

MIDCCS- Code of Conduct

Code of Conduct

Enrollment in Mountain Island Day Community Charter School is a voluntary choice for each student and family. Continued enrollment in the school will be dependent on the student abiding by the standards in the Code of Conduct. Parents of enrolled students are to support and uphold MID's Code of Conduct.

Therefore, each student and parent/guardian will be required to review the Code of Conduct along with the Student Handbook and sign an agreement to comply with the Code. The agreement form is included with the beginning of the year packet. A transfer to another school should be arranged by the student's family if the student and parent/guardian do not agree to standards set forth in Code of Conduct.

The consequences in the Code of Conduct are **recommended responses** and may be adjusted after considering the student and the situation, including the age of the student, severity and frequency of the infractions, and/or the student's disability. Consequences for violating the Code of Conduct should be progressive in nature. Deans and teachers are encouraged to use a full range of discipline responses to student misconduct, such as parental involvement, conferences, isolation or time-out for short periods of time, behavior improvement agreements, instruction in conflict resolution and anger management, peer mediation, individual or small group sessions with the school counselor, academic intervention, in-school suspension (ISS), detention before and/or after school or on Saturday, community service, exclusion from graduation ceremonies, exclusion from extracurricular activities, suspension from bus privileges, or exclusion from school. The MIDCCS Code of Conduct is organized into 5 progressive levels.

Character Education

Character education is the deliberate effort to help people understand, care about and act upon core ethical values. An intentional and comprehensive character education initiative provides a lens through which every aspect of school becomes an opportunity for character development. Benefits include promoting character development through the exploration of ethical issues across the curriculum, developing a positive and moral climate by engaging the participation of students, teachers and staff, parents, and communities, opportunities to teach students how to solve conflicts fairly, creating safer schools that are freer of intimidation, fear and violence, and are more conducive to learning.

Section I – Student/Parent Rights and Responsibilities

Safe and Orderly Educational Environment

Student Rights

- To attend school in a positive educational environment
- To have school staff that is willing to hear the needs and concerns of students
- To feel safe from crime, violence, intimidation, bullying, harassment, racism and other discrimination at school

Student Responsibilities

- To only engage in behaviors which support a positive educational environment
- To express needs and concerns appropriately
- To understand and follow school behavior expectations and to report instances of bullying and dangerous/unsafe situations to school administrators

Attendance

Student Rights

- To be informed of school board policies and school rules about absences, recovery and tardiness
- To arrange to make up classwork/tests for credit within five days of returning from an absence

Student Responsibilities

- To attend school and class daily and to be on time
- To provide documentation of the reason for an absence
- To request make-up work for an absence and arrange to complete it within five days of returning to school

School Counseling Services

Student Rights

- To be informed about school guidance services
- To have access to school counselors
- To request counseling when needed

Student Responsibilities

- To utilize guidance services for educational improvement
- To request counseling or advisement when needed
- To work cooperatively with school staff

Free Speech/Expression

Student Rights

- To express views (in written or verbal form) without being obscene, disruptive, discriminatory or provocative
- To choose to participate in patriotic observances such as the Pledge of Allegiance
- To have religious beliefs respected
- To help develop and distribute publications as part of the educational process
- To be protected from bullying, intimidation, threats, or perceived threats

Student Responsibilities

- To respect the rights of others when they express their views
- To behave respectfully during patriotic observances
- To respect the religious beliefs of others and to refrain from activities that hold religious beliefs up to ridicule
- To follow the rules of responsible journalism under the guidance of an advisor and administrator, including refraining from publishing material that is inappropriate for the school environment
- To refrain from bullying, intimidating and threatening conduct

Privacy and Property Rights

Student Rights

- To have personal possessions remain private unless school staff have reason to believe that there is a threat to school safety, or that a student is in possession of items prohibited by the Code of Conduct, other school policy, or the law
- To have personal property respected

Student Responsibilities

- To keep prohibited items away from school and school functions
- To respect the personal property of others

Safe Harbor Provision

When prohibited items are found or inadvertently possessed on school property or at a school function, students shall immediately notify school staff and surrender the items.

When a student inadvertently possesses an object prohibited by the Code of Conduct, the student shall approach a school staff member and voluntarily surrender the object. The student may not be subject to discipline so long as the object is one that the student could lawfully possess off school grounds.

When a student finds or inadvertently possesses an illegal item (e.g., drugs or weapons) or other contraband, the student shall immediately report the discovery to school staff and surrender the item (if it's in a student's possession). A student will not be in violation of the Code of Conduct solely for making such a report. After a report is made, school officials shall investigate to determine if a violation of the Code of Conduct has occurred. If a student inadvertently possesses or finds a firearm or destructive device, the student will not be subject to exclusion/expulsion if the administration finds 1) the student delivered or reported the firearm or other destructive device as soon as practicable to a law enforcement officer or a school employee and 2) the student had no intent to use the firearm or other destructive device in a harmful or threatening way.

The Safe Harbor Provision may not apply if a search is ongoing in any location at the school, if the object is surrendered during a search, or if the object is not turned in prior to discovery by school staff. With respect to objects that have been turned over to school staff, the parent/guardian must make arrangements to pick up the object from the school, unless it is an object that must be turned over to law enforcement.

Participation in Extracurricular/Co-curricular Activities

Any student subject to the North Carolina High School Athletic Association's eight-semester rule who (1) is convicted of a crime classified as a felony under North Carolina or federal law, or (2) is adjudicated delinquent for an offense that would be a felony if committed by an adult, is not eligible to participate in the North Carolina High School Athletic Association's sports program from the date of the conviction or adjudication of delinquency through the end of the student's high school career. Pending appellate or other post-conviction review of the conviction or adjudication of delinquency does not affect the student's immediate ineligibility.

Student Dress

The dress and grooming of students shall contribute to the health and safety of the individual and promote an orderly educational environment. These standards apply to all students, unless a specific exception is made by the school administrator. Please see the dress code/uniform policy.

Behavior on the School Bus or at the Bus Stop

For the purpose of providing safe transportation for all students, in addition to the other Code of Conduct rules, the following guidelines must be observed:

- Refrain from conduct or behavior that interferes with the orderly, safe and expeditious transportation of bus riders.
 - Obey the bus driver at all times.
 - Act appropriately while waiting for the bus.
 - Give your proper name when requested by the bus driver or monitor.
- Be at the bus stop at least ten minutes prior to a scheduled stop time.
- Ride only on assigned bus.
- Board and depart only at the assigned bus stop.
- Remain seated at all times when the bus is moving.
- Refrain from eating or drinking while aboard the bus.
- Refrain from using cellular telephones and other electronic devices while on the bus.
- Refrain from throwing objects out of windows or exit door.

Violations of these standards, the Code of Conduct, or any behavior which substantially distracts the bus driver and causes, or has the potential to cause, a safety hazard on a bus, may be the basis for suspension from the bus and/or school or revocation of bus-riding privileges.

Conduct While on School Property

Parents are encouraged to be active participants in their child's education. A partnership between parents and the school requires meaningful and appropriate communication. As such, we must be civil in our discourse. This requires that:

1. No one disrupts or attempts to interfere with the operation of a classroom or any other area of a school.
2. School rules for access and visitation are strictly obeyed.
3. Legitimate obligations and time constraints are respected.
4. Information that might help reach our common goal is shared. This includes information about safety issues, academic progress, changes that might impact a student's work or events in the community that might impact the school.
5. Positive interactions with staff, students, and other families within the school community are required to promote a positive learning environment.

In the event of a violation of the above guidelines, the following steps are available:

1. Students who believe they have been treated in an inappropriate manner should report the behavior to the school administrator.
2. Parents/guardians or community members who believe they have been treated in an inappropriate manner should report the behavior to the staff member's immediate supervisor.
3. Employees who believe they have been treated in an inappropriate manner by a student or parent shall report the incident to the school administrator.
4. Anyone on school property may be directed to leave the premises by an administrator or other authorized staff. Anyone who threatens, attempts, or actually disrupts school operations may be directed to leave the premises by an administrator or other authorized staff and may have limitations placed on their campus access. Disruptive behavior is conduct that creates or may reasonably be expected to create a material and substantial disruption to the educational environment or to the operation of the school, or that poses a threat to the safety of students, staff or visitors.

It includes, but is not limited to:

- Profane, discriminatory, lewd, obscene or abusive language, gestures or other written or electronic communication
- Rude or riotous noise
- Disorderly or assaultive behavior
- Vandalism or defacement of public property
- Threats to the health or safety of others
- Any other conduct that violates any applicable law or policies of the Board.

Section II – Disciplinary Response Code Overview

Student disciplinary infractions and associated responses are divided into five progressively severe Tiers. Both infractions and responses are outlined later in this document.

Treatment of Administrators, Teachers and Staff

A student who commits an infraction against or involving an administrator, teacher, or other staff member will be subject to a heightened response. However, the heightened response will not exceed the maximum penalty for the particular rule violation.

Participation in a Rule Violation

A student who participates or conspires with another to violate a rule may be found in violation of the rule. If so, the student will be subject to the full disciplinary consequence for the rule violation.

Conduct Away from School Property

Students may be disciplined for conduct away from MIDCCS property that violates the Code of Conduct and that has or may have a direct and immediate impact on the orderly and efficient operation of the school or the safety of individuals in the school environment.

Truancy

Students between ages 7 and 16, and students younger than 7 who are enrolled in school, are required by law to attend school. In addition to the consequences outlined, the student will be required to make up the work missed and may be subject to the district's attendance recovery procedures. Under NC compulsory attendance statutes, students with more than 10 unexcused absences and/or their parent/caregiver may be referred for prosecution.

Possession of Illegal Substances

The unlawful possession, use or distribution of illicit drugs and/or alcohol by students on school property or at any school function is prohibited. In addition to school consequences, such actions will be reported to local law enforcement and may be required to be reported to the Department of Motor Vehicles.

Possession of Weapons

The possession of weapons by students on school property or at any school function is prohibited. In addition to school consequences, such actions will be reported to local law enforcement and may be required to be reported to the Department of Motor Vehicles.

Personal Technology Devices

A personal technology device (PTD) is a portable Internet-accessing device that is not the property of the school that can be used to transmit communications by voice, written characters, words or images, share information, record sounds, process words, and/ or capture images, such as a laptop computer, tablet, smartphone, cellphone, personal digital assistant or E-Reader. A student may possess and use a PTD on school property, at after-school activities and at school-related functions, provided that during school hours and on a school bus, the PTD remains off and put away. With the approval of administration, teacher may permit students to possess and use PTDs during the school day for educational purposes. Students may not self-elect what deems "educational purposes." "Educational purposes" include student education, research and career development. Possession of a PTD by a student is a privilege, which may be revoked for violations of the Code of Conduct. Violations may result in the confiscation of the PTD (to be returned only to a parent) and/or other disciplinary actions. The school is not responsible for theft, loss or damage to PTDs or other electronic devices brought onto school property or at school-related events. Students permitted to use PTDs during the school day must follow all rules set forth in the technology policy.

Reports to Law Enforcement Agencies

As required by North Carolina law, administrators are required to report the following acts to law enforcement when they have personal or actual notice of the incident and the acts occurred on the school property: "assault resulting in serious injury, sexual assault, sexual offense, rape, kidnapping, indecent liberties with a minor, assault, involving the use of a weapon, possession of a firearm in violation of the law, possession of a weapon in violation of the law, or possession of a controlled substance in violation of the law." (N.C.G.S. § 115C-288 (g)). MIDCCS reserves the right to report any situation/occurrence deemed necessary to law enforcement.

Reports to Department of Social Services

Pursuant to state law, school personnel are required to report any suspected cases of child abuse or neglect to the Department of Social Services. Procedures followed at school when a representative of the Department of Social Services wishes to interview a student who is an alleged victim of child abuse or neglect.

Reports to Department of Motor Vehicles

Pursuant to state law, MIDCCS is required to report the following acts to the Department of Motor Vehicles if the student is the minimum age of 14 or is in the 8th grade or above: possession or sale of alcoholic beverages or illegal controlled substances on school property; bringing, possessing or using a weapon or firearm on school property; and physical assault on school staff on school property when the conduct results in a suspension in excess of 10 days or the student is assigned to an alternative educational setting.

Section III – Disciplinary Responses

The consequences in the Code of Conduct are **recommended responses** and may be adjusted after considering the student and the situation, including the age of the student, severity and frequency of the infractions, and/or the student's disability. Consequences for violating the Code of Conduct should be progressive in nature. Deans and teachers are encouraged to use a full range of discipline responses to student misconduct, such as parental involvement, conferences, isolation or time-out for short periods of time, behavior improvement agreements, instruction in conflict resolution and anger management, peer mediation, individual or small group sessions with the school counselor, academic intervention, in-school suspension (ISS), detention before and/or after school or on Saturday, community service, exclusion from graduation ceremonies, exclusion from extracurricular activities, suspension from bus privileges, or exclusion from school. The MIDCCS Code of Conduct is organized into 5 progressive levels.

Disciplinary Responses:

Level One:

Listed below are some of the options that may be used by the administration in addressing student conduct. This is not intended to be an exhaustive list.

Potential Responses:

- Parent contact
- Student Conference with Administrative Team (teachers, counselors, student success coach, or admin team)
- Parent Conference
- Verbal warning
- Social restriction
- Return of property or restitution for damages
- Suspension from bus
- After-school detention or Saturday school
- Behavior contract
- Referral to Multi-Tiered Systems of Support Team
- In-school suspension
- Confiscation of unauthorized items
- School-based community service/work detail
- Community Service Learning
- Revocation of school-related privileges
- Alternative classroom assignment

Level Two:

Provides interventions and consequences for students who commit infractions of the Code of Conduct such as being chronically disruptive or participating in a first fight that does not result in injury or significant disruption to the educational environment.

Potential Responses: (This list contains some of the options that may be used by the administration in addressing student conduct. This is not intended to be an exhaustive list.)

- Choice of response from Level I
- Suspension from bus
- Temporary or permanent removal from participation in extracurricular/co-curricular programs or activities
- Out-of-school suspension for one to 10 days (parent contact must be attempted and written notice is required)
- Warning of referral to Level III (repeated offenses)

Level Three:

Provides interventions and consequences for students who commit more serious infractions of the Code of Conduct and/or have repeat offenses.

Potential Responses: (This list contains some of the options that may be used by the administration in addressing student conduct. This is not intended to be an exhaustive list.)

- Out-of-school suspension for up to 10 days and a request for a discipline team meeting which may result in additional consequences. (Exclusion/Expulsion)
- Suspension from bus
- Additional consequences under Level I or II may be imposed as appropriate
- Warning of referral to Level IV (for repeated offenses)

Level Four:

Exclusion/Expulsion: The indefinite removal of a student from school and all school properties.

Section IV – Code Of Conduct

Tier 1 Infractions

1. Attendance
 - a. Excessive tardies, late to class, excessive absences.
2. Classroom Procedures Violation
 - a. including, but not limited to, continuing or consistent choices to not follow general classroom procedures
 - b. not bringing classroom materials
 - c. not participating in classroom activities
 - d. not completing work in a reasonable time frame
 - e. talking without permission
 - f. disrupting or distracting in minor ways
 - g. sleeping or having head down
 - h. drinking or eating without permission. Food and beverages are only allowed in approved locations. This includes chewing gum. (Gum is not permitted on campus.)
2. Irresponsible behavior leading to things such as loss or unintentional damage of a student's property, incidental physical contact with or unintentional offense, concern or embarrassment of a student, if to a degree necessary to involve school leadership.
3. Irresponsible behavior, including, but not limited to, acting in a manner that is risky or unsafe for oneself or others, as well as unintentionally causing messes.
4. Dress Code Violation
5. Misuse of Technology: including not meeting the following technology requirements:
 - a. During instructional time, technology must remain silent and away unless explicit staff permission has been granted at that time. "Silent" refers to the absence of any kind of noise generated by the device and "away" refers to the device and accessories being completely out of sight. The instructional time requirement applies to hallways, restrooms, and other areas on campus.

- b. In addition to receiving the recommended disciplinary response, students who are assigned a this infraction will be required to temporarily surrender the device to school leadership. Failure to comply will result in a higher tier infraction. All Technology Policies apply.
6. Cell Phones/Personal Electronics- Cell phones/personal electronics can be a disruption in the classroom and the overall learning environment. They can be used to cheat, violate privacy, view/listen to inappropriate material, cyberbully and simply distract students from school tasks. Therefore:
 - a. Students are not allowed to use their cell phones or other electronic devices (including unauthorized use of headphones, airpods, or earbuds) during the following hours while on campus during academic hours (8:00am-3:20pm)
 - b. Cell phones and personal electronic devices brought onto campus must be powered off and placed in locker and/or cubbies. Devices should be powered off before entering the school building and not be powered back on until after school dismissal.
 - c. Cell phones are not to be used during the school day for any calls or texts, including parents. All phone calls, incoming or outgoing, should be made through the front office. Parents can call the front desk 704-391-5516 to have a message delivered to their child.
 - d. All alarms and programs that could potentially activate a phone must be turned off.
 - e. In addition to receiving the recommended disciplinary response, students who are assigned this infraction will be required to temporarily surrender the device to school leadership. Failure to comply will result in a higher tier infraction. **Refer to cell phone/personal electronic device policy.**
7. Airpods, earbuds, and wireless earbuds and not permitted to be worn. Headphones are only permitted with teacher permission for educational purposes.
8. Campus Procedures Violation, including, but not limited to, not following all procedures for hallway movement, class transitions, lunch, arrival and dismissal, as well as taking unauthorized routes. This also includes unauthorized food orders (Students are not permitted to order food to be delivered during school hours).
9. Failure to Serve Detention (This infraction applies only to middle and high school students).
10. Inappropriate Display of Affection, not including related infractions in higher categories (Middle and high school students are permitted to hold hands and give brief hugs.)
11. Medication: Possession or unsupervised use of non-prescription medicine.
12. Honesty: Making false statements, written or oral, to anyone in authority is prohibited.
13. Student Drivers must visibly display school-issued parking permits and park in designated spaces.

Tier 1 Recommended Responses

- **Minimum: Level 1 Response**
- **Maximum: Level 2 Response (OSS 1-5 Days)**

Tier 2 Infractions

1. Repeated instances of any such behavior as outlined in Tier 1.
2. Disrespect to Adult, including, but not limited to, being slow to comply and arguing or disputing, raising the voice, expressing anger or frustration, using sarcasm, mocking, slandering, ridiculing, insulting, etc.
3. Disrespect to Student, including, but not limited to, unwelcome flirting or propositions, name calling, mocking, ridiculing, insulting, taunting, slandering, retaliating or excluding in any form or for any reason, throwing an object at someone in a way that is not aggressive, interacting with personal property without permission regardless of whether or not damage occurs. Include things like profanity, vulgarity, or discriminatory actions connected to or directed towards a person or shown to a person in a way that is unwelcome or disrespectful. Infractions involving physical contact and/or property damage may receive a higher-level consequence.
4. Disrespect to Student, including posturing, challenging, confronting or provoking. This may also include an attempted or minor physical contact, not serious enough to be considered a related infraction in a higher category.
5. Lying to an adult or failing to provide necessary information, including intentionally withholding information, giving misleading information, impeding an investigation, etc.
6. Leaving class without permission, not including related infractions in higher categories.
7. Supporting, promoting or glorifying offensive, disturbing, unethical or illegal activity through comments, conversations, images, signals, drawings, media, attire, etc.
8. Medication: Possession or unsupervised use of one's own prescription medicine

9. Disruptive behavior that significantly interrupts regular school activity.
10. Cutting class, not including skipping school or leaving campus without permission.
11. Unauthorized interaction with school/staff property in a manner that is intentional but does not directly involve insubordination, theft, or vandalism. This includes intentionally making messes or leaving any area in the school in disarray.
12. Cheating & Plagiarism (See student handbook for definition.)
13. Interfering with a safety drill in any way, including but not limited to acting irresponsibly, failing to follow directions, or causing a disruption.
14. Misrepresentation, including but not limited to falsifying documents, entering an event without having paid the fee, speaking/acting as if you are someone else, etc.
15. Gambling for money or personal property
16. Honesty: Tampering with report cards, official passes, notes or other school documents in any manner, including changing grades or forging names to excuses, is prohibited.
17. Possession of any instrument capable of producing fire on school property or at a school-sponsored event.
18. Violation of the smoke free campus: Possession of tobacco. Regular cigarettes, electronic cigarettes, vapor pens and similar items are not permitted on campus at any time.

Tier 2 Recommended Responses

- **Minimum- Level 1 Response**
- **Maximum- Level 2 Response (OSS 1-10 Days)**

Tier 3 Infractions

1. Repeated instances of any such behavior as outlined in Tier 1 and/or 2.
2. Disrespect to Adult, including, but not limited to, public defiance, failure to comply and/or walking away without permission when being addressed by an adult. This may also include using profanity, vulgarity, discriminatory speech or communicating in a flirtatious or suggestive manner during any interaction with an adult.
3. Disrespect to student, including, but not limited to, unwelcome communication of a sexual nature, particularly in a manner that seems to imply a sexual advance or sexual request.
4. Using or displaying profanity, vulgarity or discriminatory language or gestures. This also applies to audio and video content, as well as content on clothing.
5. Unsafe Action: Student will not commit any action that has the potential to cause danger or physical harm to himself or to others.
6. Aggression to a student, including any type of intimidating or threatening speech, gestures, or similar actions.
7. Assault on a student, including a physical act of anger, retaliation or intimidation such as grabbing, shoving or tackling.
8. Leaving campus without permission or skipping school
9. Congregating around a fight or disruptive activity, as well as identifying or acting with a group to cause disruption, etc.
10. Instigating and/or encouraging others to use aggressive actions.
11. Organizing a disruptive or disorderly gathering, and/or refusing to disperse.
12. Being in an unauthorized area, including, but not limited to, a desk, cabinet, room, building, or fenced-in area at any time when this location is considered off limits. This also includes coming onto campus while suspended. (Excluded students are not permitted on campus)
13. Refusal to allow search of personal belongings, desk, locker, car, or related areas where a student may possess something of concern to administration and where reasonable cause has been established.
14. Lighting a fire in any manner, unless in an approved instructional setting, under staff supervision.
15. Aggression towards a student, including a physical act of anger, retaliation or intimidation such as spitting, smacking, slapping, kicking or hitting with an object not considered potentially dangerous.
16. Misuse of technology, including, but not limited to, any form of hacking of school computers or programs and/or unauthorized access to school records or computer programs. This offense includes technology misuse on school-issued and/or personal devices. All Technology Policies apply.
17. Misuse of technology, including, but not limited to, recording students or staff without permission, taking and/or taking and posting pictures or recordings (audio or video), etc. without school authorization. This does not include related infractions in higher categories. In addition to receiving the recommended disciplinary response, students

who are assigned an infraction at this tier will be required to temporarily surrender the device to school leadership. Failure to comply will result in a higher level infraction. All Technology Policies apply.

18. Reckless Vehicle Use: a student will not operate any motorized or self-propelled vehicle on school grounds in a manner that is a threat to health and/or safety, or a disruption to the educational process. (Driving to school is a privilege, which may be limited or revoked at any time by the school administration.)
19. Possession of profane, vulgar, pornographic or graphically violent materials in any medium, also including such images that may have been drawn or created. This includes, but is not limited to, documents or instructions concerning the creation of and/or use of weapons.
20. Insubordination

Tier 3 Recommended Responses

- **Minimum- Level 1 Response**
- **Maximum- Level 3 Response**

Tier 4 Infractions

1. Repeated instances of any such behavior as outlined in Tier 1 and/or 2, or 3.
2. Disrespect to adult, including, but not limited to, making physical contact with a staff member in a way that is disrespectful but not aggressive.
3. Assault on a student, including a physical act of anger, retaliation or intimidation, such as choking or hitting with or without a weapon, or an object considered potentially dangerous.
4. Fighting, including mutually aggressive physical contact between two or more students. This does not include related infractions in higher categories.
5. Misuse of Technology (school-issued or personal): Communicating threats, or cyber-bullying. This includes instances that take place on school grounds, as well as after school hours, or off campus. Publication of information on the Internet/Social Media Platforms is considered distribution regardless of the location or time that it was published. All Technology Policies apply.
6. Breaking and entering, including acts such as forcibly entering a building, office, classroom, locker room, locker, desk, cabinet, closet, storage containers, etc. (This includes **any** unauthorized entry with or without destruction to property).
7. Theft/Vandalism: A student will not damage, destroy, steal, or possess stolen property of another, including property belonging to the school, staff, students, or other adults on campus or at school-sponsored event or school-related activity on or off school grounds, or participate with others to do so. (Parent/Guardians will be held financially responsible, as allowed by law.)
8. Aggression to an adult, including, but not limited to, posturing, challenging, intimidating or any type of threatening behavior. This does not include related infractions in higher categories.
9. Bullying/Harassment, including, but not limited to, a pattern of negative behaviors directed toward a particular student because of one or more distinguishing characteristics of that student, involving a real or perceived power imbalance and having a negative impact on that student's overall educational experience (Refer also to N.C.G.S. 115C-407.15 and N.C.G.S. 14-458.1.).
10. Consensual sexual activity of any type
11. Indecent exposure, including any public exposure of private body parts to one or more persons in a manner that is irresponsible but does not overtly communicate a sexual message or imply a sexual advance. This does not include related infractions in higher categories.
12. Possession, distribution, sale or use of alcohol, tobacco or similar substances, and/or including being under the influence of such substances. This applies to regular cigarettes, electronic cigarettes, vapor pens and similar items.

Tier 4 Recommended Responses

- **Minimum- Level 2 Response**
- **Maximum- Level 4 Response**

Tier 5 Infractions

1. Repeated instances of any such behavior as outlined in Tiers 1-4.
2. Assault on an Adult, including any physical act of anger, retaliation or intimidation.
3. Verbal communication involving any threat of a severe nature, including social media, that may have a direct impact on school safety and orderly and efficient operation of the school.
4. Affray (Fight involving two or more people in a public place that significantly disturbs others).
5. Disorderly Conduct (Refer to N.C. G.S. 14-288.4.)
6. Possession of chemical or drug paraphernalia.
7. False Alarm, including, but not limited to pulling a fire alarm or calling 911
8. Other illegal acts of similar severity to the infractions in this category.
9. Assault on a Student or Adult, including, but not limited to, a violent attack that may or may not result in serious bodily injury. This may also include actions such as tampering with a person's food or drink in a manner that could cause personal harm.
10. Sexual assault, sexual offense, sexual battery, taking indecent liberties, or indecent exposure that overtly communicates a sexual message or implies a sexual advance.
11. Possession of a weapon, destructive device, or firearm, including toys or look-alike weapons. Prohibited items include, but are not limited to:
 - a. Weapon/Knife
 - b. Box Cutter/Razor Blade
 - c. Bomb
 - d. Ammunition
 - e. Airsoft, BB, or Pellet gun
 - f. Fireworks/Toy Weapon/Look-alike weapon
 - g. Any object or substance that could cause injury including but not limited to, slingshots, ice picks, multi-fingered rings, metal knuckles, nunchucks, Bowie knives, dirks, daggers, lead canes, switchblade knives, clubs, stun guns, starter pistols, BB guns, flare guns, air rifles, air pistols, airsoft pellet guns or paintball guns, mace, fire extinguishers and/or the use of any object or any substance that will potentially cause harm, irritation or bodily injury.
12. Medication: Possession, distribution, sale or use of another person's prescription drugs, marijuana or a controlled substance, including being under the influence of such substances (also applies to counterfeit drugs). This also applies to the distribution or sale of a student's own prescription drugs.
13. Bomb Threat or similar threat, even if a false alarm.
14. Arson of any type or of any scope.
15. Gang activity or gang-related activity. This includes clothing, communicating either verbally or nonverbally to convey membership affiliation in any gang, or promoting gang affiliation.
16. Robbery/Extortion: A student will not take or attempt to take another students' property by intimidation, blackmail, force, or violence.
17. Persistently dangerous student.

Tier 5 Recommended Responses

- **Minimum- Level 3 Response**
- **Maximum- Level 4 Response**