

# Provincial School Code of Conduct Policy

## 1. Introduction

Students, parents, teachers, support staff, principals, and school boards share responsibility for creating a school-wide approach to maintaining a positive and inclusive school climate where all students are supported to develop healthy relationships, make good choices, and achieve success in their learning.

All members of Nova Scotia's school communities have a role to play in the awareness and prevention of unacceptable behaviour.

The provincial school code of conduct policy applies to all public schools and school boards in the Province of Nova Scotia. All students and school members in Nova Scotia are required to follow this provincial school code of conduct policy, which is governed by the Education Act.

## 2. Definitions

"Parent" as defined in section 3(1)(t) of the Education Act includes, except in the definition of entitled parent, a guardian and a person acting in *loco parentis* to a child.

"School members" refers to students and all adults whose roles or jobs place them in contact with students in school settings and school activities. School members include students, principals, teachers, parents, staff employed by the school board, other staff engaged to provide services at the school, volunteers, visitors, and any persons who have contact with students and staff.

"Provincial school code of conduct policy" means the policy established by the Minister under clause 141(ja) of the Education Act.

## 3. Establishing Safe and Inclusive Learning Environments

Nova Scotia's provincial school code of conduct policy establishes standards of behaviour for all schools and is built on the following expectations:

- Unacceptable behaviour will be responded to immediately.
- Schools will use proactive and preventative approaches to reduce the occurrence of unacceptable behaviour and maintain environments that are conducive to teaching and learning.
- When responding to unacceptable behaviour, schools will
  - give first consideration to the safety and security of students, staff, and other members of the school community
  - assist students with developing new behaviours and strategies to reduce the reoccurrence of unacceptable behaviour
  - address consequences in a fair manner that does not disproportionately impact students based on race, culture, ethnicity, religion, creed, sex, sexual orientation, gender, gender identity, gender expression, physical disability or mental disability, mental illness, age, national or aboriginal origin, socio-economic status, or appearance

- use restorative strategies, when appropriate
- consider the impact that consequences may have on the student(s) adversely affected by unacceptable behaviour, such as
  - > decisions regarding the appropriate placement within the school or school board of the person initiating the harm
  - > allowing the person harmed the opportunity to provide a statement in cases where consequences result in a suspension appeal process
- remove students from class only after acceptable strategies have been implemented to support a change in behaviour or as necessary to maintain a safe learning environment and ensure the student's return to their regular class when it is safe to do so
- provide academic support when a student is removed from class or suspended from school for up to 10 days and take into consideration the use of in-school suspensions provided that the student can continue their work in a classroom designated by the principal for in-school suspensions, a teacher or principal is present to supervise the students, and the principal notifies the student and the student's parents of the reasons for the in-school suspension, as soon as is reasonably possible<sup>1</sup>
- formalize community partnerships that enhance community and school-based supports to students and families

#### 4. Roles and Responsibilities

##### **The Department of Education and Early Childhood Development is responsible for**

- establishing the provincial school code of conduct policy in consultation with school boards and other partners in education
- reviewing the provincial school code of conduct policy every two years
- communicating the policy to school boards

##### **School boards are responsible for**

- communicating the provincial school code of conduct policy to schools
- ensuring consistent implementation of the provincial school code of conduct policy in all schools and classrooms
- providing annual professional development to principals on the provincial school code of conduct policy and proactive approaches to prevent unacceptable behaviours
- implementing requirements for recording and tracking and reporting incidents of unacceptable behaviour in all of its schools
- reporting as required by the Minister aggregate data on incidents of unacceptable behaviours
- monitoring incidents of unacceptable behaviour in all of its schools to identify areas requiring more supports
- providing alternative arrangements for the education of any student who has been suspended for more than 10 school days

1. The use of suspension, other than in-school suspensions, shall be in accordance with sections 122 to 126 of the Education Act.

- implementing the following protocol to allow a student or a student’s parent to express concerns or resolve a complaint in relation to an alleged incident of unacceptable behaviour and the interventions or consequences resulting from the alleged incident. In responding to an alleged incident and consequences, students or parents are required to address their concern in the following order:
  1. with staff at the school where the alleged incident took place
  2. with a board Coordinator of Student Services or other supervisory staff identified in a board’s Parent Concern Protocol if the concern cannot be resolved at the school
  3. with the Director of Programs and Services or School Administration, if the concern cannot be resolved with assistance from supervisory staff identified in step 2
  4. with the Office of the Superintendent, if the concern cannot be resolved with the assistance of a director

### **Schools are responsible for**

- implementing the provincial school code of conduct policy
- communicating the provincial school code of conduct policy to students, parents, and other school members
- recording and tracking incidents of unacceptable behaviour, both intentional and unintentional, through the provincial online Incident Referral Form. All records of incidents of unacceptable behaviour will identify
  1. the student’s name and student number
  2. whether the student is receiving additional behavioural supports through the Program Planning Process
  3. the date, time, and location of the incident
  4. the category of behaviour
  5. factors contributing to the incident
  6. a description of the incident
  7. a description of related incidents
  8. prohibited articles involved in the incident
  9. the target of the incident
  10. actions and consequences taken in response to the behaviour
  11. administrator’s comments
- monitoring incidents of unacceptable behaviour of all students to identify areas requiring more supports

## 5. Provincial School Code of Conduct

All students and members of a school community will feel and be safe in their school. Each person will contribute to a safe and inclusive learning environment.

Unless immediate action is necessary to maintain a safe learning environment, schools will support and promote positive student behaviour through programs of prevention and intervention.

### Acceptable Standards of Behaviour

All students and school members will

- show respect for the rights, property, and safety of themselves and others
- accept personal responsibility for their behaviour
- demonstrate socially appropriate behaviour
- respect and appreciate diversity of all school members regardless of their race, culture, ethnicity, religion, creed, sex, sexual orientation, gender, gender identity, gender expression, physical disability or mental disability, mental illness, age, national or aboriginal origin, socio-economic status, or appearance
- treat school property and the property of others with a reasonable standard of respect
- attend regularly and punctually as required under section 24 of the Education Act
- show respect for the roles and responsibilities of students, principals, teachers, parents, volunteers, and the school board
- demonstrate respect for the learning environment of the school and the classroom and school activities and events
- demonstrate and promote positive behaviour through the avoidance of all types of violence
- use information and communications technology, including the Internet, digital resources, and e-communication, and all forms of social media in a responsible and acceptable manner consistent with the Nova Scotia Public School Network Access and Use Policy and the Cyber-safety Act (2013)
- refrain from all forms of bullying and cyberbullying, intimidation, racism, and discrimination
- refrain from the possession of any weapons
- refrain from the use of items as weapons intended to harm another person or themselves
- refrain from the possession of, or being under the influence of alcohol, drugs, and all other forms of intoxicants on school property

### Promoting Acceptable Behaviours

Some behaviours—such as failure to follow directions, shoving and pushing, profanity that is not directed at another person, disrespectful behaviour that shows disregard for a teacher’s or other supervising adult’s position—will be addressed by teachers and administrators in the course of their daily work in classrooms and supervision of students in other areas of the school. Responses to these behaviours may include student and/or parent conferences, creating a plan for restitution, coaching students to help them learn new behaviours, restorative approaches, and/or detention as a time to reflect.

## 6. Responding to Unacceptable Behaviour

Unacceptable behaviours (defined in Appendix A) endanger the well-being of others, result in damages to property, and/or significantly disrupt learning environments. Unacceptable behaviours are referred to the office through the provincial online Incident Referral Form and where appropriate, will be addressed in a progressive manner (see Appendix B) through consequences that may include in-school or out-of-school suspensions.

Responses to unacceptable behaviour will

- be appropriate for the student's age and stage of development and consider a student's special needs where the behaviour is determined to be unintentional
- be consistent with standards established in the provincial Special Education Policy, when supporting students with special needs programming relating to behaviour
- reflect the severity of the behaviour
- take into account the frequency and duration of the behaviour
- be chosen primarily for their educational value
- occur in a timely fashion
- reflect an individualized approach to discipline
- be fair and equitable and respect the dignity of all involved

A principal may consider suspending a student for up to 10 school days, if the principal believes a student has engaged in any of the following activities while on school grounds, on property immediately adjacent to school grounds, at a school-sponsored or school-related activity, function, or program, at a school bus stop or on a school bus, or off school grounds if any of these behaviours (listed alphabetically below) disrupt the learning climate of the school:

- bullying
- cyberbullying
- discriminatory behaviour
- illegal activity
- insubordination
- misuse of network or online resources
- physical violence
- racist behaviour
- repeated use of tobacco or e-cigarettes
- sexual assault
- sexual harassment
- sexual misconduct
- significant disruption to school operations

- use or possession of
  - alcohol
  - drug-related paraphernalia
  - illegal drugs
  - weapons
- vandalism
- verbal abuse

A principal may recommend to the school board that a suspension be extended for a period greater than 10 days. Decisions regarding extended suspension will be made following the protocol outlined in section 124 of the Education Act.

### **Responses Specifically Forbidden**

The following consequences are prohibited:

- corporal punishment (for students under 16 years, this contravenes the Family and Children's Services Act and is reportable under Section 23(1); for students over 16 years, this is common assault)
- attributing collective responsibility, including group punishment
- course/program withdrawal by the principal for non-attendance or poor attendance (pending the development of the Ministerial Attendance Policy)
- reducing or not awarding marks or assigning extra school work, projects, or assessments

## Appendix A: Definitions of Unacceptable Behaviour

Category	Definition
<b>Bullying</b>	Bullying means behaviour, typically repeated, that is intended to cause or should be known to cause fear, intimidation, humiliation, exclusion, distress or other harm to another person's body, feelings, self-esteem, reputation or property, and can be direct or indirect, and includes assisting or encouraging the behaviour in any way.
<b>Cyberbullying</b>	Cyberbullying means any electronic communication through the use of technology including, without limiting the generality of the foregoing, computers, other electronic devices, social networks, text messaging, instant messaging, websites and electronic mail, typically repeated or with continuing effect, that is intended or ought reasonably be expected to cause fear, intimidation, humiliation, distress, or other damage or harm to another person's health, emotional well-being, self-esteem, or reputation, and includes assisting or encouraging such communication in any way.
<b>Discriminatory behaviour</b>	Discriminatory behaviour includes any discrimination based on race, culture, ethnicity, religion, creed, sex, sexual orientation, gender, gender identity, gender expression, physical disability or mental disability, mental illness, age, national or aboriginal origin, socio-economic status, or appearance.
<b>Illegal activity</b>	Committing any act, or inciting others to commit any act, involving a serious civil wrong or crime such as, but not limited to, stealing and possessing or selling stolen property.
<b>Insubordination</b>	Behaviour that conveys a deliberate disregard for a person's authority and position (e.g., teacher, principal, parent, adult in charge of student activities).
<b>Misuse of networks or online resources</b>	Unauthorized access or misuse of networks, online resources, and or e-communications in accordance with the Nova Scotia Public School Programs Internet Access and Use Policy.
<b>Physical violence</b>	Using force, gesturing, or inciting others to use force to injure a member of the school community.
<b>Racist behaviour</b>	Racist behaviour includes using racial/cultural slurs, engaging in racial/ethnic name-calling, or actions, or inciting others to use racist language or engage in racist behaviours.
<b>Repeated tobacco or e-cigarette use</b>	Smoking of tobacco, e-cigarettes, or other forms of tobacco use, inside any school building, facility, or vehicle, or on any school property, including school related activities.

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<b>Sexual assault</b>	Sexual assault is any sexual touching or contact without consent as defined by the Criminal Code of Canada.
<b>Sexual harassment</b>	Sexual harassment is any objectionable, coercive, or irritating comment, communication, action, or attention of a sexual nature that is directed to a person or persons by someone who knows, or ought reasonably to know, that such actions are unwelcome; action or communication with a sexual connotation or component that creates an intimidating, demeaning, or offensive work or school environment, even if it is directed to no person in particular.
<b>Sexual misconduct</b>	Sexual misconduct includes any behaviour of a sexual nature or connotation that is deemed inappropriate or unacceptable at school or during any school-related activity.
<b>Significant disruption to school operations</b>	Committing acts or inciting others to commit acts that are seriously disruptive to the learning environment or create a safety hazard to students or staff.
<b>Use or possession of alcohol</b>	Use or possession of alcohol or being under the influence of alcohol inside any school building, facility, or vehicle, on any school property, including school-related activities.
<b>Use or possession of drug-related paraphernalia</b>	Use or possession of paraphernalia intended for use with illegal drugs.
<b>Use or possession of illegal drugs</b>	Use, possession, or selling of a controlled drug or substance.
<b>Vandalism</b>	Committing or inciting others to commit damage to the personal property of a member of the school community, damage to property owned or operated by the school board, damage to any property while attending a school-related activity, vandalizing, damaging, or disabling the work of another individual or organization through the use of technology.
<b>Verbal abuse</b>	Using, or inciting others to use, language that is demeaning, threatening, or intimidating to another person.
<b>Weapons possession</b>	Possessing or inciting others to possess or use a weapon (anything used, designed to be used or intended for use in causing death or injury to any person, or for the purpose of threatening or intimidating any person) or instrument as a weapon, while on school property or while attending a school-related activity.
<b>Weapons use</b>	Use or pretense of using a weapon (anything used, designed to be used or intended for use in causing death or injury to any person, or for the purpose of threatening or intimidating any person) or instrument as a weapon while on school property or while attending a school-related activity.



## Appendix B: Responding to Unacceptable Behaviour

<p><b>Unacceptable behaviours</b></p>	<ul style="list-style-type: none"> <li>• bullying</li> <li>• cyberbullying</li> <li>• discriminatory behaviour</li> <li>• illegal activity</li> <li>• insubordination</li> <li>• misuse of network or online resources</li> <li>• physical violence</li> <li>• racist behaviour</li> <li>• repeated use of tobacco or e-cigarettes</li> <li>• sexual assault</li> <li>• sexual harassment</li> <li>• sexual misconduct</li> <li>• significant disruption to school operations</li> <li>• use or possession of             <ul style="list-style-type: none"> <li>– alcohol</li> <li>– drug-related paraphernalia</li> <li>– illegal drugs</li> <li>– weapons</li> </ul> </li> <li>• vandalism</li> <li>• verbal abuse</li> </ul>
<p><b>Possible responses</b></p>	<ul style="list-style-type: none"> <li>• conferencing with student or parent</li> <li>• creating a plan for restitution</li> <li>• coaching to develop new behaviours</li> <li>• restorative approaches</li> <li>• mediation</li> <li>• detention</li> <li>• loss of privileges</li> <li>• referral to school guidance counsellor</li> <li>• referral to the Program Planning Team</li> <li>• referral to RCH Advisor</li> <li>• referral to assessment and counselling</li> <li>• referral to student support worker</li> <li>• referral for behavioural support</li> <li>• referral to SchoolsPlus</li> <li>• in-school suspension</li> <li>• involvement of outside agencies such as police, mental health services, and child welfare</li> <li>• referral to CyberSCAN Investigation Unit</li> <li>• out-of-school suspension (up to 10 days)</li> <li>• recommendation for extended suspension for period greater than 10 days according to section 124 of the Education Act</li> </ul>