

**GOOD CONDUCT RULE: Policy # 503.4****“Mere Presence” added in 2004, clarified Aug., 2012**

Students who wish to have the privilege of participating in extracurricular activities must conduct themselves in accordance with board policy, and must refrain from activities which are illegal, immoral or unhealthy. Students failing to demonstrate good conduct may be subject to disciplinary measures as outlined by this policy and the administrative regulations supporting it. The principal shall keep records of student violations of the good conduct rule by building level and will be responsible for monitoring service hours.

**DEFINITIONS:**

**A. Violation:** Any student who is observed by a school employee, a school board member, or two adult community members not related to each other, or admits to or is found by substantial evidence to have:

1. possessed or consumed an alcoholic beverage;
2. possessed or used controlled substance as defined by the Code of Iowa;
3. possessed or used tobacco, in any form;
4. violated a school board policy;
5. committed a crime or is under the jurisdiction of any court for juvenile delinquency;
6. committed an act of vandalism or stole something from a student within our school or another school

is in violation of the Good Conduct Rule.

**B. Concern Council:** Upon knowledge or admittance of any violation, the student, along with his or her parent(s), will meet with the Concern Council for the purpose of having the student explain the violation, write a plan to avoid similar violations in the future, review consequences of subsequent violations, and plan the hours of service. The Concern Council is comprised of: Building level guidance counselor; coaches/directors of the season in which the offense occurred, and the Principal. The Equity Coordinator may be included at the invitation of the student. The purpose of the Concern Council is to encourage responsible citizenship and healthy contribution and to reinforce the intent of the Good Conduct Rule.

**C. Honesty Provision:** A student should voluntarily admit to a violation within seven (7) days of the violation. If the student is found to have violated the policy, and neglected to have admitted to the violation within the seven (7) days, the student will begin his/her period of ineligibility at the next violation level.

**FIRST VIOLATION: Meet with Concern Council, 10% Ineligibility, 8 Hours of Service** (minimum of one event in each activity for 12 months from the date of violation)

**SECOND VIOLATION: Meet with Concern Council, 25% Ineligibility, Additional 16 Hours Service** for 12 months from the date of violation, and seek, if appropriate, evaluation from a counselor and complete the recommended treatment.

**THIRD VIOLATION: Meet with Concern Council, 50% Ineligibility, Additional 32 Hours Service**, for 12 months from the date of violation, and seek, if appropriate, evaluation from a counselor and complete the recommended treatment.

**SUBSEQUENT VIOLATIONS: Meet with Concern Council, Additional 32 Hours Service**

**RULES AND REGULATIONS AFFECTING THIS POLICY**

1. Violations are cumulative by school level. If a student accumulates any violations in middle school, these violations are erased from the records when the student enters high school. All high school violations are cumulative for a four year period and are not erased at the end of each school year.
2. If a violation occurs in mid season, the student will serve all of their ineligibility during the current season and post season. Ineligibility will only carry in to the next year's season if it can not be completed in the current season and the post season.
3. The student must admit in person to the building level principal within seven (7) days of the violation to fall under the violation sequence. If the principal is not available, the student may contact another administrator.
4. If service and evaluation are involved in the ineligibility, the student must complete these within the ineligibility period or risk further ineligibility.
5. Students who are suspended under any violation level must attend all practices and follow all rules and regulations of the program to be eligible to compete at the end of the ineligibility.

**Clarification on Good Conduct Violations: (Mere Presence)** • Being in the presence of illegal consumption of alcohol or other illegal substances puts you in jeopardy of violating the Good Conduct Policy.

• **First, do not attend the gathering if you think illegal or prohibited drugs or alcohol may be present.** If you find yourself in the presence of alcohol or other illegal substances, **leave immediately**. (As defined in the dictionary: “without lapse of time”)

### **DUE PROCESS PROVISION**

An informal investigation of the charges shall include, but not necessarily limited to, written or oral notice to the student of the charge made and an opportunity to respond. Should the student or his/her parents feel the penalty is unjustified or unfair, they may appeal as set forth by the due process rule, adopted by the Board of Education. During the appeal procedure, the student shall remain ineligible.

### **APPEAL PROCEDURE:**

A student shall be provided a hearing with a school administrator. The student will be given oral or written notice of the hearing, and a reasonable effort will be made to notify the parents or guardians of the hearing. During the hearing the student shall be told the basis for the accusation, and shall be given an explanation of the evidence. The student shall be given an opportunity during the hearing, to present his/her side of the story. The school administrator shall determine whether the student has violated the Good Conduct Rule, and shall notify the parents or guardian in writing of the decision.

The Administration's decision may be appealed within seven (7) calendar days to the Board of Education delivering a written appeal notice to the Superintendent of Schools. The Superintendent shall schedule the appeal for a regular or special meeting of the Board, which shall be held within fourteen (14) calendar days after receipt of the appeal notice. The decision of the Board shall be set forth in the written minutes of the Board and may affirm or modify the prior decision.

### **ACTIVITIES AFFECTED BY POLICY**

Students who have violated the policy may attend club meetings which are required and are not public performances. For administrative purposes, 'events' shall be considered as scheduled games or public performances in which the student is involved. At no time shall a student's grade(s) be impacted by violation of the Good Conduct Rule.

Activities/Events are: Athletics, Band (***unless a graded performance***), Cheerleading, Chorus (***unless a graded performance***), Drama School Play), FCCLA, FFA, Flag & Rifle (***unless a graded performance***), School Musical (***unless a graded performance***), Science Club, Speech, Variety or Pops Concert (***unless a graded performance***), and voting rights as a Class Officer or Student Council representative

### **RATIONALE:**

1. Withholding a student from graded concerts and having the student complete alternate assessments is not feasible. There is no way to replicate the performance. Having a student complete a research paper in lieu of the performance does not have the same academic benefit to the student.
2. Withholding a student from graded performances and having the student complete alternate assessments puts the district at risk for legal action if grade is negatively impacted in anyway.

Legal Reference: Bunger v. Iowa High School Athletic Assn., 197 N.W.2d 555 (Iowa 1972).

In re Jason Clark, 1 D.P.I. App. Dec. 167 (1978).

Iowa Code §§ 280.13, .13A (1995).

281 I.A.C. 12.3(8); 36.15(1).

Cross Reference: 502 Student Rights and Responsibilities  
503 Student Discipline  
504 Student Activities

Approved Sept. 16, 1996, September 12, 2012\*

Reviewed July 15, 1997; July 17, 2000

Revised Aug. 17, 2000; May 10, 2004; August 14, 2012

"Mere Presence Language was added May 10, 2004 and clarified on August 14, 2012; \*approved September 12, 2012 upon 2<sup>nd</sup> reading at public board meeting