

Alberta's Amended

SCHOOL ACT

Welcoming, caring, respectful and safe learning environments

DEVELOPING AN EFFECTIVE CODE OF CONDUCT

BACKGROUND

On June 1, 2015, amendments to the *School Act* contained in Bill 10 will come into force. Among other changes, the amended *School Act* places new responsibilities on school boards, parents, and students for ensuring that all students and school staff are provided with a welcoming, caring, respectful and safe learning environment that respects diversity and fosters a sense of belonging.

Section 45.1(2) of the *School Act* requires boards to establish, implement, and maintain a policy respecting their obligation to provide a welcoming, caring, respectful and safe learning environment and this policy includes a code of conduct for students that addresses bullying behaviour. Section 1.1(b.1) of the *School Act* defines bullying as “repeated and hostile or demeaning behaviour by an individual in the school community where the behaviour is intended to cause harm, fear or distress to one or more other individuals in the school community, including psychological harm or harm to an individual’s reputation.”

Section 45.1(3) goes on to stipulate that the student code of conduct:

- a. be made publicly available,
- b. be reviewed every year,
- c. be provided to all staff of the board, students of the board and parents of students of the board,
- d. contain the following elements:
 - i. a statement of purpose that provides a rationale for the code of conduct, with a focus on welcoming, caring, respectful and safe learning environments;
 - ii. one or more statements that address the prohibited grounds of discrimination set out in the *Alberta*

Human Rights Act;

- iii. one or more statements about what is acceptable behaviour and what is unacceptable behaviour, whether or not it occurs within the school building, during the school day or by electronic means;
- iv. one or more statements about the consequences of unacceptable behaviour, which must take account of the student’s age, maturity, and individual circumstances, and which must ensure that support is provided for the students who are impacted by inappropriate behaviour, as well as for students who engage in inappropriate behaviour, and
- e. be in accordance with any further requirements established by the Minister by order.

This document is intended to assist school boards in developing student codes of conduct in accordance with the *School Act*.

PROCESS FOR DEVELOPING A STUDENT CODE OF CONDUCT

When developing a student code of conduct, boards are encouraged to consider recent research and information regarding promoting positive behaviour and addressing negative or inappropriate behaviour. Gathering input from board stakeholders, primarily school staff, students, and parents is an important step in the process. For more information on how to engage school communities, refer to *Collaborating to create a Welcoming, Caring, Respectful and Safe Learning Environment that respects diversity and fosters a sense of belonging*, available at www.asba.ab.ca.

SCHOOL ACT

Welcoming, caring, respectful and safe learning environments

DEVELOPING AN EFFECTIVE CODE OF CONDUCT

CONTENT OF STUDENT CODE OF CONDUCT

Section 45.1(3)(d) of the *School Act* sets out the minimum required content of a student code of conduct. However, it is not an exhaustive list and boards are encouraged to be responsive to the feedback and input from stakeholders in determining what will be included in their student code of conduct. While boards are required to have a student code of conduct as part of their policy on welcoming, caring, respectful and safe learning environments, the board-level code of conduct will likely be broad and may include the development of school-level codes of conduct that reflect the students, staff, and parents of that particular school. Although the code of conduct will address issues such as consequences for unacceptable behaviour, the primary focus of the student code of conduct is to help students learn how to address issues of dispute, develop empathy and become good citizens both within and outside of the school community.

Below is an overview of what is required in the student code of conduct according to the *School Act*.

1. Statement of purpose

The *School Act* requires that the student code of conduct include a statement of purpose that provides a rationale for the code of conduct so that students, parents, and staff understand why a code of conduct exists. Statements of purpose are specific, concise, clear, and goal-oriented. In the context of the student code of conduct, the statement of purpose is positive and reflects the values and principles set out in the school board's policy on welcoming, caring, respectful, and safe learning environments.

Examples of statements of purpose for the code of conduct include:

- To establish and maintain a welcoming, caring, respectful, and safe learning environment for all students and school staff.

- To establish and maintain an appropriate balance between individual and collective rights, freedoms, and responsibilities in the school community.
- To establish and publish expectations for student behaviour while at school, at a school-related activity or while engaging in an activity that may have an impact on others in the school.

2. Statement(s) regarding the *Alberta Human Rights Act*

The student code of conduct includes one or more statements that address the prohibited grounds of discrimination set out in the *Alberta Human Rights Act* ("AHRA"). Section 4 of the AHRA sets out the prohibited grounds of discrimination in the provision of goods, services, accommodation or facilities (education is considered a "service" under the AHRA). The AHRA prohibits discrimination on the basis of an individual's **race, colour, ancestry, place of origin, religious beliefs, gender (including pregnancy, sexual harassment, and gender identity), physical disability, mental disability, marital status, family status, source of income, or sexual orientation**. At a minimum, the student code of conduct must include a statement indicating that discrimination on any of the prohibited grounds in section 4 of the AHRA is unacceptable behaviour and the prohibited ground should be specifically set out. It should be noted that boards' prohibited grounds that will be protected are defined by section 45.1(3)(d)(ii) of the *School Act*, and are not open to board adaptation or interpretation. Therefore all prohibited grounds should be captured in the code of conduct.

Other provisions within the preamble of the AHRA also align well with a board's responsibility to ensure a welcoming, caring, respectful and safe learning environment that respects diversity and fosters a sense of belonging. While not required under section 45.1(3)(d), boards may wish to consider incorporating the following statements into their student codes of conduct as well:

SCHOOL ACT

Welcoming, caring, respectful and safe learning environments

DEVELOPING AN EFFECTIVE CODE OF CONDUCT

- *WHEREAS* it is recognized in Alberta as a fundamental principle and as a matter of public policy that all persons are equal in: dignity, rights and responsibilities without regard to race, religious beliefs, colour, gender, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation;
- *WHEREAS* multiculturalism describes the diverse racial and cultural composition of Alberta society and its importance is recognized in Alberta as a fundamental principle and a matter of public policy;
- *WHEREAS* it is recognized in Alberta as a fundamental principle and as a matter of public policy that all Albertans should share in an awareness and appreciation of the diverse racial and cultural composition of society and that the richness of life in Alberta is enhanced by sharing that diversity.

3. Statement(s) regarding acceptable and unacceptable behaviour

The *School Act* requires that the student code of conduct includes statements about what is acceptable and unacceptable behaviour by students. The *School Act* indicates that these statements apply whether or not the behaviours occur outside of the school building or school hours or where the unacceptable behaviour takes place electronically, provided the behaviour has an impact on the school or individuals in the school.

This part of the code of conduct sets out behavioural expectations for students, including those behaviours that are consistently promoted and modeled by all in the school community – staff, students, and parents. When describing

acceptable and unacceptable behaviour, it is helpful to provide examples and be clear that the code is not an exhaustive list.

When considering what acceptable behaviours should be included in the code of conduct, boards may wish to review section 12 of the *School Act*, which sets out student responsibilities. Failing to comply with section 12 of the *Act* may be grounds for suspension or expulsion under sections 24.1 and 24.2 of the *Act*; therefore, the code of conduct should encourage compliance with section 12. Examples of acceptable behaviours that reflect these responsibilities include:

- Respect yourself and the rights of others in the school.
- Make sure your conduct contributes to a welcoming, caring, respectful and safe learning environment in the school that respects the diversity and fosters a sense of belonging of others in your school.
- Refrain from, report and refuse to tolerate bullying or bullying behaviour, even if it happens outside of the school or school hours or electronically.
- Inform an adult you trust in a timely manner of incidents of bullying, harassment, intimidation or other safety concerns in the school.
- Act in ways that honours and appropriately represents you and your school.
- Attend school regularly and punctually.
- Be ready to learn and actively engage in and diligently pursue your education.
- Know and comply with the rules of your school.
- Cooperate with all school staff.
- Be accountable for your behaviour to your teachers

SCHOOL ACT

Welcoming, caring, respectful and safe learning environments

DEVELOPING AN EFFECTIVE CODE OF CONDUCT

and other school staff.

- Contribute positively to your school and your community.

When addressing unacceptable behaviours, it is important to highlight that students will be held accountable for conduct that occurs outside of the school building or school day and electronically (e.g. social media), if the conduct negatively affects a member of the school or interferes with the school environment. The code may clarify that while school staff are not able to control what students do outside of school, where that behaviour spills into the school environment, there may be consequences for the behaviour. Examples of unacceptable behaviours may include:

- Behaviours that interfere with the learning of others and/or the school environment or that create unsafe conditions.
- Acts of bullying, harassment, or intimidation.
- Physical violence.
- Retribution against any person in the school who has intervened to prevent or report bullying or any other incident or safety concern.
- Illegal activity such as:
 - possession, use or distribution of illegal or restricted substances,
 - possession or use of weapons,
 - theft or damage to property.

4. Statement(s) regarding consequences of unacceptable behaviour

The *School Act* requires that the student code of conduct address consequences for unacceptable behaviour and that these consequences take into account the student's age, maturity, and individual circumstances. In other words, a "zero tolerance" approach to behaviour with a "one size fits all" approach to consequences is not consistent with the amended *Act*. The specific circumstances of the situation and of the student need to be taken into account when determining appropriate consequences. For example, any special needs that the student has – whether they are physical, behavioural, communicational, mental health, trauma, etc. – must be considered.

It is also appropriate for elementary schools and high schools to have different school-level codes of conduct that reflect the different expectations regarding behaviour and appropriate consequences based on the age and maturity of the students.

The student code of conduct also addresses how support will be provided to students impacted by inappropriate behaviour and to those students who engage in inappropriate behaviour. This is significant because while the student code of conduct must address the consequences for inappropriate behaviour, such as bullying, it also ensures that support (not just consequences) is provided to those students that engage in bullying behaviour. Examples of how support could be provided to students that have engaged in bullying behaviour include mentoring, restorative processes, regular check-ins with teachers or schools counsellors, counselling, etc.