching and learning.
- Ensure that students and staff have the opportunity to communicate regularly for redress of grievances.
- Evaluate all instructional programs for which they are responsible on a regular basis.
- Be responsible for enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.
- Be knowledgeable of effective classroom behavior/building management techniques, and the crisis intervention philosophy and techniques and assure their utilization in the building/program.
- Maintain confidentiality about all personal information and educational records concerning students.
- Demonstrate dependability, integrity and other standards of ethical conduct.
- Follow established administrative procedures.
- Maintain a school climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, gender, sexual orientation or disability. Solicit suggestions for training or programs to maintain a learning environment that is free of harassment/intimidation/bullying/discrimination.
- Confront issues of discrimination, harassment, intimidation, bullying or any situation that threatens the emotional or physical health or safety of any student, school employee or any person that is lawfully on school property or at a school function or that endangers the health or safety of pupils within the educational system or adversely affects the educational process.
- Lead or supervise the thorough investigative process in concert with the BOCES Compliance Officer per policies 5122 and 6560 in regard to reported incidents of discrimination, harassment, intimidation and/or bullying and ensure that all staff and/or students involved receive the proper level of intervention consistent with the Code of Conduct that are reasonably calculated to end the discrimination, harassment, intimidation and/or bullying, eliminate any hostile environment, create a more positive school climate and culture, prevent recurrence of the behavior and ensure the safety of the student or students against whom such behavior was directed. Work in concert with the BOCES Compliance Officer to determine/make appropriate notification to involved parties of findings/resolution per policies 5122 and 6560.

- Promptly notify the appropriate local law enforcement agency when it is believed that any discrimination, harassment, intimidation and/or bullying constitutes criminal conduct.
- Provide a regular report on data and trends related to discrimination, harassment, intimidation and/or bullying to the superintendent at least once per school year.

### **C. Executive Directors and Assistant Directors of Instructional Programs**

The Executive Directors and Assistant Directors of instructional programs are expected to:

- Promote a safe, orderly and academically stimulating school environment that is free of discrimination, harassment, intimidation, and bullying, and that supports active teaching and learning.
- Review with BOCES and component district administrators the policies of the BOCES Board and state and federal laws relating to school operations and management.
- Keep others in the organization informed about educational trends relating to student discipline.
- Work to create instructional programs that are academically sound and promote an environment that is sensitive to student and teacher needs and that is designed to minimize problems of student misconduct.
- Work with BOCES administrators and the Compliance Officer in enforcing the Code of Conduct and ensuring that all cases are resolved promptly and fairly.
- Maintain confidentiality about all personal information and educational records concerning students.
- Demonstrate dependability, integrity and other standards of ethical conduct.
- Follow established administrative procedures.
- Confront issues of discrimination, harassment, intimidation, bullying or any situation that threatens the emotional or physical health or safety of any student, school employee or any person that is lawfully on school property or at a school function.

### **D. Other Administrative, Managerial and Technical Staff**

All administrative, managerial, and technical staff are expected to:

- Provide specialized instructional and administrative services to BOCES.
- Support the implementation of the Code of Conduct.



- Assure that the staff under their supervision conform to the Code of Conduct.
- Maintain confidentiality about all personal information and educational records concerning students.
- Demonstrate dependability, integrity and other standards of ethical conduct.
- Follow established administrative procedures.
- Report immediately to the school's building administrator or other appropriate school personnel any incident witnessed or otherwise brought to the staff's attention of discrimination, harassment, intimidation or bullying that involve students or employees either as the bully, bullied or bystander on school property or at a school function. When incidents of harassment/ intimidation/bullying/ discrimination are reported, BOCES will follow the specific steps described in Policy 6560.

#### **E. Executive Officer and the Board**

The Executive Officer or designee and the Board are expected to:

- Collaborate with student, teacher, administrator, school safety personnel and other school personnel to develop a Code of Conduct that clearly defines expectations for the conduct of students, BOCES personnel and visitors on school property and at school functions.
- Adopt and review at least annually the BOCES Code of Conduct to evaluate the Code's effectiveness and the fairness and consistency of its implementation.
- Lead by example by conducting board meetings in a professional, respectful, courteous manner.
- Ensure community awareness of the Code of Conduct by distributing a plain language summary of the code of conduct to students and/or informing students that the Code is available online at [www.wsboces.org/policies](http://www.wsboces.org/policies).

#### **V. STUDENT DRESS CODE**

All students are expected to give proper attention to personal cleanliness and to dress appropriately while on school property and at school functions. Students have the primary responsibility for acceptable student dress and appearance. Teachers will review with students the attire and accessories that are acceptable and what are unacceptable within the context of their class/program. Teachers and all other BOCES personnel should reinforce acceptable student dress and help students develop an understanding of appropriate appearance in the work setting.

A student's dress, grooming and appearance shall:

- Be safe, appropriate, and not interfere with school activities or be disruptive to or interfere with the educational process.

- Provide each teacher with a copy of the Code of Conduct and a copy of any amendments to the code as soon as practicable following initial adoption or amendment of the code, and provide new teachers with a copy of the code upon employment.

#### **F. Dignity Act Coordinator**

Each school has a Dignity Act Coordinator. Students and staff are encouraged to suggest to the Dignity Act Coordinator issues of specific relevance to the school's students and/or staff that can be addressed through training or other ongoing programs on the human relations issues listed above.

##### **Dignity Act Coordinators**

<b>Program</b>	<b>DAC</b>
Wilson Tech, Dix Hills	Dr. Stephanie Engelmann, 631-667-6000 X-383
Wilson Tech, NPT	Debra Montaruli 631-261-6000 X-200
Wilson Tech, Huntington	Karen Bowden 631-754-2900
Wilson Tech, Republic	Daniel Loughran 631-752-1957

#### **G. School Safety Team**

Each BOCES building/program has a team that addresses school safety. This team includes principal or building administrator, teacher representatives, paraprofessional representatives and support staff. The teams shall meet regularly and make suggestions to insure that both students and staff are kept safe throughout the school day, arrivals/dismissals, transit times, recess, and lunch. Such suggestions may also include professional development activities related to various issues on school safety, supportive school climate concepts and how to discourage harassment, bullying and discrimination in the school.

- Not include items that contain inappropriate symbolism, especially that which discriminates against others based on race, color, weight, national origin, ethnic group, religion, religious practice, gender, sexual orientation or disability.
- Include footwear at all times. Footwear that is a safety hazard will not be allowed.
- Not include hats, “do rags,” bandanas, or other types of headwear except for approved medical and/or religious purposes or where authorized by the building administrator.
- Not include items that are vulgar, obscene lewd, profane or libelous or denigrate others on account of race, color, weight, national origin, ethnic group, religion, religious practice, gender, sexual orientation or disability.
- Not include items that promote and/or endorse the use of alcohol, tobacco or illegal drugs and/or encourage or incite illegal activities or violent activities or the violation of law or school policy or regulations.
- Not include any attire or accessory whose color or emblem is worn specifically for the purpose of promoting or reflecting membership in a gang, sub-group of a gang, or any suspected gang.
- Not include any attire or accessory that is potentially dangerous to others.

The appropriate principal or his or her designee shall be responsible for informing all staff and students of the student dress code.

Students who violate the student dress code shall be required to modify their appearance. Any student who refuses to do so shall be subject to the established consequences. Any student who repeatedly fails to comply with the dress code shall be subject to additional consequences pursuant to the Code of Conduct.

## **VI. PROHIBITED STUDENT CONDUCT AND DISCIPLINARY CONSEQUENCES**

All students must conduct themselves in an appropriate and civil manner, with proper regard for the rights and welfare of other students, teachers, school administrators, other school personnel and visitors on school property, and for the care of facilities and equipment.

Prohibited conduct includes discrimination and harassment, bullying and /or discrimination against any student or employee on school property or at a school function that creates a hostile environment by conduct or by threats, intimidation or abuse including cyberbullying as defined in this Code of Conduct that either has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities or benefits or mental, emotional and/or physical well-being including conduct, threats intimidation or abuse that reasonably causes or would reasonably be expected to cause emotional harm or physical injury to a student or to cause a student to fear for his or her physical safety. This prohibited conduct extends to incidents that occur off school property where such acts create or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats intimidation or abuse, inclusive of verbal and non-verbal actions, might reach school property. This conduct is inclusive of, but not limited to acts based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practices, disability, sexual orientation, gender or sex as defined by this code of conduct.

The best discipline is self-imposed, and students must learn to assume and accept responsibility for their own behavior, as well as the consequences of their misbehavior. BOCES personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the students’ ability to develop self-discipline.

Students should report immediately, either oral or written, to their evening supervisor or appropriate principal or any other school employee any known incident(s) of harassment, intimidation, bullying, discrimination by students or employees on school property or at a school function. When such incidents are reported, BOCES will follow specific steps described in Policy 6560. The infractions have been categorized as minor, serious, and major infraction with the understanding that an infraction is assessed on an individual basis to determine the circumstances of the incident and may escalate to a higher level based on its repetitive or persistent nature. Retaliation against anyone who, in good faith reports or assists in the investigation of harassment, bullying and/or discrimination is prohibited.

Each division will annually review the Code of Conduct policy with their respective administrative staff for the purpose of recommending all appropriate or required revisions.

Students who violate the Code of Conduct will be subject to disciplinary action based on the following. Note: Discipline procedures for adults in BOCES full-time programs are also described in the handbooks for each program.

## A. Minor Infractions and Consequences

### 1) Minor Infractions

- Engaging in any willful act which interferes with the operation of the class, school or school function
- Making unreasonable noise
- Using language or gestures that are profane, lewd, vulgar, abusive, teasing, or that incite others
- Rude or disrespectful behavior
- Misusing computer devices, including any unauthorized or inappropriate use of computers, software, or internet/intranet account; accessing

inappropriate websites; or any other violation of the BOCES Internet use policy

- Defamation
- Discrimination
- Violation of dress code except those related to gang affiliation (see Major Infractions)
- Obstructing vehicular or pedestrian traffic

### 2) Disciplinary and Remedial Consequences for Minor Infractions-include but are not limited to:

- Verbal reprimand
- Written notification to appropriate principal
- Referral to appropriate human services agency

## B. Serious Infractions and Consequences

### 1) Serious Infractions

- Repeated or persistent minor infractions
- Misusing computer devices, including any unauthorized or inappropriate use of computers, software, or internet/intranet account; accessing inappropriate websites; or any other violation of the BOCES Internet use policy – serious incident
- Trespassing
- Harassment, intimidation, menacing, bullying, or cyberbullying– serious incident

- Academic misconduct including plagiarism, cheating, altering records, or assisting another student in any of the above actions.
- Sexual harassment or overt sexual behavior
- Insubordination to any school/BOCES employee
- Violation of safety procedures
- Violating the civil rights of other students and/or school employees – serious incident

### 2) Disciplinary and Remedial Consequences for Serious Infractions include but are not limited to:

- Requirement for reimbursement or restitution for damaged or stolen property
- Referral to appropriate human services agency
- Referral to evening supervisor or appropriate principal.

## C. Major Infractions and Consequences

### 1) Major Infractions

- Repeated or persistent serious infractions
- Misusing computer devices, including any unauthorized or inappropriate use of computers, software, or internet/intranet account; accessing inappropriate websites; or any other violation of the BOCES Internet use policy – major incident
- Possessing/stealing school/BOCES property or the property of another student, school/BOCES employee or any other person lawfully on school property or while attending a school function
- Harassment, intimidation, menacing, bullying, or cyberbullying– major incident
- Threats (verbal, written in any media including the Internet, or physical) to another student or school/BOCES employee

- Attempting to cause or intentionally or recklessly causing physical injury or serious physical injury to another with or without a weapon.
- Sexual offenses including inappropriate contact with no forcible compulsion
- Assault with physical injury
- Robbery
- Reckless endangerment
- Use, display or possession of a weapon\* or any other item, material, chemical or fluid which could be used as a dangerous or deadly instrument or weapon
- Intentionally damaging or destroying the school/BOCES property or the personal property of a student, a school/BOCES employee or any person lawfully on school property

- Displaying overt signs, including any attire or accessory, of gang affiliation, or engaging in gang-related behaviors, that increase the level of conflict or violent behavior in the school or disrupt the educational process
- Possessing, consuming, selling, distributing or exchanging alcoholic beverages, illegal substances, controlled substances, synthetic cannabinoids, or off-label use of any chemical, or being under the influence of any of the above.
- Inappropriately using or sharing prescription or over-the-counter drugs

- Initiating a bomb threat and/or report warning of fire or other catastrophe without valid cause; misuse of 911
  - Inappropriately discharging and/or tampering with a fire extinguisher
  - Committing an act of arson
  - False fire alarm/smoke bombs, use of fireworks
  - Endangering the health and safety of others
  - Violating the civil rights of other students and/or school employees – major incident
- \*Pursuant to the Gun-Free School Act (P.L. 103-227, Section 8001.

**2) Disciplinary and Remedial Consequences for Major Infractions include but are not limited to:**

- Dismissal from class with no refund.
- Contact of appropriate law enforcement agency
- Permanent prohibition from entering school grounds or enrolling in any BOCES adult education program.
- Consequences for possession of a firearm shall be as described in Policy #6241
- Referral to appropriate human services agency.

**Environmental Remediation**

Beyond the individual-focused disciplinary and remedial responses discussed above, school-wide or environmental remediation can be an important tool to prevent discrimination, harassment, intimidation and bullying. Environmental remediation may include:

- Supervisory systems which empower school staff with prevention and intervention tools to address incidents of discrimination, harassment, intimidation and bullying.

- School and community surveys or other strategies for determining the conditions contributing to the relevant behavior.
- Adoption of a research-based, systematic harassment prevention programs.
- Modification of schedules
- Staff professional development

**VII. PHILOSOPHY AND PROCEDURES FOR APPLYING CONSEQUENCES**

**A. General**

Methods of student discipline vary in style and effectiveness. Discipline is most effective when it deals directly with the problem at the time and place it occurs, and in a way that students view as fair and impartial. While no single method of discipline is recommended or mandated, all discipline is to be humane and appropriate to the situation. School personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the students' ability to develop self-discipline.

In regard to acts of harassment, bullying and/or discrimination toward students, by students, BOCES incorporates a progressive model of student discipline that includes measured and balanced remedies and procedures that make appropriate use of prevention, education, intervention and discipline and considers amongst other things the nature and severity of the offending student's behavior(s), the previous disciplinary record of the student and other extenuating

circumstances, and the impact the student's behavior had on the individual(s) who was physically injured and/or emotionally harmed. Responses shall be reasonably calculated to end the harassment, bullying and/or discrimination, prevent recurrence and eliminate the hostile environment. This progressive model of student discipline shall be consistent with the other provisions of the code of conduct.

Disciplinary action, when necessary, will be firm, fair and consistent. So as to be the most effective in changing student behavior, there will be a rational relationship between the student's behavior and the consequences of that behavior. In determining the appropriate disciplinary action, school personnel authorized to impose disciplinary consequences will consider the following:

- The nature of the offense and the circumstances which led to the offense.
- The impact on the targeted student.
- The student's prior disciplinary record.

- The effectiveness of other forms of discipline.
- Other extenuating circumstances.
- If the conduct of a student is related to a disability or suspected disability, the incident shall be referred to the Executive Director of Career and Technical Education.

As a general rule, discipline will be progressive. This means that a student's first violation will usually result in a lesser consequence than subsequent violations.

### **B. Students with Special Needs**

This Code of Conduct affords students with disabilities subject to disciplinary action no greater or lesser rights than those expressly afforded by applicable federal and state law and regulations.

### **C. Due Process**

1. The level of due process a student is entitled to receive before a consequence is imposed depends on the nature of the incident. Regardless of the consequence being imposed, the authorized school personnel must inform the student of the alleged misconduct and must investigate, to the extent necessary, the facts surrounding the alleged misconduct. Prior to imposing the disciplinary consequence, the authorized school personnel shall provide the student an opportunity to present his/her version of the facts. Upon request, the student will be provided with an informal conference with the BOCES official imposing the consequence arising from that conduct.
2. All major infractions of the Code of Conduct and unsuccessful attempts to modify ongoing serious infractions shall be brought to the attention of the Executive Director and/or the District Superintendent or designee. Upon the recommendations of the District Superintendent or designee, the Board of Cooperative Educational Services hereby authorizes the appropriate principal to act in their behalf. The student shall be given an opportunity to appear informally before the person authorized to impose discipline and to discuss the conduct being reviewed.

For purposes of this Code of Conduct, a disruptive student is a student who is **substantially disruptive** of the educational process or **substantially interferes** with the teacher's authority over the classroom. The specific examples of what constitutes a substantial disruption or substantial interference with the teacher's authority over the classroom must be appropriate to the students educated within the program.

### **D. Dismissal from School**

The Board retains its authority to inform adult students of their dismissal, but places primary responsibility for the dismissal of adult students with the appropriate principals.

The Principal must also notify the student in writing of the dismissal. The notice must describe the infraction for which dismissal is proposed and provide the student an opportunity for an informal conference with the Principal or designee.

### **E. Criminal offenses**

The appropriate principal or the evening supervisor must notify the appropriate local law enforcement agency of those Code violations that constitute a crime and substantially affect the order or security of a school as soon as practical.

### **VIII: Recording-Keeping and Reporting**

The appropriate principal shall submit reports on material incidents of discrimination, intimidation, bullying and/or harassment that occur each school year to the Executive Director of Career and Technical Education who shall submit to the Compliance Officer for filing reports as required by NYS law and Commissioner's Regulations. Such incidents shall be monitored in each building by the building administrator and throughout the BOCES by the Compliance Officer to better understand behavioral trends and to aid in the implementation of preventative programming.

### **IX. STUDENT SEARCHES AND INTERROGATIONS**

Western Suffolk BOCES Board is committed to providing an atmosphere for a positive, safe and orderly school environment. Accordingly, student searches and interrogations will be conducted in accordance with Policy 6230.

### **X. VISITORS TO THE SCHOOLS**

All visitors are expected to abide by the Code of Conduct and Policies 2210 and 2230.

### **XI. BOCES EMPLOYEES**

- A. Teachers and all other BOCES personnel are expected to model the behaviors stated in the Code of Conduct.
- B. BOCES may initiate disciplinary action against any student or staff member, as appropriate, consistent with the consequences described herein, relevant bargaining unit contracts, and relevant laws. All persons shall be subject to disciplinary action as the

facts may warrant in accordance with due process requirements. In addition, BOCES reserves its right to pursue a civil or criminal legal action against any person violating this Code.

## **XII. DISSEMINATION AND REVIEW**

A. The Board will work to ensure that the community is aware of this Code of Conduct by:

- Providing copies of a summary of the Code of Conduct to all students at the beginning of each school year/term.
- Providing all current teachers and other staff members with a copy of the Code of Conduct and a copy of any amendments to the Code as soon as practicable after adoption.
- Providing all new employees with a copy of the current Code of Conduct when they are first hired.
- Posting this Code in the BOCES policies on the BOCES website.

B. The Board will sponsor a staff development program for all BOCES staff members to ensure the effective implementation of the Code of Conduct. The Executive Officer will consider the recommendations of the BOCES staff, particularly teachers and administrators, regarding in-service programs pertaining to the management and discipline of students.

C. The Board will review this Code of Conduct every year and update it as necessary. In conducting the review, the Board will consider how effective the Code's provisions have been and whether the Code has been applied fairly and consistently.

Before adopting any revisions to the Code, the Board will hold at least one public hearing at which school personnel, parents, students and any other interested party may participate.

Adopted: July 10, 2001

Revised and Re-Adopted: June 25, 2002;

Jan. 10, 2006; June 12, 2007; May 10, 2011

July 10, 2012; June 11, 2013; May 13, 2014; August 12, 2014; Jan. 13, 2015; July, 8, 2015;

Dec. 8, 2015

