

**NORTH CAROLINA AGRICULTURAL AND TECHNICAL STATE UNIVERSITY
AGGIE ACADEMY**

STUDENT BEHAVIOR POLICY/CODE OF CONDUCT

I. INTRODUCTION

Violation of the North Carolina Agricultural and Technical State University Aggie Academy Student Behavior Policy/Code of Student Conduct (“Code” or “Policy”), North Carolina General Statutes, or other state or federal law may result in disciplinary action and/or criminal prosecution. Violating school policies and this Code may result in in-school discipline, short-term suspension, long-term suspension, 365-day suspension, or expulsion. Repeated violations may subject a student to long-term suspension. Serious violations of this Code or any Aggie Academy policy may result in a student’s long-term suspension, 365-day suspension, or expulsion.

II. PURPOSE

North Carolina law delegates to principals the duty and authority for maintaining discipline in their schools. This Code is intended to clarify required standards of behavior and serve as a guide for school personnel in exercising their legal disciplinary responsibilities. Nothing in this Code shall restrict the authority of the principal to make rules consistent with this Code. Principals must by law make rules for the governance and operation of their schools, and teachers are authorized to make appropriate rules for their classes. Nothing in this Code shall be construed to discourage, restrict, or prevent prosecution of students and non-students for misconduct or for violations of state or federal law.

III. APPLICATION

- (1) This policy and the following rules apply to all students and behavior under the following circumstances:
 - (a) that takes place in any school building or on any school premises before, during or after school hours;
 - (b) on any bus or other vehicle as part of any school activity;
 - (c) at any bus stop;
 - (d) during any school-sponsored event, activity, or extracurricular activity;
 - (e) at any time or place when the individual is subject to the authority of school personnel;
 - (f) and at any time or place when the behavior has a direct and immediate effect on maintaining order and discipline in the school;
 - (g) off school grounds for acts that violate the Code and/or the conduct has or is reasonably expected to have a direct and immediate impact on the orderly and efficient operation of Aggie Academy or the safety of individuals in the school environment.
- (2) All listed consequences are subject to review in accordance with the Aggie Academy Classroom Management Plan. Any disciplinary measure in the Code may be implemented, as appropriate.
- (3) Nothing in this Code is intended to (1) restrict any rights that would otherwise be protected from government action by the First Amendment of the United States Constitution; or (2) deprive a person of any rights that would otherwise be protected from government action under the Due Process Clauses of the Fifth and Fourteenth Amendments of the United States Constitution; or (3) restrict any other rights guaranteed against government action by the United

States Constitution; or (4).may be read in derogation of any person’s rights under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq* or any of its regulations.

IV. DEFINITIONS

- (1) “Bullying” means as defined in N.C. Gen. Stat. § 115C-407.15 and includes but is not limited to offensive, intimidating, malicious, or insulting behavior. It is an abuse or misuse of power through means intended to undermine, humiliate, denigrate, or injure the recipient. Legitimate age-appropriate pedagogical techniques are not considered harassment or bullying. Cyber-bullying is one type of bullying behavior.
- (2) “Dean” means the Dean of the North Carolina Agricultural and Technical State University’s College of Education or dean’s designee.
- (3) “Expulsion” means the indefinite exclusion of a student from school enrollment for disciplinary purposes. Expulsion may be appropriate when the student’s continued presence in school constitutes a clear threat to the safety of other students or employees. During the expulsion, the student is not entitled to be present on Aggie Academy property and is not considered a student of Aggie Academy.
- (4) “Harassing Behavior” is any pattern of gestures or written, electronic, or verbal communications or any physical act or any threatening communication that places a student or school employee in actual and reasonable fear of personal harm or damage to property; or that creates or is certain to create a hostile environment by substantially interfering with or impairing a student’s educational performance, opportunities, or benefits.
- (5) “Long-Term Suspension” means the disciplinary exclusion of a student from attending Aggie Academy for more than 10 school days. The following shall not be considered long-term suspensions and do not require the due process procedures set forth in this policy:
 - The changing of a student’s location to another room or place on the school premises, including but not limited to an Alternative Learning Center Assignment and an Alternative School Assignment.
 - Absence based on failure to submit a school health assessment form within 30 days of entering school, as required by Aggie Academy’s Student Health Care Policy.
- (6) “Parent” means a biological or adoptive parent, legal guardian, or other custodian having charge or control of a student attending Aggie Academy.
- (7) “Principal” means the principal of Aggie Academy or principal’s designee.
- (7) “Sexual Harassment” occurring in an education program or activity means as defined in by 34 CFR 106.30 and Aggie Academy’s Title IX Sex-Based Misconduct Policy.
- (8) “Short-Term Suspension” means the disciplinary exclusion of a student from attending Aggie Academy for up to 10 school days. The following shall not be considered short-term suspensions and do not require the due process procedures set forth in this policy:
 - The removal of a student from class by the classroom teacher, the principal, or other authorized school personnel for the remainder of the subject period or for less than one-half of the school day.

- The changing of a student’s location to another room or place on the school premises, including but not limited to an Alternative Learning Center Assignment and an Alternative School Assignment.
- Absence based on failure to submit a school health assessment form within 30 days of entering school, as required by Aggie Academy’s Student Health Care Policy.

(9) “Student” means any person attending or enrolled in Aggie Academy.

(10) “365-Day Suspension” means the disciplinary exclusion of a student from Aggie Academy for 365 calendar days.

V. DETERMINATION OF APPROPRIATE DISCIPLINARY CONSEQUENCE

A. Principles

- (1) The reasons for managing student behavior are to:
 - (a) create an orderly environment in which students can learn;
 - (b) teach expected standards of behavior;
 - (c) help students learn to accept the consequences of their behavior; and
 - (d) provide students with the opportunity to develop self-control.
- (2) The following principles apply in managing student behavior:
 - (a) Student behavior management strategies will complement other efforts to create a safe, orderly and inviting environment.
 - (b) Positive behavioral interventions will be employed as appropriate to improve student behavior.
 - (c) Responsibility, integrity, civility and other standards of behavior will be integrated into the curriculum.
 - (d) Disruptive behavior in the classroom will not be tolerated.
 - (e) Consequences for unacceptable behavior will be designed to help a student learn to comply with rules, to be respectful, to accept responsibility for his or her behavior and to develop self-control.
 - (f) Strategies and consequences will be age and developmentally appropriate.

B. Authority of School Officials

- (1) A school climate conducive to serious study and respect for self, others, and property is essential to meet the needs of youth. The principal is authorized and responsible for taking whatever reasonable and legal action is necessary to establish and maintain appropriate student behavior.
- (2) Aggie Academy’s principal has the primary authority and responsibility for determining appropriate disciplinary consequences when it is determined that a student has violated the Code, law, other school policies, or other applicable standards and rules. Certain behavior prohibited by this policy may also constitute a crime, which may be referred to appropriate law enforcement agencies. Aggie Academy reserves the right to address behavior under this policy independently of any criminal investigation or proceedings. In determining whether suspension or expulsion is an appropriate consequence, the principal shall consider the student’s culpability and dangerousness, the harm caused by the student, and any other relevant mitigating or aggravating factors.

- (3) The principal may search a student's person or possessions (such as a pocket book, book bag, gym bag), without prior notice to or consent of the student, if the principal has a reasonable suspicion that the search will turn up evidence the student has violated or is violating either the law or school policies.
 - (a) A search will be permissible in its scope when the manner in which the search is conducted is reasonably related to the objectives of the search and not excessively intrusive in light of the student's age and sex and the nature of the infraction.
 - (b) Reasonable suspicion may be based on information provided by a reliable confidential informant, circumstantial evidence, and/or the principal's common-sense conclusions about human behavior upon which practical people are entitled to rely in making decisions.
 - (c) If there is reason to suspect a bomb or firearm is on campus and students are at risk of serious bodily injury or death, the principal may conduct a complete search of the school as well as student book bags, pocket books, etc. for a weapon, bomb or other explosive device.
 - (d) Teachers and other school personnel have the authority to manage or remove disruptive or dangerous students from the classroom and other locations where school-related activities are taking place. School personnel may use reasonable force to control behavior or to remove a person from the scene in those situations when necessary:
 - (i) to correct students;
 - (ii) to quell a disturbance threatening injury to others;
 - (iii) to obtain possession of a weapon or another dangerous object on the person, or within the control, of a student;
 - (iv) for self-defense;
 - (v) for the protection of persons or property; or
 - (vi) to maintain order on school property, in the classroom, or at a school-related activity whether on or off school property.
- (4) Except as restricted by N.C. Gen. Stat. § 115C-391.1, school personnel may use appropriate seclusion and restraint techniques reasonably needed in the circumstances described above as long as such use is consistent with state law and applicable policies and procedures.
- (5) Students must comply with all directions of principals, teachers, substitute teachers, student teachers, teacher assistants, bus drivers and all other school personnel who are authorized to give such directions during any period of time when they are subject to the authority of such personnel.

C. Authority for Discipline

- (1) These procedures involve disciplinary matters requiring the attention of the principal. Any suspension is a serious measure, and the principal should utilize reasonably available resources to achieve a different solution when appropriate. Parent(s)/guardian(s) must be notified in any instance of serious misconduct.
- (2) The principal is the final authority on in-school discipline and short-term suspensions except as otherwise set for in this or other Aggie Academy policies or by law. For recommended long-term suspensions and/ or expulsions, the procedures provide for:

- (a) adequate notice of the charge against a student and the evidence to support the charge;
 - (b) a decision supported by the evidence;
 - (c) an opportunity for a hearing; and
 - (d) a fair and impartial decision-maker.
- (3) No person may use corporal punishment to discipline any student. Reasonable force that is necessary to protect oneself or others is not considered corporal punishment.

D. Considerations

(1) Culpability of Student

In assessing a student's culpability for behavior, the principal may consider criteria including but not limited to the following:

- (a) The student's age;
- (b) The student's ability to form the intent to cause the harm that occurred or could have occurred; and
- (c) Evidence of the student's intent when engaging in the conduct.

(2) Dangerousness of the Student

In assessing a student's dangerousness, the principal may consider criteria including but not limited to the following:

- (a) The student's disciplinary or criminal record related to anti-social behavior or drugs and alcohol;
- (b) Whether a weapon was involved in the incident and, if a weapon was involved, whether the student had the ability to inflict serious injury or death with the weapon; and
- (c) Evidence of the student's ability to cause the harm that was intended or that occurred.

(3) Harm Caused by the Student

In assessing the severity of the harm caused by the student, the principal may consider criteria including but not limited to whether any of the following occurred:

- (a) Someone was physically injured or killed;
- (b) Someone was directly threatened or property was extorted through the use of a weapon;
- (c) Someone was directly harmed, either emotionally or psychologically;
- (d) Educational property or others' personal property was damaged; or
- (e) Students, employees, or parents were aware of the presence of a weapon or of dangerous behavior on the part of the student who engaged in the behavior.

(4) Other Factors

- (a) The principal shall consider any other relevant factors, including but not limited to any mitigating or aggravating factors; and whether any alternative education services, counseling, or other programs should be part of the consequence for the student's violation of policy, rules, or standards.
- (b) After considering the above factors, the principal shall make a decision or recommendation consistent with this Code, stating the nature of the offense, the substance of the evidence involved, and the specific disciplinary consequence.

E. SCHOOL PLAN FOR MANAGING STUDENT BEHAVIOR

- (1) The principal must make available to each student and parent: (1) the Behavior Policy/Code of Student Conduct and any other policies related to student behavior; (2) any related administrative procedures; (3) any additional discipline-related information from the school's student behavior management plan, including behavior standards, prohibited conduct or disciplinary measures; and (4) any other school rules.
- (2) Aggie Academy manages student behavior based on this policy, incorporating effective strategies consistent with established principles. School officials will implement research-based behavior management programs that take positive approaches to improving student behaviors in an effort to avoid repeated misbehavior and suspension. Components of the plan for management of student behavior address:
 - (a) the process by which student behavior will be addressed;
 - (b) the means by which students at risk of repeated disruptive or disorderly conduct are identified, assessed and assisted;
 - (c) positive behavioral interventions and possible consequences that will be used; and
 - (d) parental involvement strategies that address when parents or guardians will be notified or involved in issues related to their child's behavior.
- (3) Disciplinary consequences shall be determined in accordance with this Code and Appendices 1 and 2 to the Aggie Academy Student Behavior Policy/Code of Conduct.

F. GUIDELINES AND REPORTABLE OFFENSES

A. Disciplinary Guidelines

- (1) If, in questioning a student, the principal determines that a law enforcement officer should carry out the questioning, the principal shall make a reasonable attempt to notify the parents (except in cases of suspected child abuse or neglect by the parent) to give them an opportunity to be present during questioning.
- (2) Student misconduct at after-school events and other school-sponsored extracurricular activities may lead to additional disciplinary action such as, but not limited to being-banned from extracurricular activities and events for the remainder of the school year.
- (3) In-school disciplinary actions must not unreasonably compromise the educational environment for others.
- (4) The principal may require a student to attend a school detention program for a stated period and purpose, provided the parent or guardian has received at least one-day's notice and assumed responsibility for the student's transportation home.
- (5) A student may be suspended from school short-term, for cause, by the principal. The principal shall inform the student and make a good faith effort to notify a parent, guardian, or responsible adult.
- (6) A student may be recommended for suspension from school long-term, by the principal. The dean or designee shall review the circumstances for the recommended long-term suspension. Following the review, the dean may impose the suspension if it is consistent

with school policies and appropriate under the circumstances; may impose another penalty authorized by policy; or may decline to impose any other penalty.

(7) The principal shall report data on each student suspended or expelled to the dean.

B. State Reportable Offenses

The following offenses shall be reported to law enforcement:

- (a) Assault resulting in serious personal injury*
- (b) Assault using a weapon*
- (c) Assault on school officials, employees or volunteers
- (d) Making bomb threats or engaging in bomb hoaxes
- (e) Willfully burning a school building
- (f) Death by other than natural causes*
- (g) Kidnapping*
- (h) Possession of alcoholic beverage
- (i) Possession of controlled substance in violation of law
- (i) Possession of a firearm
- (j) Possession of a weapon
- (k) Rape*
- (l) Robbery with a dangerous weapon*
- (m) Sexual assault*
- (n) Sexual offense*
 - (o) Taking indecent liberties with a minor*

* These offenses are used in the calculation for determining Persistently Dangerous Status.

G. DUE PROCESS PROCEDURES FOR SUSPENSION AND EXPULSION

A. Summary Suspension

The principal may suspend a student immediately and then investigate as soon as reasonably possible:

- (a) if the principal personally observes any serious student misconduct; or
- (b) receives information about serious student misconduct from a reliable informant; and
- (c) concludes that immediate removal of the student is necessary to restore order or to protect school property or persons on the school grounds.

B. Pre-Short-Term Suspension Rights of Student

- (1) Except in the circumstances described below, a student must be provided with an opportunity for an informal hearing with the principal before a short-term suspension is imposed. The principal may hold the hearing immediately after giving the student oral or written notice of the allegations against the student. At the informal hearing, the student has the right to be present, to be informed of the allegations and the basis for the accusations, and to make statements in defense or mitigation of the allegations.
- (2) The principal may impose a short-term suspension without first providing the student with an opportunity for a hearing if the presence of the student creates a direct and immediate threat to the safety of other students or staff or substantially disrupts or interferes with the education of other students or the maintenance of discipline at the school. In such cases,

the principal shall give the student notice of the allegations and an opportunity for an informal hearing as soon as practicable.

C. Student Status and Rights During a Short-Term Suspension

- (1) A student on a short-term suspension is not permitted to be on school property or to take part in any school function or activity during the period of suspension without prior written approval from the principal.
- (2) The principal must provide a student under a short-term suspension with the following:
 - (a) The opportunity to take textbooks home for the duration of the suspension;
 - (b) Upon request, the right to receive all missed assignments and, to the extent practicable, the materials distributed to students in connection with such assignments; and
 - (c) The opportunity to take any quarterly, semester, or grading period examinations missed during the suspension period.

D. Notice of Short-Term Suspension to Parent

- (1) When imposing a short-term suspension, the principal shall provide the student's parent with notice that includes the reason for the suspension and a description of the student's conduct upon which the suspension is based. The principal must give this notice by the end of the day during which the suspension is imposed when reasonably possible, but in no event more than two days after the suspension is imposed. If English is the second language of the parent, the notice must be provided in English and in the parent's primary language when the appropriate foreign language resources are readily available. Both versions must be in plain language and easily understandable.
- (2) The initial notice may be by telephone, followed by timely written notice. The written notice must include all of the information listed above and may be provided by hand delivery, fax, e-mail, or any other method reasonably designed to give actual notice. The principal shall maintain a copy of the written notice in the student's educational record.

E. Administrative Review for Short-Term Suspension

A student or the parent of a student placed on short-term suspension may request an administrative review of that decision by the dean. The review shall be an informal meeting conducted in private. The following individuals shall attend: the student, student's parents, principal, and dean. The principal shall present the information shared in the notice and the student and/or the student's parents shall have an opportunity to respond. The response may include any additional mitigating factors the student or parents believe should be considered. The dean's written decision shall be final.

F. Short-Term Suspensions of Students with Disabilities

Multiple short-term suspensions for a student with disabilities will be addressed in accordance with the Discipline of Students with Disabilities Policy and other applicable state and federal law.

G. Grounds for the Principal to Recommend Long-Term Suspension

- (1) The Principal may recommend long-term suspension for a student who willfully engages in a serious violation of the Code or school policies and the violation either (1) threatens the safety of students, staff, or school visitors, or (2) threatens to substantially disrupt the educational environment. The principal may recommend long-term suspension for a minor violation if aggravating circumstances justify treating the student's behavior as a serious violation.
- (2) If the offense leading to the long-term suspension occurred before the final quarter of the school year, the exclusion must be no longer than the remainder of the school year in which the offense was committed.
- (3) If the offense leading to the long-term suspension occurred during the final quarter of the school year, the exclusion may include a period up to the remainder of the school year in which the offense was committed and the first semester of the following school year.

H. 365-Day Suspension

The principal may recommend a 365-day suspension only if the principal identifies the type of firearm or destructive device involved and evidence substantiating that the student brought it onto school property or to a school activity or possessed it on school property or at a school activity.

I. Expulsion

The principal may recommend expulsion if the principal identifies the basis for determining that there is clear and convincing evidence that the student's continued presence in school constitutes a clear threat to the safety of other students or employees.

J. Notice of Long-Term Suspension, 365-Day Suspension, or Expulsion

- (1) The principal must provide to the student's parent written notice of the principal's recommendation for long-term suspension, 365-day suspension, or expulsion by the end of the day during which the action is recommended when reasonably possible, or as soon thereafter as practicable. The principal also shall provide a copy of the notice to the dean.
- (2) The notice must be written in plain English and, when appropriate language resources are readily available, also in the parent's native language. The notice must contain the following information:
 - (a) The type of action recommended;
 - (b) A description of the incident and the student's conduct that led to the recommendation;
 - (c) The specific provision(s) of the Code of Student Conduct that the student allegedly violated;
 - (d) The specific process by which the parent may request a hearing to contest the recommendation and the deadline for making the request;
 - (e) The process by which a hearing will be held, including all due process rights to be accorded the student during the hearing;
 - (f) Notice of the right to retain an attorney to represent the student in the hearing process; and
 - (g) Notice of the right to review and obtain copies of the student's educational records prior to the hearing.

- (3) The written notice may be provided by hand delivery, fax, e-mail, U.S. mail, certified mail, or any other method reasonably designed to give actual notice. The principal shall maintain a copy of the written notice in the student's educational record.
- K. Student Status Upon Notice of Recommended Long-Term Suspension, 365-Day Suspension, or Expulsion
- (1) If the conduct of the student poses a continuing danger to persons or property, or an ongoing threat of disrupting Aggie Academy's educational environment, the student may be suspended immediately and until completion of the hearing process. A student shall not be suspended out of school for more than five (5) days without permission from the dean.
 - (2) If the student does not pose a continuing danger or threat, the student may remain in class, or be assigned in-school suspension or to an alternative learning center assignment until completion of the hearing process.
- L. Hearing Process for Long-Term Suspension, 365-Day Suspension, or Expulsion
- (1) Any student or the parent of a student recommended for long-term suspension, 365-day suspension, or expulsion may request a hearing prior to imposition of the sanction before a hearing panel constituted by the dean.
 - (2) The purpose of the hearing will be to determine the facts relevant to the alleged violations and the credibility of witnesses, based on the evidence presented at the hearing.
 - (3) The student or student's parent must submit a written request for hearing to the dean within three (3) days of the principal's notice.
 - (4) If a hearing is not requested by the student or parent, or if a hearing is requested and the student or parent do not attend the hearing as scheduled, the parent and student are deemed to have waived the right to a hearing. In that case, the principal's recommendation shall be implemented.
 - (5) If a hearing is scheduled and the student or parent requests a postponement, or if the hearing is scheduled beyond the five-day period, the hearing shall be rescheduled. In that case, the student shall not have the right to return to school pending the hearing.
 - (6) Upon receipt of the written request for hearing, the dean shall appoint a three-person hearing panel. The panel members will be administrators and/or faculty members selected based on factors including, but not limited to, their credentials, familiarity with K-5 education in general, familiarity with the College of Education and Aggie Academy, availability, and their ability provide a fair and impartial hearing. No individual who is under the principal's direct supervision may serve on a hearing panel. The dean shall designate one of the hearing panel members to serve as chair.
 - (7) The dean shall arrange for a hearing to be held in a timely manner, taking into account the scheduling preference of the student, parents and Aggie Academy administrators. The hearing shall be scheduled within five (5) days after the dean receives a written request for hearing.

- (8) Hearings shall be informal and conducted in private. Formal rules of procedure and evidence do not apply. The panel may rely on evidence that a reasonably prudent person would consider in the conduct of serious affairs.
- (9) The student may be represented by an attorney. The attorney may present the student's views and question witnesses, and otherwise advise the student or the parents. If attorneys act, they perform in lieu of the parents. The parents or student's attorney must advise the hearing officer and the principal of attorney representation at least forty- eight (48) hours before the time set for the hearing, so that the school's attorney may attend the hearing.
- (10) Prior to the hearing, the student, student's parents, and student's attorney, if applicable, must have an opportunity to review all evidence, including any audio or video recordings of the incident and, consistent with federal and state student records laws and regulations, the information that may be presented as evidence against the student, including statements made by witnesses whose names shall be withheld in accordance with other applicable provisions of this policy.
- (11) The hearing must be attended by the hearing panel members, principal, student, and any persons the panel chair deems necessary to a fair and impartial consideration of the matter. The student has the right to be present at all times during the hearing when evidence is being presented, and to be accompanied by parents and/or an attorney. Witnesses should be present only when providing information.
- (12) The hearing chair shall be responsible for making a record of the hearing, including any findings or conclusions made by the hearing panel. A record of the hearing proceedings shall be made available to the student or the parent upon request.
- (13) If the student admits or does not deny engaging in the conduct that is the basis for the suspension or expulsion, the sole purpose of the hearing will be to determine whether the behavior and all relevant factors warrant imposition of the suspension or expulsion. Otherwise, Aggie Academy representatives have the burden of proving the misbehavior and the violation of policy, Code, expected standards, or school rules. The standard of proof shall be preponderance of the evidence.
- (14) Aggie Academy representatives shall present the school's case first. School officials may withhold witness names or other identifying information if identifying a witness could threaten the witness's safety or violate any of the witness's rights of confidentiality or privacy under state or federal law. In presenting its case, Aggie Academy representatives shall explain the basis for the recommended consequence.
- (15) After presentation of the school's case, the student or representative (parent or attorney) may present relevant evidence including, but not limited to, evidence relating to the alleged disciplinary infraction, student's intent at the time of the incident, student's dangerousness, harm caused by the student, mitigating or aggravating factors, student's disciplinary and academic history, and the potential benefits to the student of alternatives to suspension. Such evidence may include oral testimony by the student or witnesses, written statements, and other documents.
- (16) The panel, Aggie Academy representatives, and the student or student's representative may question the witnesses presented by the other side. The chair shall limit

questioning by any person if the questioning is unproductive, unnecessarily lengthy, repetitive or irrelevant.

- (17) The chair may exclude any person, including an attorney representing a student, if the person acts in a disrespectful manner or causes undue delay, disruption, or other interference of the proceeding.
- (18) The panel chair shall conclude the hearing after school representatives and the student's representatives complete the presentation of their cases. The hearing panel shall then deliberate in private to consider the testimony and evidence presented at the hearing. If the hearing panel determines that a violation occurred, the panel also shall determine the appropriateness of the recommended consequences for the violation.
- (19) Absent extenuating circumstances, the hearing chair shall issue a written decision within ten (10) days of the hearing. The decision shall be based on substantial evidence presented at the hearing. The chair shall send a copy of the decision, notification of what information will be included in the student's official record, the procedure for expungement of the suspension or expulsion record, and notice of the right to petition for readmission as provided in this policy via certified mail to the student's parents.

M. Petition for Readmission

- (1) All students suspended for 365 days or expelled may, after 180 calendar days from the date of the beginning of the student's suspension or expulsion, request readmission to Aggie Academy in writing.
- (2) A student's request for readmission shall be submitted in writing to the principal. The student shall submit with the request a full and complete copy of the student's criminal and/or juvenile court record, if any, or the student and the student's parent may sign an agreement authorizing the principal to obtain a copy of the student's criminal and/or juvenile court record, if any if requested by the principal. The student may also provide any other documents supporting the request for readmission.
- (3) The principal shall review and investigate the student's request for readmission. Within thirty (30) days of receiving the request, the principal shall provide to the dean a copy of the student's request for readmission, the supporting documentation, and the principal's written recommendation.
- (4) The dean shall constitute a hearing panel to review the student's request, the supporting documentation, and the principal's recommendation. The hearing panel composition shall be determined in the same manner as hearing panels to consider long-term/365-day suspensions or expulsions under this policy.
- (5) The hearing panel, at its discretion, may render its decision based on the written records or it may offer the student, parents, and principal an opportunity to appear before the panel in closed session to make oral presentations regarding the request for readmission. After considering the information specified in this section, the hearing panel shall render a decision in writing.
- (6) The student shall be readmitted if the student demonstrates to the satisfaction of the hearing panel that the student's presence in school no longer constitutes a threat to the safety of

other students or staff. If the hearing panel grants the student's request for readmission, it shall establish the date for the student's readmission, which shall generally be the beginning of the next semester or academic quarter. The hearing panel may place reasonable conditions on the student's readmission.

- (7) If the hearing panel decides to deny the request for readmission, the student may subsequently request readmission not more often than every six months. A decision of the hearing panel not to readmit a suspended or expelled student pursuant to this section shall be final.

N. Requests to Expunge Records of Long-Term Suspension, 365-Day Suspension, or Expulsion

A long-term suspension, 365-day suspension, or expulsion imposed pursuant to this policy shall become part of the student's official educational record. The dean may expunge the record of the long-term suspension, 365-day suspension, or expulsion if the following conditions are met:

- (a) One of the following makes a request for expungement:
- (i) The student's parent makes a written request for expungement; or
 - (ii) The student, upon reaching the age of 16 years or emancipation, makes a request for expungement.
- (b) The student either graduates from high school or is not expelled or suspended again during the two-year period commencing on the date of the student's return to school after the expulsion or suspension.
- (c) The dean determines that the maintenance of the record is no longer needed to maintain a safe and orderly educational environment for other students and employees of the school.
- (d) The dean determines that maintenance of the record is no longer needed to adequately serve the child.

O. Education Services for Students with Disabilities During Long-Term Suspension, 365-Day Suspension or Expulsion

Students with disabilities recognized by the Individuals with Disabilities Education Act will receive educational services during periods of suspension or expulsion to the extent required by Policies Governing Services for Children with Disabilities and state and federal law.

Original Effective Date: August 29, 2022

Authority: Chancellor

Legal References:

N.C. Gen. Stat. § 115C-402(b)

N.C. Gen. Stat. § 116-239.5 *et seq.*, Article 29A

UNC Policy Manual, The Code, Section 502

**NORTH CAROLINA AGRICULTURAL AND TECHNICAL STATE UNIVERSITY
AGGIE ACADEMY**

APPENDIX 1 TO STUDENT BEHAVIOR POLICY/CODE OF CONDUCT RULES

RULES INFRACTIONS

Every student has the right to be free from fear, harm, and violence at school, on the school bus and at school-related activities. In order to preserve this right, Aggie Academy establishes Code of Student Conduct Rules that sets out specific consequences for students violating the following rules:

- (1) Students shall obey Aggie Academy policies, administrative regulations, school rules, and classroom rules.
- (2) Students shall comply with all lawful directions of principals, teachers, substitute teachers, teacher assistants, bus drivers, and other school personnel who are authorized to give such directions.
- (3) Students shall not assault, hit, kick, punch, fight, intentionally harm or threaten to harm another person.
- (4) A student shall not incite or instigate a fight, assault or riot. The terms "incite" and "instigate" mean to urge or direct others by words or actions to engage in a fight, assault or riot. A student commits this offense by actively urging or directing others to take part in the prohibited behavior or by causing or provoking the prohibited behavior to occur. Students committing this offense should be disciplined in the same manner as those students actually engaging in the fight, assault or riot.
- (5) A student shall not aid or assist another student to violate any Aggie Academy policy, administrative regulation or school rule. A student is guilty of this offense if the student knowingly advises, induces, encourages, aids or assists another student to commit an offense or shares in the purpose of the act (to commit the offense) and aids or is in a position to aid the other student when the offense is committed. A student committing this offense may be disciplined in the same manner as those students actively committing the offense.
- (6) A student should avoid a fight by walking away from a threatened conflict and/or reporting the other student's threats to a teacher or other school employee. A student may restrain the other student or block punches, kicks etc. in defense, but if the student retaliates by kicking, hitting, striking, or engaging in similar acts against the other student, that action is considered fighting.
- (7) A student shall not participate in an affray. An affray is a fight between more than two people that causes a large public disturbance. Examples of an affray are fights involving multiple students in the school cafeteria or hallway.
- (8) Students shall not take the property of another person or the school without permission. Theft, larceny, robbery and extortion are prohibited. Students shall not knowingly sell stolen items at school.
- (9) Students shall not engage in extortion. Extortion is the act of securing money, favors, or other things of value from another person through blackmail, abuse of authority, or intimidation.
- (10) Students shall not intentionally vandalize, scratch, mark, or damage the property of the school or any person at the school.
- (11) Students shall adhere to the school's dress code. At a minimum, the following dress or appearance is prohibited:
 - (a) Clothing that contains advertisements for tobacco, alcohol or drugs; pictures or graphics of nudity; words that are profane, lewd, vulgar, or indecent;
 - (b) Halter or bare midriff tops, or bare midriffs;
 - (c) Spaghetti straps or tank tops;
 - (d) Strapless shirts or tube tops;

- (e) Bare feet;
 - (f) Short shorts or skirts;
 - (g) Pants, slacks or jeans that sag below waist; and
 - (h) Hats, caps, bandanas, or garments which cover the student's face or conceal the student's identity (except as personal protective equipment or PPE)
 - (i) Underpants or bras showing or worn as outerwear;
 - (j) Provocative, revealing attire; and
 - (k) Any symbols, styles or attire frequently associated with gangs, intimidation, violence or violent groups.
- (12) Students shall not bring to, or have on school property or at any school-related activity, any weapon, or explosive of any kind, including, but not limited to any BB gun, stun gun, air rifle, air pistol, knife, dirk, dagger, slingshot, leaded cane, blackjack, metallic knuckles, razors and razor blades, destructive devices, firearms, and firecrackers, or any look-a-like weapon including but not limited to, plastic guns, water pistols, and rubber knives, or use any weapon or look-a-like weapon, including toy guns, gun parts or bullets, to harm or threaten to harm another person. Students shall not bring to, or have on school property or at any school related activity, any other item which may be used as a weapon, such as a saw or unaltered nail file, unless such item is being used for a school-related project or activity.
- (13) Students shall not use an aerosol spray can, bottle or other type container as a weapon to threaten to injure, to injure, harm, harass or annoy any other person or to disrupt class or any school program or activity.
- (14) Students shall not start fires, or ignite explosives or threaten to do so.
- (15) Students shall not break and/or enter into school buildings, school buses, classrooms, storerooms, or lockers.
- (16) Students shall not trespass on school grounds when told not to do so by authorized school personnel.
- (17) Students shall not engage in disorderly conduct. Disorderly conduct is defined in N.C. Gen. Stat. §14-288.4 as, among other things, intentionally creating a public disturbance that disrupts, disturbs or interferes with the teaching of students at any public or private educational institution or on the grounds adjacent thereto; or engaging in conduct which disturbs the peace, order or discipline on any school bus or school activity bus.
- (18) Students shall not possess, use, give away, attempt to sell or purchase, or be under the influence of any illegal narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, malt beverage (including beer and other malt beverages that contain less than .5 of one percent of alcohol), wine, alcoholic beverage, or any other controlled substance as defined by North Carolina law. Students shall not possess, use, give away, attempt to sell or purchase a counterfeit substance such as those described in this paragraph, or an otherwise legal substance that is intended to mimic the effects of one of the substances described in this paragraph.
- (19) Students shall not insert a foreign substance in the food or drink of another person as a prank, or with the intent of injuring or harming the other person or causing an adverse reaction including but not limited to, hallucinations, sleep, or euphoria. Students shall not knowingly bring containers of urine or any other bodily fluid or substance to school unless required for an academic or other required assignment or activity.
- (20) Students may not possess, display, or use tobacco products at any time in any building, facility, or vehicle owned, leased, rented or chartered by Aggie Academy, on any school grounds and property, including athletic fields and parking lots, owned, leased, rented or chartered by Aggie Academy, or at any school-sponsored or school-related event on-campus or off-campus.
- (21) Students shall not possess drug or chemical paraphernalia at any time in any building, facility, or vehicle owned, leased, rented or chartered by Aggie Academy, on any school grounds and property, including athletic fields and parking lots, owned, leased, rented or chartered by Aggie Academy, or at any school-sponsored or school-related event on-campus or off-campus.
- (22) Students shall not engage in sexual or intimate conduct at school, on the school bus or school-related activities, including but not limited to: taking or attempting to take immoral or indecent liberties with another

student, exposing private body parts (genitals, buttocks and/or female breasts) or engaging in consensual sexual misconduct or engaging in inappropriate public displays of affection including but not limited to, prolonged hugging or embracing, kissing, petting, and/or making out.

- (23) Students shall not gamble, and shall not possess and/or use playing cards unless approved by a teacher or school officials for an educational purpose.
- (24) Students shall not use or possess electronic devices such as MP3/4 players, portable radios, recording devices, tape/CD/DVD/MP3 players, digital cameras, laser pens, or other similar electronic equipment in school during regular school hours except as approved by a school official. Students shall not use any type of electronic device on school property or during a school activity, whether on or off school property, for the purpose of immoral or pornographic activities, including, but not limited to, sexting. Sexting means sending, taking, disseminating, transferring, sharing, or receiving of obscene, pornographic, lewd, indecent, or otherwise sexually explicit messages, photographs or images on or by electronic devices.
- (25) Students shall not possess a portable communication device of any kind, including, but not limited to, a cellular telephone, in an area that has expressly prohibited such items.
- (26) If Aggie Academy allows students to possess a portable communication device of any type, including but not limited to, a cellular telephone, students shall not use or display such devices during regular school hours except as approved by a school official. "Regular school hours" means from the beginning of the student instructional day to the end of the student instructional day, including time on the school bus.
- (a) If a portable communication device rings, vibrates or is otherwise used or in use on the school campus without permission from the Principal or designee, it may be confiscated and the student may be denied the privilege of possessing a portable communication device at school for up to the remainder of the school year. The confiscated device shall be returned to the student's parent.
 - (b) If a school official has reasonable suspicion a device has been used to violate the Code of Student Conduct, the school administrator may search the device for evidence of such misconduct.
 - (c) By virtue of the ringing, vibration, or other evidence of use of a portable communication device during regular school hours in contravention of this Policy, the owner of the device thereby consents to the search of such portable communication device by a school administrator.
 - (d) Students and their parents are solely responsible for any loss or damage to their portable radio, tape recorders, tape/CD/DVD/MP3 players, cell phone or any other similar electronic equipment in school while it is in their care, custody or control. Aggie Academy accepts no responsibility for theft, loss, or damage to a student's personal electronic equipment.
- (27) Commercial solicitation of or by students is prohibited on school grounds or at school-sponsored events. Charitable solicitation of students are permitted if authorized in advance by the principal.
- (28) Students shall not engage in hazing. Hazing is defined as subjecting another student to physical injury as part of an initiation, or as a prerequisite to membership, into any organized school group.
- (29) Students shall not engage in gang activity including:
- (a) Wearing, possessing, using, distributing, displaying, or selling any clothing, jewelry, emblems, badges, symbols, signs or other items which indicate a student's membership in or affiliation with a gang;
 - (b) Communicating either verbally or non-verbally (gestures, handshakes, slogans, drawings, etc.), to convey membership or affiliation in a gang;
 - (c) Tagging or otherwise defacing school or personal property with gang-related graffiti, symbols or slogans;
 - (d) Requiring payment of protection, insurance, or otherwise intimidating or threatening any person related to gang activity;
 - (e) Inciting other students to intimidate or to act with physical violence upon any other person related to gang activity;
 - (f) Soliciting others for gang membership.
- (30) Students shall not litter or loiter on school property.

- (31) Students shall not make false statements to teachers and school officials or forge a signature on any papers or documents.
- (32) Students shall not make or publish false statements on the internet, by fax or by any other means of communication that defame the character or reputation of a school employee or student. While students have a constitutional right to criticize school personnel or students, that right does not include making false statements accusing school personnel or students of engaging in criminal or immoral acts that are intended to injure, harass and/or harm an individual.
- (33) Students shall not download to or otherwise place upon a computer owned and/or maintained by Aggie Academy any software or computer program which enables the student and/or others to load content or programs to Aggie Academy computers which would otherwise be prohibited.
- (34) Due to the risk or injury to the student and others, students shall not ride a skateboard, roller skate or in-line skate on school property, unless approved in advance by the principal or designee as a school sponsored program or activity.
- (35) Students shall not skip or leave class or school without permission.
- (36) Students shall not knowingly make a false report to law enforcement (i.e. a false 911 call).
- (37) Students shall not make a bomb threat or a false fire alarm.
- (38) Students shall not make terrorist threats. A student violates this rule when he or she:
- (a) By any means of communication to any person or group of persons, makes a report, knowing or having reason to know the report is false, that there is located on educational property or at a school-sponsored curricular or extracurricular activity off educational property any device, substance, or material designed to cause harmful or life-threatening illness or injury to another person;
 - (b) With intent to perpetrate a hoax, conceals, places, disseminates, or displays on educational property or at a school-sponsored curricular or extracurricular activity off educational property any device, machine, instrument, artifact, letter, package, material, or substance, so as to cause any person reasonably to believe the same to be a substance or material capable of causing harmful or life-threatening illness or injury to another person;
 - (c) Threatens to commit on educational property or at a school-sponsored curricular or extracurricular activity off educational property an act of terror that is likely to cause serious injury or death, when that threat is intended to cause a significant disruption to the instructional day or a school-sponsored activity or causes that disruption;
 - (d) Makes a report, knowing or having reason to know the report is false, that there is about to occur or is occurring on educational property or at a school-sponsored curricular or extracurricular activity off educational property an act of terror that is likely to cause serious injury or death, when that report is intended to cause a significant disruption to the instructional day or a school-sponsored activity or causes that disruption; or
 - (e) Conspires to commit any of the acts described in this subsection.
- (f) Students shall not possess or use counterfeit currency on school property or during a school activity, unless such item is being used for a school-related project or activity.
- (39) Students shall not cheat. Students shall not copy another student's answers to a test, homework or any other school work and submit it as their own work for evaluation and grading. In addition, unless permitted in advance, students shall not bring any materials in any form with them for use in answering questions on a test, such as a "cheat sheet."
- (40) Students shall not plagiarize. Students shall not copy an author's work and submit it as their own original work for evaluation and grading.

- (41) Students shall not use profanity, obscenity, fighting or abusive words, or otherwise engage in speech (written, symbolic or verbal) that materially and substantially disrupts the classroom or other school activities.
- (42) Students shall not communicate a threat to another person. Students shall not bully, cyberbully, harass, or discriminate against others. Communicating threats is defined as a person who, without lawful authority:
- (a) willfully threatens to physically injure the person or that person's child, sibling, spouse, or dependent or willfully threatens to damage the property of another;
 - (b) communicates the threat to the other person, orally, in writing, or by any other means;
 - (c) makes the threat in a manner and under circumstances which would cause a reasonable person to believe that the threat is likely to be carried out; and
 - (d) causes the threatened person to believe that the threat will be carried out.
- (43) Students are prohibited from engaging in behavior (whether on or off campus) that constitutes a clear threat to the safety of other students or employees. Such behavior may subject a student to expulsion. Behavior constituting a clear threat to the safety of others includes, but is not limited to:
- (a) theft or attempted theft by a student from another person by using or threatening to use a weapon;
 - (b) the intentional and malicious burning of any structure or personal property, including any vehicle;
 - (c) an attack or threatened attack by a student against another person wherein the student uses a weapon or displays a weapon in a manner found threatening to that person;
 - (d) an attack by a student on any employee, adult volunteer or other student that does not result in serious injury but that is intended to cause or reasonably could cause serious injury;
 - (e) an attack by a student on another person whereby the victim suffers obvious severe or aggravated bodily injury, such as broken bones, loss of teeth, possible internal injuries, laceration requiring stitches, loss of consciousness, or significant bruising or pain; or whereby the victim requires hospitalization or treatment in a hospital emergency room as a result of the attack;
 - (f) any intentional, highly reckless or negligent act that results in the death of another person;
 - (g) confining, restraining or removing another person from one place to another, without the consent of the person or the person's parent, for the purpose of committing a felony or for the purpose of holding the person as a hostage, for ransom, or for use as a shield;
 - (h) the possession of a weapon on any school property, including in a vehicle, with the intent to use or transmit for another's use or possession in a reckless manner so that harm is reasonably foreseeable;
 - (i) taking or attempting to take anything of value from the care, custody or control of another person or persons, by force, threat of force, or violence, or by putting the victim in fear;
 - (j) any unauthorized and unwanted intentional touching, or attempt to touch, by one person of the sex organ of another, including the breasts of the female and the genital areas of the male or female;
 - (k) the possession, manufacture, sale or delivery, or any attempted sale or delivery, of a controlled substance in violation of Chapter 90 of the North Carolina General Statutes;
 - (l) any behavior resulting in a felony conviction on a weapons, drug, assault or other charge that implicates the safety of other persons; and
 - (m) any other behavior that demonstrates a clear threat to the safety of others in the school environment.

Original Effective Date: August 29, 2022

Authority: Chancellor

Legal References:

N.C. Gen. Stat. § 115C-402(b)

N.C. Gen. Stat. § 116-239.5 *et seq.*, Article 29A

UNC Policy Manual, The Code, Section 502

**NORTH CAROLINA AGRICULTURAL AND TECHNICAL STATE UNIVERSITY
AGGIE ACADEMY**

APPENDIX 2 TO STUDENT BEHAVIOR POLICY/CODE OF CONDUCT RULES

POTENTIAL CONSEQUENCES FOR RULES VIOLATIONS

Rule 1: Compulsory Attendance/School Truancy

Students shall comply with all policies and procedures established for Aggie Academy and all directions of the principal, teachers, substitute teachers, teacher assistants, and other school personnel during any period of time when the students are subject to the authority of Aggie Academy.

Discipline	Conference with administration and/or truancy officer; Referral made to Integrated Health Services; Charges may be brought against parent and/or student
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Rule 2: Failure to comply with School Policies and/or Directives of School Personnel

2A: Failure to Comply

Students shall comply with all policies and procedures established for Aggie Academy and all directions of the principal, teachers, substitute teachers, teacher assistants, and all other school personnel during any period of time when the students are subject to the authority of Aggie Academy.

Discipline	
First Offense	Up to 3 days out-of-school suspension
Second Offense	Up to 5 days out-of-school suspension
Third Offense	Up to 7 days out-of-school suspension
Fourth Offense	Up to 10 days out-of-school suspension and principal may recommend long-term suspension

2B: Leaving School Grounds or Class without Permission

No student shall leave the school grounds without permission from the principal, teacher, substitute teacher, teacher assistant, or other school personnel.

Discipline	
First Offense	Up to 3 days out-of-school suspension
Second Offense	Up to 5 days out-of-school suspension
Third Offense	Up to 7 days out-of-school suspension
Fourth Offense	Up to 10 days out-of-school suspension and principal may recommend long-term suspension

2C: Refusal to Submit to Search

No student shall refuse to submit to a search by Aggie Academy personnel in accordance with the Search and Seizure policy when reasonable suspicion exists.

Discipline	Up to 10 days out-of-school suspension and principal may recommend long term suspension
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Rule 3: Disruption of School

3A: Classroom Disruption

No student shall engage in any conduct that causes disruption of any lawful function, mission, or process of Aggie Academy. No student shall urge any other student to engage in any conduct that causes the disruption to any lawful function, mission, or process of Aggie Academy.

Discipline	
First Offense	Up to 3 days out-of-school suspension
Second Offense	Up to 5 days out-of-school suspension
Third Offense	Up to 7 days out-of-school suspension
Fourth Offense	Up to 10 days out-of-school suspension and principal may recommend long term suspension

3B: Disruption of School

No student shall intentionally cause the disruption of any lawful function, mission, or process of Aggie Academy, or to any other school by use of passive resistance, noise, threat, fear, intimidation, coercion, force, violence, or any other form of conduct.

Acts prohibited by this rule include, but are not limited to:

- (1) Occupying any school building, school grounds, or part thereof, with the intent to deprive others of its use;
- (2) Blocking the entrance or exit of any school building, corridor, or room with intent to deprive others of lawful access or egress;
- (3) Preventing students from attending a class or school activity;
- (4) Blocking normal pedestrian or vehicular traffic on school premises, except under the direction of the principal; and
- (5) Preventing or attempting to prevent by physical act or any other method the convening or continued functioning of any school, class, meeting, assembly, or other activity on the school premises.

Discipline	
First Offense	Up to 5 days out-of-school suspension and principal may recommend long term suspension
Second Offense	Up to 10 days out-of-school suspension and principal may recommend long term suspension

3C: Unexcused Tardy/Early Dismissal Procedures

Attendance for the full time allotted for classes is essential for student success. Unexcused tardiness/early dismissals cost children valuable educational instruction and interrupt the learning process for other students. Punctuality is an important habit to reinforce at Aggie Academy, and students are expected to arrive at school and class on time and stay for the entire day of instruction (including extended day activities).

3D: False Fire Alarm

No student shall give a false fire alarm or damage a fire alarm, fire detection or fire extinguishing system. No student shall intentionally activate a fire alarm that creates danger to others or causes unnecessary evacuation.

Discipline	Up to 10 days out-of-school suspension
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3E: Violation of Network/Internet Use Policy

- (1) Internet access at Aggie Academy is intended to be used for class participation, educational or career-development research, and other approved access that does not violate school policies, and in accordance with local and state educational objectives. Other uses of Aggie Academy access are inappropriate and not allowed.
- (2) Student-created websites relating to Aggie Academy curriculum must have a sponsoring teacher or faculty member. The teacher or faculty is responsible for monitoring the content of the site and helping the student to update the site regularly. NC A&T and Aggie Academy are not responsible for any student-created and student-maintained web sites that are not related to the classroom curriculum.
- (3) Users are expected to abide by the common rules of network etiquette, as follows:
 - (a) Students should use appropriate language and be polite in communications across the Aggie Academy network or Internet.
 - (b) Students should not disrupt or attempt to disrupt the functioning of the Aggie Academy network communications or equipment in any manner, nor should they gain or attempt to gain unauthorized access to the network or any electronic records maintained by any other organization (hacking).
 - (c) Students should not reveal last names, ages, telephone numbers, or other personal identifying information about themselves or someone else to another person across the Internet or network.
 - (d) Students should not use another person's Aggie Academy network password or give their password to another student for that person's use.
 - (e) Students should not access, publish, save, send or display illegal, defamatory, inaccurate, obscene, harmful, or profane images or text.
 - (f) Students should not violate copyright laws by copying files, programs, or other materials protected by copyright, or by failing to give credit to Internet sources used in their research.
- (4) The following activities and/or materials are specifically not permitted:
 - (a) Using offensive or harassing statements or language including profanity, vulgarity, and/or disparagement of others based on their race, national origin, sex, sexual orientation, age, disability, and religious or political beliefs;
 - (b) Using threatening or obscene material;
 - (c) Vandalizing or attempting to vandalize hardware or software including the creation or spread of viruses and hacking;
 - (d) Spamming (i.e. sending junk mail), political lobbying, advertising or any commercial uses of the network;
 - (e) Wasting limited network resources, including excessive use of the NC A&T network, downloading files, and loading programs or games to the local workstation or the NC A&T network without the prior approval of a teacher or administrator;
 - (f) Arranging/agreeing online to meet someone in person who is a stranger or non-school district personnel;
 - (g) Demonstrating security problems such as distributing someone else's password, personal information, or access to restricted network software to others or failure to notify a teacher and/or staff member when a violation has occurred;
 - (h) Distributing material protected by trade secret;
 - (i) Sending or soliciting sexually oriented messages or images;
 - (j) Sending chain letters or soliciting money for any reason;
 - (k) Changing settings on computers and/or mobile devices without teacher or administrator permission;
 - (l) Tampering with hardware/peripherals; and
 - (m) Disrupting the use of the network.

Discipline	
First Offense	Up to 3 days out-of-school suspension
Second Offense	Up to 5 days out-of-school suspension
Third Offense	Up to 10 days out-of-school suspension and principal may recommend long term suspension

Rule 4: Computer Tampering

No student shall damage or make unauthorized changes to any Aggie Academy computer programs or equipment.

Discipline	
First Offense	Up to 3 days out-of-school suspension
Second Offense	Up to 5 days out-of-school suspension
Third Offense	Up to 7 days out-of-school suspension
Fourth Offense	Up to 10 days out-of-school suspension and principal may recommend long term suspension

Rule 5: Student Dress Code and Appearance

Students shall comply with guidelines for appropriate dress and appearance as outlined in the Aggie Academy Student Dress Code and Appearance Policy.

Rule 6: Tobacco, Lighters, and Matches

No student shall use or possess any form of tobacco product, electronic cigarettes, lighters or matches in any school building, on school grounds, or on any school or activity bus, or at any school related function.

Discipline	
First Offense	Up to 3 days out-of-school suspension
Second Offense	Up to 5 days out-of-school suspension
Third Offense	Up to 7 days out-of-school suspension
Fourth Offense	Up to 10 days out-of-school suspension and principal may recommend long term suspension

Rule 7: Possession of Obscene Materials

No student shall have or possess any obscene literature, photographs, slides, motion pictures, videos, or other materials. Students shall not access, view, or disseminate such materials through use of the Internet at school. Students will promptly disclose to their teacher or other school employee any message or material they unintentionally access that is inappropriate or makes them feel uncomfortable.

Discipline	
First Offense	Up to 5 days out-of-school suspension
Second Offense	Up to 10 days out-of-school suspension and principal may recommend long term suspension

Rule 8: Unacceptable Language, Signs, or Acts

8A: Discourteous, Abusive, or Insulting Language, Signs, or Acts

No student shall use discourteous, abusive, or insulting language, signs, or other acts toward any principal, teacher, or other school employee, student, or person on school premises, buses, or at any school activity.

Discipline	
First Offense	Up to 3 days out-of-school suspension
Second Offense	Up to 5 days out-of-school suspension
Third Offense	Up to 7 days out-of-school suspension

Fourth Offense	Up to 10 days out-of-school suspension and principal may recommend long term suspension
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8B: Communicating Threats

No student shall communicate a threat by words or actions towards any principal, teacher or other school employee, student, or person on school premises, buses, or any school activity. This includes acts of extortion or blackmail.

Discipline	
First Offense	Up to 5 days out-of-school suspension
Second Offense	Up to 10 days out-of-school suspension and principal may recommend long term suspension

8C: Harassment

No student shall direct toward any principal, teacher, or other school employee, student, or person on school premises, buses, or at any school activity any language, signs, or other acts that reasonably place a person in fear of harm, or that are intended to harass or discriminate against a person in violation of the Anti-Discrimination, Harassment, and Bullying Policy.

Discipline	
First Offense	Up to 5 days out-of-school suspension
Second Offense	Up to 7 days out-of-school suspension
Third Offense	Up to 10 days out-of-school suspension and principal may recommend long term suspension

8D: Sexual Harassment

Sexual harassment is prohibited. All students are entitled to work and study in environments that are free of sexual harassment. To this end, students are prohibited from engaging in sexual harassment. When evidence of sexual harassment is established, disciplinary action may be taken, up to and including long term suspension and expulsion.

Discipline	
First Offense	Students who violate this policy for the first time may receive out-of-school suspension up to 10 days for verbal or non-physical sexual harassment. In the case of physical sexual harassment, the student may receive up to 10 days out-of-school suspension and the principal may recommend long term suspension. Students who commit acts of physical sexual harassment may be required to undergo counseling before returning to school.
Second Offense	Any student who violates this policy twice or more during a school year may receive long term suspension or expulsion if permitted by law.

Examples of physical sexual harassment include, but are not limited to fondling, grabbing, pinching, kissing, or any other deliberate, unwelcome, and/or offensive touching.

Examples of non-physical or verbal sexual harassment include, but are not limited to any unwelcome and/or offensive comments or gestures of sexual nature, including:

- Continued or repeated sexual or lewd jokes or comments;
- Sexually degrading words used toward a person or to describe an individual;
- Continued or repeated verbal remarks about an individual's body
- Continued or repeated sexual flirtations advances, or propositions;
- Pressure for sexual activity;

- Suggestions or demands for sexual involvement accompanied by implied or overt promises or preferential treatment or threats; or
- The display of sexually suggestive objects or pictures.

Rule 9: Bullying Student to Student/Employee

No student shall direct toward any principal, teacher, or other school employee, student, or person on school premises, buses, or at any school activity any language, signs, or other acts that reasonably place a person in fear of harm, or that are intended to intimidate, bully, harass, or discriminate against a person in violation of the Anti-Discrimination, Harassment, and Bullying Policy.

Discipline	
First Offense	Up to 5 days out-of-school suspension
Second Offense	Up to 7 days out-of-school suspension
Third Offense	Up to 10 days out-of-school suspension and principal may recommend long term suspension

Rule 9A: Cyber-bullying – Student to Employee

No student shall use an Aggie Academy computer or computer network to do any of the following:

- (1) With the intent to intimidate or torment a school employee:
 - (a) Build a fake profile or web site;
 - (b) Post or encourage others to post on the Internet private, personal, or sexual information pertaining to a school employee;
 - (c) Post a real or doctored image of the school employee on the Internet;
 - (d) Access, alter, or erase any computer network, computer data, computer program, or computer software, including breaking into a password-protected account or stealing or otherwise accessing passwords;
 - (e) Use a computer system for repeated, continuing, or sustained electronic communications, including electronic mail or other transmissions, to a school employee.
- (b) Make any statement, whether true or false, intending to immediately provoke, or that is likely to provoke any third party to stalk or harass a school employee.
- (c) Copy and disseminate, or cause to be made, an unauthorized copy of any data pertaining to a school employee for the purpose of intimidating or tormenting that school employee (in any form, including, but not limited to, any printed or electronic form of computer data, computer programs, or computer software residing in, communicated by, or produced by a computer or computer network).
- (d) Sign up a school employee for a pornographic Internet site with the intent to intimidate or torment the employee.
- (e) Without authorization of the school employee, sign up a school employee for electronic mailing lists or to receive junk electronic messages and instant messages with the intent to intimidate or torment the school employee.

Discipline	
First Offense	Up to 5 days out-of-school suspension
Second Offense	Up to 7 days out-of-school suspension
Third Offense	Up to 10 days out-of-school suspension

Any student who is convicted under N.C. Gen. Stat. § 14-458.2 of cyber-bullying a school employee shall be transferred to another school within the local school administrative unit. Consideration will be given for

placement in an alternative learning program for a finite period. If there is no other appropriate school within the local school administrative unit, the student shall be transferred to a different class or assigned to a teacher who was not involved as a victim of the cyber-bullying. The dean may modify the required transfer of an individual student in writing on a case-by- case basis.

Rule 10: Sexual Misconduct

No student shall engage in sexual misconduct. Sexual misconduct includes, but is not limited to, sexual offenses, consensual sexual activities, inappropriate exposure or fondling of private areas of the body.

Discipline	
First Offense	Up to 5 days out-of-school suspension
Third Offense	Up to 10 days out-of-school suspension and principal may recommend long-term suspension

Rule 11: Theft, Damage to Personal or Real Property or Possession of Stolen Property

11A: Damage to Personal Property Less than \$200

No student shall intentionally damage or attempt to damage personal or real property belonging to another person or the school.

Discipline	
First Offense	Up to 3 days out-of-school suspension
Second Offense	Up to 5 days out-of-school suspension
Third Offense	Up to 7 days out-of-school suspension
Fourth Offense	Up to 10 days out-of-school suspension and principal may recommend long term suspension

11B: Damage to Personal Property in Excess of \$200

No student shall intentionally damage or attempt to damage person or real property belonging to another person or the school

Discipline	
First Offense	Up to 5 days out-of-school suspension
Second Offense	Up to 10 days out-of-school suspension and principal may recommend long term suspension

11C: Injury or Damage to Real Property

No student shall intentionally damage or attempt to damage real property belonging to another person or the school.

Discipline	
First Offense	Up to 5 days out-of-school suspension
Second Offense	Up to 10 days out-of-school suspension and principal may recommend long term suspension
Damages to school property may result in charges being filed and/or restitution being sought	

11D: Theft or Possession of Stolen Property Less than \$200

No student shall steal or attempt to steal personal or real property belonging to another person or the school. No student shall be unlawfully in possession of property belonging to another person or the school.

Discipline	
First Offense	Up to 5 days out-of-school suspension
Second Offense	Up to 10 days out-of-school suspension and principal may recommend long term suspension

11E: Theft or Possession of Stolen Property Valued at More than \$1000

No student shall steal or attempt to steal personal or real property belonging to another person or the school. No student shall be unlawfully in possession of property belonging to another person or the school.

Discipline	
First Offense	Up to 5 days out-of-school suspension
Second Offense	Up to 10 days out-of-school suspension and principal may recommend long term suspension

11F: Malicious Burning

No student shall attempt to burn or intentionally burn any personal or real property belonging to another person or the school.

Discipline	
First Offense	Up to 5 days out-of-school suspension
Second Offense	Up to 10 days out-of-school suspension and principal may recommend long term suspension.

The willful burning of a school building shall be reported to law enforcement.

Rule 12: Fighting and Dangerous Conduct

12A: Fighting

No student shall fight, encourage, or engage in any violent or similar behavior.

Discipline	
First Offense	Up to 5 days out-of-school suspension
Second Offense	Up to 7 days out-of-school suspension
Third Offense	Up to 10 days out-of-school suspension and principal may recommend long term suspension

Rule 12B: Simple Assault on a Student or Non-Employee

No student shall assault. Attempt to assault, or behave in a way likely to cause minor injury to a student or non-employee.

Discipline	
First Offense	Up to 5 days out-of-school suspension
Second Offense	Up to 7 days out-of-school suspension
Third Offense	Up to 10 days out-of-school suspension and principal may recommend long term suspension

Rule 12C: Assault Inflicting Serious Injury to a Student or Non-Employee (No Weapon)

No student shall assault, or attempt to assault, or behave in a way likely to cause serious physical injury to a student or non-employee.

Discipline	Up to 10 days out-of-school suspension and principal may recommend long term suspension
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12D: Assault Inflicting Serious Injury to a Student or Non-Employee (Weapon)

No student shall assault, or attempt to assault, or behave in a way likely to cause serious physical injury to a student or non-employee using a gun or other weapon.

Discipline	Up to 10 days out-of-school suspension. The Dean may recommend long term suspension. Law enforcement shall be notified.
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Rule 12E: Assault on or Physical Injury to a School Employee, School Official, or Volunteer

No student shall assault, attempt to assault, or behave in a way likely to cause physical injury to any school employee, school official, independent contractor, or volunteer.

Discipline	Up to 10 days out-of-school suspension. The principal may recommend long term suspension; must be reported to law enforcement officials.
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Rule 13: Weapons, Firearms, and Dangerous Objects

13A: Possession, Handling, Transportation or Use of Weapons (Not a Firearm) and/or Dangerous Objects

- (1) No student shall possess, handle, transport, or use any weapon or other object that can reasonably be considered or used as a weapon, firearm, or dangerous object on school property or at any school-sponsored activity on or off school property.
- (2) Weapons (not a firearm) and dangerous instruments include, but are not limited to, BB gun, paintball gun, stun gun, air rifle, air pistol, mace/pepper spray or gas (or other chemical of like kind), bowie knife, dirk, dagger, slingshot, leaded cane, switchblade knife, blackjack, metallic knuckles, razors and razor blades, fireworks, or any sharp-pointed or sharp-edged instrument or any look-a-like weapon. Exceptions may include, but are not limited to, instructional supplies, unaltered nail files and clippers, and tools used under supervision for instruction or for the maintenance and preparation of food. The principal shall have the discretion to determine whether pocketknives inadvertently brought to school and not used by the student may be considered exemptions.

Discipline	Up to 10 days out-of-school suspension. The principal may recommend long term suspension; must be reported to law enforcement officials.
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13B: Possession of a Firearm or Explosive Device

No student shall possess or bring a firearm, including but not limited to a handgun, shotgun, rifle, pistol, starter pistol; any device designed to destroy or damage property by explosion, blasting or burning; or any bomb or powerful explosive (including but not limited to, dynamite, nitroglycerin, trinitrotoluene, blasting cap) on school property, or any other powerful device, whether operational or not. No student shall possess or willfully and maliciously use any explosive or incendiary device, firecrackers/fireworks, or material to injure or attempt to injure another or to damage or attempt to damage property.

Discipline	Up to 10 days out-of-school suspension. The principal shall recommend a 365-day suspension; The dean shall have no authority to waive the 365-day suspension. The Chancellor, upon recommendation by the dean, may modify this suspension requirement
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	in writing on a case-by-case basis. Any student disciplined under this section who is 14 years of age or older shall be recommended for expulsion; must be reported to law enforcement officials.
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Rule 13C: Possession of Ammunition

No student shall possess any form of ammunition on school property or during school activities. Ammunition includes, but is not limited to, bullets, cartridges, shells, and pellets.

Discipline	
First Offense	Up to 5 days out-of-school suspension
Second Offense	Up to 10 days out-of-school suspension and principal may recommend long term suspension

Rule 14: Bomb Threats or Bomb Hoaxes

- (1) No student shall make or communicate a bomb threat in any form, including a computer message, or perpetrate a bomb threat hoax by bringing a fake-explosive device, whether openly or concealed, onto school property or to school-sponsored events.
- (2) No student shall make a report by any means of communication, knowing or having reason to know the report is false, that there is located on school property or at a school-sponsored activity, any device designed to destroy or damage property by explosion, blasting, or burning.
- (3) No student shall conceal, place, or display any device, machine, instrument, or artifact on school property or at a school-sponsored activity to cause any person to reasonably believe the same to be a bomb or other device capable of causing serious injury to persons or property.

Discipline	Up to 10 days out-of-school suspension. The principal may recommend long-term suspension; must be reported to law enforcement officials.
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Rule 15: Over-the-Counter Medication

No student shall unlawfully possess, distribute, sell, or attempt to distribute or sell any over-the counter medication. The proper use of a drug authorized by written parental permission shall not violate this section when the person for whom it is intended takes the drug. Parents of students in elementary and middle schools must turn in medication to the appropriate school personnel for safekeeping and dispensing.

Discipline	
First Offense	Up to 5 days out-of-school suspension
Second Offense	Up to 10 days out-of-school suspension and principal may recommend long term suspension

Rule 16: Narcotics, Alcoholic Beverages, Non-Alcoholic/Pseudo-Beer, Controlled Substances, Chemicals, and Drug Paraphernalia

16A: Possession, Use, Distribution, or Sale

No student shall possess, use, distribute, sell, attempt to distribute or sell, transport, or be under the influence of any illegal or controlled substance, or any alcoholic or pseudo-alcoholic beverages. Nor shall any student inhale or ingest any chemical substances or products procured or used with the intention of bringing about a state of exhilaration or euphoria or otherwise altering a student's mood or behavior. Substances include, but are not limited to, narcotic drugs, hallucinogenic drugs, amphetamine, barbiturate, marijuana, anabolic steroid, other controlled substances, any alcoholic beverage, non-alcoholic or pseudo-beer, malt beverage,

fortified wine, other intoxicating liquor, drug paraphernalia, or counterfeit drugs. Forbidden products include any substance used to bring about an altered state of mood or behavior.

Discipline	Up to 10 days out-of-school suspension. The principal may recommend long-term suspension; must be reported to law enforcement officials.
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16B: Prescription Drugs

- (1) No student shall possess, sell, transport, or deliver any non-controlled prescription drugs for which the student does not possess a lawful and legitimate prescription.
- (2) As outlined in the Medication Policy, the proper use of a drug authorized by valid medical prescription shall not be considered a violation when the drug is taken by the person for whom the drug was prescribed. Parents of students in elementary and middle school must provide medication to the appropriate school personnel for safekeeping and dispensing. The only exception is for any student authorized to carry rescue medications such as, but not limited to, asthma inhalers or insulin.

Discipline	Up to 10 days out-of-school suspension. The principal may recommend long-term suspension; must be reported to law enforcement officials.
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16C: Drug Paraphernalia or Counterfeit Drugs

No student shall possess, use, or transmit any drug paraphernalia or counterfeit drugs.

Discipline	Up to 10 days out-of-school suspension. The principal may recommend long-term suspension.
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16D: Under the Influence (But Not in Possession) of Controlled Substance, Alcoholic Beverage, or Non-Controlled Prescription Drug

No student shall be under the influence (but not in possession of) any controlled substance, alcoholic beverage or non-controlled prescription drug for which the student does not possess a lawful and legitimate prescription.

Discipline	
First Offense	Up to 10 days out-of-school suspension and principal may recommend long term suspension
Second Offense	Up to 10 days out-of-school suspension and principal may recommend long term suspension

Rule 17: Violation of Any Criminal Law

No student shall engage in any conduct on or off campus that would be a violation of state or federal criminal law. When considering the suspension or expulsion of a student for the commission of a criminal act on or off campus, the principal shall consider the following factors:

- (a) The nature of the crime and level of offense;
- (b) The age of the student;
- (c) The effect of the crime on the school environment;
- (d) Whether the victim of the crime was a student or school employee; and
- (e) Whether the student's continued presence in school constitutes a clear threat to the safety of other students or employees or constitutes disruption to the school environment.

Discipline	Up to 10 days out-of-school suspension. The principal may recommend long-term suspension.
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NOTE: Student Speech and Expression

Nothing in these rules is intended to limit a student's right to express thoughts or opinions at reasonable times and places, and in a reasonable manner, consistent with the protections of the First Amendment. In general, schools may place restrictions on a student's right to free speech when the speech is obscene, abusive, promoting illegal drug use, or is reasonably expected to cause a disruption to school discipline or operations.

Original Effective Date: August 29, 2022

Authority: Chancellor

Legal References:

N.C. Gen. Stat. § 115C-402(b)

N.C. Gen. Stat. § 116-239.5 *et seq.*, Article 29A

UNC Policy Manual, The Code, Section 502