



St Maroun's College



Suspension and Expulsion Policy

2014



Student Development Policy K-12

St Maroun's College policies have a commitment to Maronite Catholic ethos and values and should be read in conjunction with other policies and procedures and with relevant legislation.

St Maroun's College Anti-Bullying Policy

St Maroun's College Attendance Policy

St Maroun's Bus Travel Policy

St Maroun's College Child Protection Policy

St Maroun's College Code of Conduct

St Maroun's Community Consultation Policy

St Maroun's Complaints and Grievance Policy

St Maroun's Consultation Policy

St Maroun's Discrimination, Harassment and Bullying Policy

St Maroun's Duty of Care Policy

St Maroun's College Excursion Policy

St Maroun's College Facilities Policy

St Maroun's College First Aid and Medication Policy

St Maroun's Homework Policy

St Maroun's College Learning Support Policy

St Maroun's Playground Supervision Policy

St Maroun's Sports Handbook Policy

St Maroun's College Risk Management Policy

St Maroun's Suspension and Expulsion Policy

St Maroun's Student Development Policy

St Maroun's College Work and Safety Policy

POLICY REVIEW

These policies will be reviewed not less frequently than once every three years.

Suspension and Expulsion of Students Policy

Introduction and Purpose

All students and staff have the right to be treated fairly and with dignity, in an environment free from disruption, intimidation, harassment and discrimination.

There will be cases of unacceptable behaviour where it will be in the best interests of the College community, and/or the student involved, for the student to be removed from the school for a period of time or completely. Suspension and expulsion are the options available to the Principal in these situations.

Implementation

Suspension is only one strategy within the College's Student Welfare and Discipline Policy. It is most effective when it highlights the parents' or carers' responsibility for taking an active role, in partnership with the College, to modify the inappropriate behaviour of their child. The College will work with parent(s) or carer(s) with a view to assisting a suspended student to rejoin the school community as quickly as possible.

Suspension allows students time to reflect on their behaviour, to acknowledge and accept responsibility for the behaviours which led to the suspension, and to accept responsibility for changing their behaviour to meet the College's expectations in the future. It also allows time for College personnel to plan appropriate support for the student to assist them with successful re-entry. This may include access to appropriate support staff, such as the College Counsellor, and/or the Learning Support teacher.

The Principal has authority, consistent with the provisions of these procedures and associated documents, to suspend or expel a student from the College. The Principal will exercise this authority having regard to her responsibilities to the whole College community and to the principles of procedural fairness.

The principles of procedural fairness are fundamental to the implementation of these procedures. Procedural fairness is generally recognised as having two essential elements. These are:

- the right to be heard, and
- the right of a person to a fair and impartial decision.

Detailed information on these principles is set out in Appendix 1.

These procedures apply to the behaviour of students at the College, on the way to and from the College, and while away from the College site on school-endorsed activities.

Suspension

General Principles

In determining whether a student's misbehaviour is serious enough to warrant suspension, the Principal will consider the safety, care and welfare of the student, staff and other students at the

College. In most cases, a range of appropriate student welfare and discipline strategies will have been implemented and documented before a suspension is imposed.

Other than in the serious circumstances outlined below, suspension will occur after the Principal has:

- Ensured that appropriate school student welfare strategies and discipline options have been applied and documented,
- Ensured that appropriate support personnel available, within the school system and externally, have been involved,
- Ensured that discussion has occurred with the student and parent(s) or carer(s) regarding specific misbehaviour which the school considers unacceptable, and which may lead to suspension,
- Sought advice, if appropriate, from the College Learning Support Team or Counsellor
- In the case of Long Suspension, provided a formal written caution, detailing inappropriate behaviours, as well as clear expectations of what is required of the student in future; and
- Recorded all action taken.

In some circumstances, the Principal may determine that a student should be suspended immediately. The Principal will suspend immediately and consistently with these procedures any student who:

- **Is physically violent.** Any student who is physically violent, resulting in pain or injury, or who seriously interferes with the safety and wellbeing of other students, staff or other persons, is to be suspended immediately. The matter may need to be reported to NSW Police.
- **Is in possession of a firearm, prohibited weapon, (as defined by Schedule One of the Weapons Prohibition Act), or knife (without reasonable cause).** Any student in possession of a prohibited weapon, firearm or a knife (without reasonable cause), is to be suspended immediately.
- **Uses, or is in possession of, a suspected illegal substance (not including alcohol or tobacco) or supplies a restricted substance.** The College firmly believes that schools must be places which are free of illegal drugs. Suspension is to occur immediately if the substance is being represented by the student as an illegal substance, or on confirmation that the substance is, in fact, illegal. Students who assist other students to obtain illegal substances or supply restricted substances, such as prescription drugs, are also to be suspended.

a. Short Suspension

While the Principal is always the final authority in determining suspension, the Assistant Principal may assume the responsibilities of the Principal in cases of short suspension. The Assistant Principal must, however ensure that the Principal is fully informed about the circumstances leading to the suspension.

In circumstances where the measures implemented have been unsuccessful in resolving the inappropriate behaviour, the Principal or Assistant Principal may choose to impose a

Short Suspension of up to four school days. Short Suspensions may be imposed for the following reasons:

- **Continued Disobedience.** This includes, but is not limited to, breaches of the College discipline code, such as: refusal to obey staff instructions; defiance; disrupting other students; minor criminal behaviour related to the College; use of alcohol or persistent use of tobacco.
- **Aggressive Behaviour.** This includes, but is not limited to, hostile behaviour directed towards students, members of staff or other persons, including verbal abuse and abuse transmitted electronically, such as by email or SMS text messages.

An interview will be held with the student prior to making the decision to suspend. Depending on the nature of the incident leading to the Short Suspension, this interview may be conducted by the Welfare Coordinator, who will provide a recommendation to the Assistant Principal. The person conducting the interview will ensure that the student is given explicit information about the nature of the allegation(s) and is given the opportunity to consider and respond to the allegation(s).

A Suspension Resolution Meeting will be convened by the Welfare Coordinator at the appropriate time. The Assistant Principal/Welfare Coordinator, in conjunction with the parent(s) or carer(s), will utilise the College resources, and other available resources, in seeking a means of assisting the student to modify his or her behaviour

If behaviour management programs and Short Suspensions have failed to resolve the issue of inappropriate behaviour, strategies such as further Short Suspensions, a longer Suspension or an alternative educational program or setting will be considered. Each case will be different, so the action needs to be appropriate to the individual circumstances of the case.

The Welfare Coordinator will ensure that the Suspension is recorded in the student's file and that all relevant documentation is retained by the College.

b. Long Suspension

The Principal will assume the responsibility for imposing a Long Suspension.

If Short Suspensions have not resolved an issue of inappropriate behaviour, or the misbehaviour is so serious as to warrant a Long Suspension, the Principal may impose a Long Suspension of up to and including 20 school days. In determining whether a student's behaviour is serious enough to warrant a Long Suspension the Principal will consider:

- the safety of students and staff
- the merit and circumstances of the particular case
- factors such as the age, individual needs, any disability and the developmental level of students

The Principal will impose a Long Suspension for:

- Physical violence
- Use or possession of a prohibited weapon, firearm or knife
- Possession or use of a suspected illegal substance

as outlined earlier in these guidelines.

The Principal may also impose a Long Suspension for:

- **Use of an implement as a weapon or threatening to use a weapon** in a way which seriously interferes with the safety and wellbeing of another person. This includes an offensive implement which is anything made or adapted to cause injury to a person.
- **Serious criminal behaviour related to the College**, including malicious damage to property (College or community) or against the property or person of a fellow student or staff member on, or outside of, the College premises. If the incident occurred outside the College or outside school hours, there will be a clear and close relationship between the incident and the College.
- **Persistent misbehaviour** including repeated refusal to follow the College discipline code; making serious threats against students or staff; behaviour that deliberately and persistently interferes with the rights of other students to learn or teachers to teach.

In cases where consideration is being given to imposing a Long Suspension from the College, the gravity of the circumstances require that particular emphasis be given to procedural fairness issues. (Appendix 1 *Procedural Fairness*)

A formal disciplinary interview will be held with the student prior to making the decision to suspend. The Principal will ensure that the student is given explicit information about the nature of the allegation(s) and is given the opportunity to consider and respond to the allegation(s). The student will also be able to have an appropriate observer at the interview. The key features of the interview will be taken down in writing. A work program will be provided for the duration of the Suspension.

The Principal will utilise College and other available resources in seeking a means of returning the student to school following the Suspension. The aim is to minimise the number of days a student is suspended. The College Counsellor will be informed of the Suspension.

A Suspension Resolution Meeting will be convened by the Principal at the earliest opportunity. The Welfare Coordinator will report any advice from the Welfare team and/or the College Counsellor.

If, after two Long Suspensions, the matter has not been resolved, other strategies will be considered, including alternative educational placements, or expulsion from the school.

The Principal will ensure that all relevant documentation is retained on a file at the College.

Expulsion

General Principles

In serious circumstances of misbehaviour, the Principal may expel a student from the College. The Principal may also expel a student of post compulsory school age for unsatisfactory participation in learning. In all cases where consideration is being given to expelling a student, the gravity of the circumstances require that particular emphasis be given to procedural fairness issues. Appendix 1 contains guidelines on implementing the requirements of procedural fairness.

a. Expulsion for Misbehaviour

When considering expelling a student for misbehaviour, the Principal will:

- Ensure, except as a result of a most serious incident, that all appropriate student welfare and discipline strategies have been implemented and documented.
- Convene a formal disciplinary interview with the student. The Principal will ensure that the student is given explicit information about the nature of the allegation(s) and is given the opportunity to consider and respond to the allegation(s). The student will also be able to have an appropriate observer of their choosing present at the interview. The key features of the interview will be taken down in writing.
- Place the student on a Long Suspension, pending the outcome of the decision-making process. This action will be taken irrespective of any action by another agency, including NSW Police.
- Notify the student and the parent(s) or carer(s), in writing, that expulsion from the College is being considered, giving reasons for the possible action.
- Obtain and consider a Welfare Coordinator and/or College Counsellor report that includes recommendations for further action.
- Provide the parent(s) or carer(s) with a copy of all documentation on which the consideration of expulsion is based.
- Allow seven school days for students and parent(s) or carer(s) to respond.
- Consider any response from the student and parent(s) or carer(s) before proceeding further.
- Discuss with the student and the parent(s) or carer(s) the implications of expulsion and provide information relating to the right to, and process for, an appeal (if the expulsion were to proceed). This could be done by telephone or in a meeting.

If, having completed the actions outlined above, the Principal decides to expel a student from the College, the Principal will provide formal notification to the student and the parent(s) or carer(s).

Having reached a decision to expel a student from the school, the Principal will:

- Inform the student and the parent(s) or carer(s) in writing. This formal advice will also restate the right to appeal the decision.

In the majority of cases, an expulsion for misbehaviour will be finalised within the 10 school day period of a Long Suspension.

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b. Expulsion of a Student of Post-Compulsory Age for Unsatisfactory Participation in Learning

This will generally be for a documented pattern of non-satisfactory completion, non-serious attempts to meet course objectives, or non-compliance with Board of Studies requirements for the award of a Statement of Attainment or Higher School Certificate. Prior to giving consideration to expulsion, the student will receive at least one formal written warning that such action is being contemplated. A program of improvement will be developed, in conjunction with the student, to assist them to meet outstanding requirements. The student will also be provided with a reasonable period in which to improve his or her participation. The Principal will refer to the *Assessment Certification and Examination (ACE)* manual/website for more information.

When considering expulsion in these circumstances, the Principal will:

- Notify the student and the parent(s) or carer(s), in writing, that expulsion from the school is being considered, giving reasons for the possible action. There is no necessity to place the student on Long Suspension, pending the decision-making process in these circumstances.
- Obtain and consider a report from the Curriculum Coordinator or College Counsellor, as appropriate, that includes recommendations for further action.
- Provide the parent(s) or carer(s) with a copy of all documentation on which consideration of expulsion is based.
- Allow seven school days for students and parent(s) or carer(s) to respond.
- Consider any response from the student and parent(s) or carer(s), before proceeding further.
- Discuss with the student and parent(s) or carer(s) the implications of expulsion, and provide information relating to the right to, and process for, an appeal (if the Expulsion were to proceed). This could be done by telephone or in a meeting.

Having reached the decision to expel the student from the College, the Principal will inform the student and the parent(s) or carer(s) in writing. This formal advice will also restate the right to appeal the decision.

The arrangement of an alternative placement is the responsibility of the student and the student's parent(s) or carer(s).

Appeals

Students and parent(s) or carer(s) may appeal if they consider that correct procedures have not been followed, or that an unfair decision has been reached. Appeals should be in writing to the Principal, stating the grounds on which the Appeal is being made.

The fact that an Appeal has been lodged does not put on hold the Principal's decision to suspend, or suspend prior to expulsion. Lodgement of an Appeal should not delay attempts to resolve the suspension.

In the case of an Appeal, from a pastoral perspective, the College Chaplain may contribute to the principal's discernment process as she determines the merits of the appeal before her. In addition the Principal may seek wise counsel from Colleagues and related professional bodies such as AIS.

International students need to refer to the International Students Handbook for an appeals process.

Where an Appeal is upheld, the person/s determining the Appeal will decide what further action is to be taken.

To access the full Suspension/Expulsion Policy parents, Caregivers and students will be directed to the College Website.

Appendices

Appendix 1 – Procedural Fairness

Procedural fairness is a basic right of all individuals dealing with authorities. All individuals have a legitimate expectation that College staff will follow these principles in all circumstances, including when dealing with suspensions and expulsions.

Procedural fairness is generally recognised as having two essential elements.

- **The right to be heard** which includes:
 - The right to know why the action is happening
 - The right to know the way in which the issues will be determined
 - The right to know the allegations in the matter, and any other information which will be taken into account
 - The right of the person against whom the allegations have been made to respond to the allegation

- **The right of a person to an impartial decision** which includes:
 - The right to impartiality in the investigation and decision-making phases
 - The right to an absence of bias by the decision maker.

Though the right to appeal is not necessarily an essential element of procedural fairness, it is considered appropriate to incorporate such rights in respect of Suspensions and Expulsions from the College. As part of ensuring the right to be heard, the Principal will establish if parent(s) or carer(s) require an interpreter and if so, make arrangements for one to be available. The Principal will also ensure that students and parent(s) or carer(s) have access to Policies and Procedures under which action is being taken.

While it is generally preferable for the functions of investigating and decision making to be carried out by different people, in the College setting this may not always be possible. If the Principal is conducting both the investigative and decision making stages, she must be reasonable and objective. Ultimately, the Principal must act justly and be seen to act justly. While it is difficult to combine the roles of investigator and adjudicator, it is acceptable to do so given the nature of the Principal's responsibilities. Nevertheless, it is preferable to have another appropriate officer, such as the Assistant Principal or Welfare Coordinator, carry out the investigation, if possible.

The availability of a line of appeal to a more senior officer adds to the fairness of the process and offers a check, in case there is a perception of conflict of interest. Ultimately it is the Principal's responsibility to suspend or expel a student from the College. This responsibility may be delegated to the Assistant Principal.

To ensure the elements of procedural fairness are met, it is appropriate to provide students and their parent(s) or carer(s) with details of all allegations relating to the incident. This may involve providing copies of any relevant statements. Should the Principal be of the view that it is not appropriate to provide copies of statements, for example because of a fear that witnesses may be intimidated, full details of the allegations outlined in the statements will be provided.

In matters where a Long Suspension or Expulsion is contemplated, the gravity of the circumstances requires particular emphasis being given to procedural fairness. This includes the

availability of a support person/observer at formal interviews. The key features of formal disciplinary meetings will be taken down in writing.

Appendix 2 – Role of the Support Person and Observer

Support Person

When attending meetings involving disciplinary actions at the College, parent(s) or carer(s) may choose to bring a support person to the meeting. A support person must be over 18 years of age. A support person should not be used as an interpreter. An interpreter should not be a student or member of staff.

Parents and caregivers are responsible for organising their own support person. While the Principal makes the decision about the participation of a particular support person, the family's choice should be accepted wherever possible.

The role of the support person is to provide support and assistance to the parent(s) or carer(s) during the meeting. The support person is not an advocate for the parent(s) or carer(s) or student and should not participate in the meeting, other than in supporting parent(s) or carer(s). The type of support and assistance provided may include:

- The taking of notes and the provision of advice on rights/entitlements
- Suggesting a temporary break in proceedings to assist the person
- Seeking further advice.

If a support person becomes actively involved in a meeting, a Principal will in the first instance remind the person of the limits of their role. If this involvement continues the Principal has the option of asking the parent(s) or carer(s) if they would like to continue the meeting without the support person or rescheduling the meeting at another time.

Observer

In a formal disciplinary meeting that may lead to the imposition of a Long Suspension or Expulsion, the student responding to an allegation has the right to have an observer of their choosing present at the meeting. The offer of an observer will be made prior to the meeting commencing.

The observer could be a teacher, Year Coordinator, another student or the student's parent(s) or carer(s). In considering the need to resolve the matter in a timely manner, the observer should be someone who is readily available. If the observer of the student's choosing is not readily available, the student will be asked to nominate another observer. For students who have difficulty following the process, it may assist to have a parent or carer present.

An observer does not participate in the meeting, but is present to observe the progress of the meeting and ensure that the student responding to the allegation/s is able to participate fully in the meeting. An observer may take notes during the meeting.

The Principal may decide to make the offer of an observer in any disciplinary interview, if it will assist in resolving the issue.

Appendix 3 - Short Suspension Letter

Short Suspension Letter

Name

Address

Dear

This is to inform you that I have suspended your (son/daughter), (student's name) from St Maroun's College , consistent with the discipline policy and procedures that are in place for this College.

Suspension allows time for the issues that have led to this action to be explored and resolved. It also allows time for the College to plan appropriate support for (student's name), to assist with a successful and safe return to the College.

(Student's name) has been suspended for (the incident/s)

(Specific reason/s and details of the incident/s).

(Student's Name) has been suspended for (number of) school days from (date) to (date).

As a result of (Student's name) suspension I will:

- Seek your assistance and work with you in an attempt to resolve the matter
- Hold a resolution meeting with you to discuss how this matter might best be resolved
- Provide you with details on how to access the College's Discipline Policy and Procedures

I would ask also that you:

- Work with me to resolve this matter
- Contact College Administration to make an appointment to discuss the resolution of this matter
- Arrange for a support person to accompany you to this meeting, if you wish
- Be responsible for (Student's name) supervision and safety while on suspension ; and
- Ensure that (Student's Name) is aware that they are not to enter the College site while on suspension, except to attend the resolution meeting.

The College expects that (Student's name) will continue with their studies while on suspension.

Yours sincerely

Josephine Wehbe mshf

Principal

Appendix 4 - Long Suspension Letter

Long Suspension Letter

Name

Address

Dear

This is to inform you that I have today suspended your (son/daughter), (student's name), from St Maroun's College, consistent with the discipline policy and procedures that are in place for this College.

Suspension allows time for the issues that have led to this action to be explored and resolved. It also allows time for the College to plan appropriate support for (student's name) to assist with a successful and safe return to the College.

(Student's name) has been suspended for (incident/s)

(Specific reason/s and details of the incident/s).

(Student's Name) has been suspended for (number of) school days from (date) to (date).

As a result of (Student's name) suspension I will:

- Seek your assistance and work with you in an attempt to resolve the matter
- Hold a resolution meeting with you to discuss how this matter might best be resolved
- Provide you with details on how to access the College's Discipline Policy and Procedures

I would ask also that you:

- Work with me to resolve this matter
- Contact College Administration to make an appointment to discuss the resolution of this matter
- Arrange for a support person to accompany you to this meeting, if you wish
- Be responsible for (Student's name) supervision and safety while on suspension; and
- Ensure that (Student's Name) is aware that they are not to enter the College site while on suspension, except to attend the resolution meeting.

The College expects that (Student's name) will continue with their studies while on suspension.

Yours sincerely

Josephine Wehbe mshf

Principal

Appendix 5 - Formal Warning of Unsatisfactory Participation in Learning by a Student Over 17 Years of Age

Name

Address

Dear Name

This is to inform you that your (son/daughter), (student's name), is (not meeting requirements, non serious etc) at this time. N should this continue, steps may be taken to expel (student's name) from this College according to the Discipline Code of St Maroun's College.

The reasons are (specific reason/s and details).

Please contact the College Administration office as soon as possible on (College Number) to discuss (student's name) unsatisfactory progress, and to assist in the development and implementation of a program of improvement for (student's name).

Please be aware that if (Student's name) continues to make unsatisfactory progress in their course of study, expulsion from this College is an option that is available to me.

Yours sincerely

Josephine Wehbe mshf

Principal

Appendix 6 - Expulsion letter for Unsatisfactory Participation of a student Over 17 Years of Age

Name

Address

Dear Name

This is to inform you that I am considering expelling your (daughter/son), (students name) from St Maroun's College. This action has been taken consistent with the Discipline Code of the College.

I have decided to consider expelling (Name) from the College after consideration of the following facts:

(Specific details of unsatisfactory participation)

Copies of all documents on which my action has been based are attached.

You have seven school days to respond to this advice, prior to the final decision being taken. Please contact the College Administration office as soon as possible on 95592434 to arrange a meeting to discuss the matter.

You are welcome to have a support person present at this meeting, should you wish to do so.

To assist you in your consideration of this matter, you may refer to the College Discipline Code on our website: www.stmarouns.nsw.edu.au

Yours sincerely

Sr Josephine Wehbe mshf

Principal

Appendix 7 - Expulsion Decision Letter for Unsatisfactory Participation

Name

Address

Dear Name

This is to inform you that today I have decided to expel your (daughter/son), from St Maroun's College. This decision has been taken consistent with the policy and procedures outlined in the Code of Discipline for the College. It remains your decision as to whether or not you wish to seek enrolment in another school for your (daughter/son).

The decision to expel (student's name) from this College has been made after consideration of the information provided in my letter of (date of advice), the documentation provided to you and your response to me.

I have previously referred you to the College Code of Discipline which contains a full reference to the procedures on expulsion.

If you feel that I have overlooked some pertinent information that may have impacted on this decision, you may submit an appeal as outlined in the Code of Discipline.

Yours sincerely

Sr Josephine Wehbe mshf

Principal

Policy Review

Last Reviewed: June 2014

Approved By: Principal

Renewal Date: 2015