

## POLICY

### *Safe and Supportive Environment: Behaviour* **SUSPENSION AND EXPULSION**



#### **This policy addresses issues in relation to: Safe and Supportive Environment – Student Welfare 3.6.2 Discipline – 3.7.1**

The College's policies, which are made from time to time, are made pursuant to the registration requirements as detailed by the NSW Education Standards Authority (NESA) and any appropriate legislation as an Independent School in NSW.

## PURPOSE

The most serious disciplinary sanctions against a student enrolled at the College are suspension or expulsion and the College acknowledges the need to ensure these sanctions are imposed only after a correct procedure is observed.

Students at our college abide by the College's Behaviour Management Policy, the Student Code of Conduct and follow the directions of teachers, coaches and other people with authority delegated by the college.

This Policy articulates the context in which the College exercises its right to suspend or expel a student. It also describes the Procedure observed by the College when suspending or expelling a student. Whilst describing the significant elements of that Procedure it is not intended to be exhaustive or overly prescriptive particularly in respect to the time period in which the Procedure may take place.

### **1. Legal Obligations** **Education Amendment (Non-Government School's Registration) Act 2004**

NESA has set out its expectations of Non-Government Schools registered by the NSW Minister for Education in its Manuals, viz:-

*NESA Manual for Registration and Accreditation of Non-Government Schools*

#### *3.7 Discipline*

*3.7.1. A registered non government school must have Policies relating to discipline of students attending the school that are based on principles of procedural fairness.*

*3.7.2. A registered non government school must have Policies related to discipline of students attending the school that do not permit corporal punishment of students.*

### **2. Contract with Parents**

Each student's parents or guardians have entered a contract with the College. The terms of this agreement can be found on the College website.

### **3. Risk Management in Respect to Suspension and Expulsions**

Safeguarding the welfare of all students in the College's care is of paramount

importance to the College. The adverse impact the suspension and/or expulsion can have on a student is not underestimated. Equally, the College recognizes that each student, staff member or visitor to the College has a right to undertake their activities at the College in an appropriate environment and that the behavior of a student cannot be permitted to place that in jeopardy.

The College reserves the right to deal with a student who disregards rules, disobeys instructions or otherwise engages in conduct, which causes or may cause harm, inconvenience or embarrassment to the College, staff members or other students, the students may be subject to disciplinary action, which may include suspension or expulsion.

Of these two sanctions, suspension is far less serious and may be for a period as little as one day. The College often needs to impose this measure almost immediately in certain circumstances in order to ensure the benefit to the student, his/her fellow students, staff and the College. Therefore, the College reserves the right to pursue the Procedure below in a more expedient manner in light of all the circumstances leading to a suspension.

#### 4. Definitions

**Suspension** is a temporary removal of a student from all of the classes that a student would normally attend at a college for a set period of time.

**Expulsion** is the permanent removal of a student from one particular college.

**Procedural fairness** is a basic right of all when dealing with authorities. Procedural fairness refers to what are sometimes described as the 'hearing rule' and the 'right to an unbiased decision'.

**'Hearing rule'** includes the right of the person against whom an allegation has been made to:

- know the allegations related to a specific matter and any other information which will be taken into account in considering the matter
- know the process by which the matter will be considered
- respond to the allegations
- know how to seek a review of the decision made in response to the allegations

**'Right to an unbiased decision'** includes the right to:

- impartiality in an investigation and decision-making
- an absence of bias by a decision-maker

The college reserves the right to make decisions about disciplinary measures and enrolment status based on evidence.

#### 5. Procedural Fairness in the context of our College

The College's Behaviour Management policy and processes are based on procedural fairness in that:

- The disciplinary procedures undertaken by the College vary according to the seriousness of the alleged offence. Where the allegation, if proved, may result in suspension or expulsion, the student and parents will be informed of the allegations and procedural steps to be followed in dealing with the matter.
- The penalties imposed will vary according to the behaviour and prior record of the student. For minor breaches an admonition may be deemed appropriate. For severe breaches, the behaviour could result in suspension, long suspension or expulsion.
- In matters where a long suspension or expulsion is contemplated, an offer to

have a support person/observer at formal interviews will be made. The key points of the interview/discussion will be recorded in writing.

- Different people will carry out the investigation and decision-making.

In accordance with the 'hearing rule', where the offending behaviour is of such a nature that it may result in a long suspension of ten (10) days or more, or expulsion, the student will be:

- Informed, in writing, of the allegation/s related to an infringement and any other information which will be taken into account in considering the matter
- Informed, in writing, as to who will make the decision regarding consequences
- Informed, in writing, of the procedures to be followed which will include an opportunity to have a parent or guardian present when responding to the allegations
- Informed, in writing, regarding the procedure which needs to be undertaken when seeking a review of the decision made in response to the allegations.

In ensuring the 'right to an unbiased decision' the College makes certain that as far as possible, the investigation shall be impartial and without bias by those making both the allegation and the decision. The College will ensure proper investigation of the allegations made, that relevant parties are heard and relevant submissions considered.

It should be duly noted that a suspension is not intended as a punishment. It is only one strategy for managing inappropriate behaviour within a college's student welfare and discipline policies. It is most effective when it highlights the parent's responsibility for taking an active role, in partnership with the college, to modify the inappropriate behaviour of their child. The college will work with parents with a view to assisting a suspended student to rejoin the college community as quickly as possible. Suspension also allows time for college personnel to plan appropriate support for the student to assist with successful re-entry.

## PROCEDURE

### 1. Grounds for Suspension

A student may be suspended if, whilst attending college, travelling directly to or from college, or engaged in any activity, the student:

- Behaves in such a way as to constitute a danger to the health of any staff member, student or any other person assisting in the conduct of college activities
- Commits an act of significant violence; or causes significant damage or destruction to property; or is knowingly involved in the theft of property
- Possesses, uses, or deliberately assists others to use illegal drugs or substances prohibited by law
- Possesses or uses alcohol
- Exhibits a consistent attitude, or performs a significant act, of deliberate defiance which could endanger the student or others
- Consistently behaves in a manner that interferes with the educational opportunities of any other student or students
- Behaves in a way which significantly interferes with any of the college's programs or facilities
- Engages in unacceptable discriminatory behaviour (including harassment) towards another person based on sex, race (including colour, nationality and ethnic or national origin), marital status, the status or condition of being a parent, the status or condition of being childless, religious beliefs, political beliefs, or physical or mental disability or impairment
- Deliberately and consistently fails to take advantage of educational

opportunities provided by the college

## **2. Grounds for Expulsion**

The Principal will make a final determination and advise the college Board that they have made this determination to expel a student if, whilst attending college, or directly travelling to or from college, or engaged in any activity away from the college, the student:

- Does anything mentioned under Grounds for Suspension; AND
- Exhibits behaviour of such magnitude that, having regard to the need of the student to receive an education, compared to the welfare and safety of other students at the college, and the need to maintain order and discipline within the college, a suspension is inadequate to deal with that behaviour.

NOTE: The Principal may also expel a student who is over 17 years of age for unsatisfactory participation in learning.

## **3. Procedure in Respect to Suspension and Expulsion of Students**

The following is a summary of several steps that the College observes to seek to ensure natural justice when the suspension or expulsion of a student is a possible outcome of a disciplinary process. The College is mindful of the practical constraints upon it when seeking to observe all aspects of the following Procedure caused by some parents not generally being immediately available. The College does undertake to ensure a parent is informed, at the earliest opportunity, of developments in respect to the suspension or expulsion of their child along with a parent's involvement, where possible in this Procedure. In the absence of a parent, the Student's Mentor would be closely involved in the Procedure.

- 3.1. The Principal or his/her appointed delegate is notified by a staff member that an incident has occurred. The Principal or his/her appointed delegate will advise the Staff Member on this Procedure ensuring that students feel safe and supported during the investigation process.
- 3.2. All students involved shall be informed of the process by which the matter will be considered.
- 3.3. Witness Statements will be collected by the investigating Staff Member. An incident report will be completed by the investigating Staff Member. During this time, student(s) may be withdrawn from class in a "time out" capacity for the duration of the investigation.
- 3.4. Student and their parents shall be informed of the allegation against the student, whilst protecting the identity of witnesses providing evidence, as far as possible. Students and their parents shall be informed of the likely consequences of the student's misconduct; or of continuing, or escalating, behaviour.
- 3.5. At the conclusion of the initial investigation, The Principal or his/her appointed delegate will be provided with the paperwork. At this stage clarity may be needed and the Principal will ask the investigating teacher to ask further questions. All relevant evidence will be considered, with a view to making a finding on the balance of probabilities, as to what happened.
- 3.6. Students and parents shall be given opportunity to provide a response. That response may be in the form of an explanation, new and additional information not known to the College or other mitigating information. Parents have 24 hours to respond. The response may be in writing, via phone conference or face to face meeting. During this period, the student may be asked to either work in a buddy class at college or stay at home.
- 3.7. Student and their parent shall be informed of the outcome in writing, with information regarding the incident, sanction time, right to review information, and re-entry to college meeting time.

It is important to note the following:

- Interpreter services will be provided for parents if required.
- Where an interview concerns a serious matter, a long suspension or possible expulsion, a support person may attend formal interviews.

#### 4. The Right of Review of a Suspension/Expulsion

If a Parent/Guardian feels the suspension/expulsion is unfair or the procedure has not been followed, the review process can be instigated. This adds another element of fairness.

- Once a decision has been made, the student and parent/s will be informed of the decision and recommendations in writing.
- The parents may make representations to the Principal or his/her appointed delegate in respect of the finding and recommendation. This must be done in writing and within two days of the initial notification being presented to the student and parents.
- The Principal or his/her appointed delegate will ask an impartial staff member to review the preliminary decision and then make a recommendation to the Principal or his/her appointed delegate. An impartial person will be appointed by the Principal or his/her appointed delegate. The person appointed will not have participated in the investigation process, is not the student's mentor or taught the student directly.
- A recommendation to uphold or amend the penalty will be made to the Principal.
- The Principal will make the final decision and communicate with parents.
- The review process will not take no longer than 3 working days for the College to respond.

#### RELATED DOCUMENTS

*The Student Code of Conduct*  
*Behaviour Management Policy*  
*Terms and Conditions of Trade*

Date of Next Review: February 2022 or earlier where amendments in legislation require immediate policy reviews

Version #	Date Approved	Author	Purpose/Changes
4.0	June 2016	L. Roberts	The original document has undergone many changes due to feedback from BOSTES and other Stakeholders.
4.1	Oct 2016	M. Trew	Formatting Updates.
4.2	March 2018	P. Chapman	Annual Review
4.3	May 2019	P. Chapman	Annual Review
4.4	February 2021	P. Chapman	Annual Review
4.5	March 2022	M. Brown	Annual Review