

## **ANNEXE II: CORRECTIVE MEASURES FOR PUPILS**

All means available must be used so that the pupils are happy at the school: because they are appreciated, because they are always told what is right and what is wrong and because they are reprimanded but they are understood. The entire educational community must know about the Convention on the Rights of Children.

The measures to promote coexistence are inspired in mediation as a means for the peaceful resolution of conflicts and in the commitment of the pupils' families, for their guidance and to stimulate them, and when necessary, for the corresponding corrective measures.

The following corrective measures will be applied to the pupils both at the college and in their most immediate environment, and in the out of school activities organised by the college: cultural outings, exchanges, vacation courses, camps, transport organised by the school, etc.

Every year, at the beginning of the course, the pupils and their parents will be reminded in a positive manner, from the 1<sup>st</sup> year of ESO to the 2<sup>nd</sup> year of high school (Bachillerat) those actions considered as serious offences in terms of coexistence, and the corresponding punishments.

The corrective measures will be related to the offence committed, both with respect to severity and suitability (they must help in the acquirement of the virtue that was lacking).

In the majority of cases, the manner of correction or the provision of a reward will be through a personal interview in which the tone of the conversation, the interlocutor and the contents will be measured in response to the actions committed. Teaching a person to apologise, to repent, and to re-evaluate what they have done, will be the aims of this interview.

The corrective measures will never be of a physical or humiliating nature. 'Lines' will never be assigned as a punishment. The requirement of a written work that helps the pupil to reflect on an error committed may be useful, so eliciting proposals for personal improvement, the same goes for subject-related work.

Any member of the faculty must personally correct any incorrect action made by any pupil at the school and he must notify the council of the section with respect to the actions or offences. If he does not consider the action or the decision of the Section Council to be appropriate, he may appeal to the Board of Governors.

### **A. THE APPLICATION OF SANCTIONS**

#### **A-1. Circumstances that may reduce or increase the gravity of the actions undertaken**

1. **Some circumstances may reduce the seriousness** of pupil behaviour that contravene rules on co-existence. They are the following:

- a) The immediate and independent acknowledgement by the pupil of his incorrect conduct.



- b) Not having committed prior offences or behaviour contrary to co-existence and the school.
- c) Excuses/justifications in the event of insults, offence or the alteration of the undertaking of school activities.
- d) Non-intentionality.

2. **Those circumstances that may increase the seriousness** of pupil behaviour that contravenes rules on co-existence are:

- a) Those that cause damage, injury, or offence to younger classmates or those who have recently entered the school.
- b) Those that reveal pre-meditation, re-incidence or recurrence of misbehaviour.
- c) Those that involve collective action or which involve manifest public misbehaviour.
- d) Those that attack one-person or collegiate bodies of the school or its teaching staff.

3. Circumstances considered to be particularly serious are those that, by their nature, involve discrimination on the grounds of birth, race, gender or personal or social status.

4. Those circumstances that may lead to a reduction or increase in the gravity of the sanctions may involve the adoption of procedures, corrective measures and sanctions of different types.

**A-2. The following criteria must be taken into account when applying sanctions to correct misbehaviour:**

- a) The personal, family and social circumstances of the pupil in question and their age.
- b) The proportionality of the sanction with the behaviour or act that motivated it.
- c) The impact of the sanction on the improvement of the educational process of the pupil in question and the other pupils.
- d) The existence of an explicit agreement with the parents or legal guardians, as part of the educational commitment charter signed by the family, in order to administer the sanction in a shared manner.
- e) The objective impact of the action being sanctioned in the life of the school.
- f) The re-incidence or recurrence of those actions being sanctioned.

## **B. THE AREA OF THE SANCTION**

1. Behaviour and actions that contravene pupil co-existence are subject to correction by the school if they take place on school premises or during the undertaking of curricular, additional or extracurricular activities, or during the provision of school dining or transport services, or other similar services organised by the school: retreats, courses, camps, etc.

2. The adoption of corrective measures and sanctions are applied to the acts of pupils that, even though undertaken off school premises and outside of school hours, are motivated by, or are directly related to and affect other pupils and other members of the educational community, and in which the pupil's relationship with the school is evident, e.g. acts carried out while wearing school uniform.



## **C. BEHAVIOUR IN CONTRAVENTION OF SCHOOL CO-EXISTENCE RULES**

### **C-1. Behaviour in contravention of co-existence and slight offences**

1. The behaviour of pupils that contravenes rules of co-existence or slight offences and which deserve correction measures are as follows:

- a) Unjustified late arrivals with respect to the school timetable.
- b) Unjustified non-attendance of class or other activities organised by the school
- c) Any incorrect or inconsiderate act with respect to other members of the educational community.
- d) Any unjustified act that may alter the normal undertaking of school activities, especially evaluation activities.
- e) The non-serious, intentional damage of school property (facilities, material) or of objects and belongings of other members of the educational community.
- f) Undisciplined acts that, in the view of the teacher in question, are not of a serious nature.
- g) Insults, offensive behaviour, threats, harassment or the humiliation of any member of the educational community of which violate their privacy, even when undertaken using the social networks, when not considered to be serious.
- h) The taking, storage, processing or publication by analogical or digital means of personal information, including images, videos, animation, texts or the voices of members of the educational community, without their express consent, when not considered serious.
- i) The personal, non-educational use of multimedia devices is not included at the school (mobile phones, music devices, etc.).
- j) Not wearing the uniform established for each school term without reason. Also considered an aspect of uniformity is a haircut style that is not outlandish: excessively long, dyed, crests, etc., earrings, piercings and tattoos are not permitted either.

### **C-2. Corrective measures for behaviour contrary to co-existence rules**

1. The corrective measures with respect to behaviour that contravenes the school's coexistence rules are the following, in accordance with the circumstances:

- a) Corrective measures that may be applied by any teacher:
  - Spoken reprimand.
  - Immediate appearance before the Head of Section.
  - Prohibition from break periods.
  - A written reprimand, which will be made known to the pupil, and if under the age of 18, the parents or legal guardians.
  - In the case of inappropriate use of multimedia and similar devices, the device in question will be confiscated for at least 24 hours. Persistent misbehaviour regarding the use of these devices will be considered a serious offence.
- b) Corrective measures that, having listened to the pupil, the Head of Section may apply, after consulting the Head of Studies and/or the Director:
  - The undertaking of educational tasks for the pupil outside of school hours and for a period of no more than two weeks.
  - The suspension of the right to participate in non-class activities at the centre for a maximum period of one month.
  - Changing group for a maximum period of one week.

- The suspension of the right to attend determined classes for a period of no more than five class days, during which the pupil will remain in the school and will undertake the academic work assigned to him.
- Whenever possible, socially-useful activities for the school.
- The establishment of determined obligations for the family as part of the educational commitment charter. Of any corrective measure of those detailed in Section b) of the section above, written verification of this must be provided in the pupil's academic records, the pupil must be informed of this and, if under the age of 18, this applies to his parents or legal guardians.

### **C-3. Complaints against corrective measures**

The pupil, or if he is under the age of 18, his progenitors or legal guardians, may appeal against the corrective measures imposed in the terms established in this rule. The complaint/appeal will be made before the Director of the school, who will deal with the complaint in a reasoned manner.

### **C-4. The period of limitations (prescription) of corrective measures**

Behaviour that contravenes school co-existence rules will subject to sanction for a period of one month, counted from when the offence was committed. The period in which the protective measures assigned may be applied is for a period of one month from their imposition.

## **D. BEHAVIOUR PREJUDICIAL TO CO-EXISTENCE AT THE SCHOOL**

### **D-1. Behaviour that seriously affects co-existence in the school or serious misconduct**

Pupil behaviour that is seriously harmful to co-existence will be considered as serious misconduct and are considered to be the following:

- a) Serious acts of indiscipline, insults, offensive behaviour, physical aggression, threats, the changing or theft of identity, harassment and humiliation to/of any member of the educational community, intentional damage to their belongings and acts that seriously affect their privacy or personal integrity, including those undertaken using digital networks and/or technological devices.
- b) The serious and unjustified disruption of normal school activities, especially those of evaluation.
- c) The forgery or theft of documents and academic materials and identity theft in school activities, including identity theft on computer networks.
- d) Theft or intentional severe damage with respect to school property and equipment, its material and the belongings of others.
- e) Acts or the possession of means or substances that may be harmful to the health or the incitation to such acts and especially incitation to the consumption of drugs and alcohol.
- f) Repeated acts against the school's co-existence rules.
- g) Actions and incitation to actions that are harmful to the health and the personal integrity of members of the school's educational community.
- h) The taking, storage, processing or publication by analogical or digital means of personal information, including images, videos, animation, texts or the voices of members of the educational community, without their express consent, when serious consequences result for them from this action.
- i) Serious actions against the character of the school itself.
- j) Leaving the school during class hours without permission.



- k) Any other actions that, due to the damage caused to the educational community in any manner, may be considered to be serious.

Acts or behaviour that involve discrimination due to gender, race, birth or any other personal or social condition of those affected must be considered to be especially serious. Especially when undertaken against more vulnerable pupils, due to their personal, social or educational characteristics.

## **D-2. Corrective measures for behaviour that is seriously harmful to co-existence at the school**

1. The imposition of sanctions for conduct that is seriously harmful to co-existence at the school and which is considered as serious misconduct in the article above, will correspond to the School Director, who is responsible for imposing the sanction in the resolution of the proceedings initiated for this purpose. The Director, once informed, may delegate this responsibility to the Head of Studies or the Head of Section.

2. Those sanctions that may be imposed for offences that are considered to be serious are as follows:

- a) The suspension of the right to take part in non-class, extra-curricular or additional activities.
- b) Suspension of the right to attend at the centre or at determined classes, in both cases for a maximum period of three months or for the time remaining until the end of the academic course, if this is less than three months.
- c) Permanent disqualification from taking courses at the school.
- d) The undertaking of educational tasks for the pupil, during class hours and for a period of no more than one month.
- e) Economic compensation for the damage caused to school material or to the belongings of other members of the educational community.
- f) The undertaking of socially-useful activities for the school.
- g) The replacement or return of that which has been stolen.

3. The pupil for whom proceedings have been opened, in the terms established in this regulation, and which have resulted in a sanction of any kind, may not be a member of the Course Council either during the course or in which the proceedings have been initiated or in the following course.

4. The sanction of a pupil with the suspension of the right to take part in determined educational activities, will not involve the loss of the right to continual evaluation, nor the obligation of the pupil to undertake determined academic projects. To this end, the tutor will provide the pupil with a work plan for the activities that he needs to complete and the teacher will establish the manner in which this will be monitored and controlled while the pupil is not attending the centre. This work plan may consist in the undertaking of reading and exercises and in the study of topics, etc.

5. In order to guarantee the educational effects of the application of those sanctions that involve the loss of the right to attend the school (temporarily) during compulsory school periods, agreement will be sought with the father/mother or legal guardian. When such an agreement cannot be reached, the resolution resulting from the sanction will express the reasons that have prevented this process.

6. The sanction of permanent disqualification – preventing the pupil from taking courses at the school in compulsory school periods, must ensure that the pupil has a place in another school.



The Department of Education must provide that which is necessary when the affected school cannot directly manage the new educational process of the pupil in question.

7. When the sanctions established in Sections a) and b) of Article D-2 punt 2 are imposed, and at the request of the pupil, the School Director may lift the sanction or agree to readmission, after a positive change has been noted in the attitude of the pupil in question.

### **D-3. The application of sanctions for serious offences**

1. Offences considered to be serious may be subject to a sanction with a preliminary investigation. The investigation of the case will be made in the manner detailed in Section D-4.

2. When alleged offences that are seriously harmful to coexistence are suspected and the pupil - who is a minor - and his family immediately recognise that the acts have been committed and accept the corresponding sanctions, the school authorities will reach an agreed solution and directly impose and apply the sanction. However, written proof of the acknowledgement of the offence committed must be provided in writing, as well as the acceptance of the sanction, by the pupil, and for minors, by the father, mother or legal guardian. Two copies of the letter will be made, which, after being signed by both parties, one copy will be for the family and the other for the school.

### **D-4 Sanctioning procedure**

1. The School Director is responsible for initiating proceedings, either on his own initiative or on the proposal of any member of the educational community. On initiating proceedings, the Director or management member whom he delegates, who is normally the Head of Studies or the pupil's Head of Section:

- a) Will inform the affected pupil and, in the case of minors (under 18) the parents or legal guardians.
- b) Will appoint an examining officer from the teaching staff. The affected pupil, and in the case of minors under 18, the parents or legal guardians as well, will also be able to challenge the examining officer. If this is the case, they will present the request, which must be reasoned, to the Director, who will resolve it.
- c) In order to formalise the proceedings, he will draft a document that will include:
  - The date, data of the school, the Director and the pupil.
  - Details of the alleged conduct.
  - The assumed responsibility of the student.
  - The appointment of the examining officer.
  - The possibility of challenging the examining officer.
  - Where applicable, the provisional measures contemplated in the section below.

d) In order to prevent further problems for the education of the pupils affected or to the rest of the pupils at the school, on initiating proceedings, the school authorities may apply, in an exceptional manner, the provisional suspension of class attendance for at least three class days, which may be extended to a maximum period of twenty class days, and which must be established in the decision of the authorities initiating the proceedings. This suspension may involve non-attendance, or if not, the pupil will have to come to school, but may not participate in class activities with his group, when the provisional suspension of class attendance is applicable. In all events, in the provisional suspension of class attendance, which must be considered as part of the punishment, those activities and educational measures to be carried out during this period must be determined.



2. The examining officer will undertake the actions he deems necessary in order to clarify the facts and determine responsibilities. All the actions of the examining officer must be undertaken, taking into account the principle of the reasonable protection of personal information that appear in the proceedings.

3. The examining officer, having gathered all the information, will draft a proposal for provisional resolution, which will include:

- The date, the identification of the centre, the examining officer and the pupil
- The alleged acts.
- The responsibility of the pupil involved.
- The proposal of the sanction.
- Where applicable, the socially-useful acts for the school.
  - Where applicable, the restoration or repair of the damage or materials affected by the acts being sanctioned.
- The possibility of presenting statements.

- 4. **Hearings procedures and interview.** Notwithstanding other actions of the hearing proceedings that may be considered appropriate, before determining the definitive proposal for the decision, the investigator for the proceedings must hold a hearing with the pupil involved and with the parents or legal guardians, and show them the case file that has been completed to the proposal of the provisional resolution so that they can agree to that established in the case file and put forward or assert their case. The period established for the presentation of the case file is five class days, written proof of this procedure must be provided. The period for presenting assertions will be an additional period of five days more. Written proof will be provided of this procedure.

5. The examining officer will evaluate the pupil's statement and, if under 18 years of age, that of the parents or legal guardians, and he will draft a proposal for resolution, which he will communicate to the Director and which will include:

- The date, the identification of the centre, the examining officer and the pupil
- The alleged acts.
- The responsibility of the pupil involved.
- The proposal of the sanction.
- Where applicable, the socially-useful acts for the school.
  - Where applicable, the restoration or repair of the damage or materials affected by the acts being sanctioned.
  - Where applicable, the statement presented by the family and its evaluation.

6. The Director will evaluate the document and will draw up a **resolution**, which he will communicate to the pupil and in the case of minors under the age of 18, the parents or legal guardians. This document will inform the family of the procedures open for review, complaint and appeal. The definitive resolution will contain at least, the following information:

- The date, the identification of the centre, the examining officer and the pupil
- The alleged acts.
  - The evaluation of the responsibility of the pupil, specifying, where applicable, the circumstances that may increase or reduce the seriousness of his action.
- The proposal of the sanction.
- Where applicable, the statement presented by the family and its evaluation.
- The sanction, including, if applicable, the provisional measures already undertaken.



- Where applicable, the socially-useful acts for the school.
  - Where applicable, the restoration or repair of the damage or materials affected by the acts being sanctioned.
  - The specification of the responsibility of the School Director in the imposition of the pertinent sanctions.
- The possibility of a review, filing a complaint or appealing against the decision.

7. The pupil, or in the case of minors under 18, the parents and legal guardians as well, may request the review of the case by the School Council. The term for presenting the review is three class days, and the term for resolving the matter is five class days. If this is the case, the School Council will review the investigation of the case and will issue those considerations that it considers appropriate with respect to the responsibility of the pupil and the sanction. If they do not request the revision procedure, the case will continue as for normal proceedings.

8. If the review procedure has been undertaken, the Director, in view of the considerations, will make a **definitive resolution**, which may involve the modification of the sanction or other measures. If the review procedure has not taken place, the definitive resolution will be considered to be the final decision, and which will contain:

- The date, the identification of the centre, the Director and the pupil
- The acts alleged in the proceedings.
  - The infractions resulting from this act.
  - The evaluation of the responsibility of the pupil, specifying, where applicable, the circumstances that may increase or reduce the seriousness of his action.
- The proposal of the sanction.
- Where applicable, the statement presented by the family and its evaluation.
- The definitive sanction, including, if applicable, the provisional measures.
- Where applicable, the socially-useful acts for the school.
  - The specification of the responsibility of the School Director in the imposition of the pertinent sanctions.
- The possibility of a review, filing a complaint or appealing against the decision.

#### **D-5. Actions in the event of criminal offences or misdemeanours**

1. In the event of any action that may constitute a criminal offence or misdemeanour, the School Director will notify the pertinent public prosecutor and the Regional Education Office. This will not hinder the processing of the case to its resolution and the imposition of the sanction, if necessary.

2. Those pupils who intentionally or through negligence, cause damage to the facilities or materials of the centre, or who take material, must repair the damage or replace what they have taken, notwithstanding the civil responsibility that corresponds to them, or to the mother, father or legal guardian, in those terms established by law.

#### **D-6. Complaints against the decision to apply disciplinary proceedings**

1. Against the final decision of the School Director; complaints may be lodged before the Director of Regional Services in a period of five days.

2. Against this decision: interested parties may lodge, within a maximum period of one month, an appeal to the General Directorate of Private Schools or the body that replaces it.





3. The sanctions agreed upon may not be made effective until the appeal has been resolved or the term for their filing has expired.

## **D-7. The expiration of offences and sanctions**

1. The offences and sanctions expire, respectively, three months after being committed and on their imposition.

## **D-8. Communication to a family in case proceedings**

1. When due to the adoption of corrective measures or the investigation of a case, the parents or legal guardians cannot be contacted by mail or telephone, the school will be able to apply several of the following procedures:

- A registered letter to the address, which is entered into the enrolment data.
- A registered letter 'Burofax' to the address provided in the enrolment data.
- Phone calls at different times and in the presence of witnesses, to the telephone number provided in the enrolment form.
- An SMS to a telephone number that has been provided as a family number, in the presence of witnesses.
- An email to the address provided to the school.
- Other suitable means.

2. If the parents or legal guardians cannot be contacted after having applied more than one of the above procedures, the school will adopt the corrective measures or will continue to process the case.

3. If the parents or legal guardians cannot be contacted, any later procedure signed by the family in which proof is given of having undertaken a procedure previously, will be used as proof.

4. When the family cannot be contacted, the corresponding document will mention the difficulty encountered in doing so and the means that the school has employed.

5. When, in the course of an investigation of a case, the pupil, (or where under 18 the parents or legal guardians) do not wish to sign the corresponding documents on the undertaking of some of the procedures, the signature of a witness will be requested, which confirms that this procedure has been carried out and in which the refusal of the interested party to sign it is stated.