



# SUSPENSION & EXPULSION POLICY

## 1. INTRODUCTION AND PURPOSE

In accepting the enrolment of a student, the staff of St Charbel's College takes on the responsibility for the care and guidance of that student.

This care and guidance is carried on in a school climate characterised by Gospel values. Such values reflect: justice, faith, charity, peace, love, compassion, acceptance, generosity and service. We are committed to striving for academic excellence and providing educational experiences for young men and women to become:

- Lifelong learners
- Competent, ethical decision makers and problem solvers
- Citizens who contribute to the community
- Compassionate and caring about service to others.

The dignity of the individual in a school remains of the utmost importance.

Given such an environment, the action of suspending, excluding or expelling a student is something that will occur only on a very rare occasion and only after considerable assistance has been provided to the student and the family in an effort to overcome difficulties which surround that student.

## 2. GENERAL PRINCIPALS

- St Charbel's College makes every effort to ensure that education is a rewarding and relevant experience for all students.
- It is the responsibility of the Principal or his delegate to ensure that students, parents and staff are fully aware of the College's Pastoral Care and Behaviour Management and Discipline Policy.
- In the first instance the teaching staff concerned will seek early and positive support from parents or caregivers in resolving discipline and behaviour problems.
- It is essential that suspension, exclusion and expulsion be seen as strategies within the Pastoral Care Policy and Behaviour Management and Discipline Policy of the College. These strategies are to be used only in serious cases of misbehaviour or non-compliance in accordance with these guidelines.
- The Principal or delegate may immediately suspend a student if they believe that the safety of staff or students is at risk. The Director or Assistant Principal will notify the Principal of any such suspensions.

- When considering these strategies the College must ensure that no student is discriminated against in terms of gender, race, religious or cultural background, socio-economic status, physical or intellectual disability.
- The health & safety of other students and staff should not be jeopardised.
- The relevant College staff will maintain records of suspension and expulsions. These records will be stored in the student office files with all relevant documentation attached.
- Only the Principal or delegate can suspend a student. Only the Principal can expel a student.
- Decisions to suspend or expel a student will be underpinned by the principles of procedural fairness. These principles require that individuals have the right to respond (the hearing rule) and the right to an unbiased hearing (the bias rule).
- St Charbel's College will not allow Constructive Exclusion of a student to occur. Constructive Exclusion means de facto forcing a student to leave the school, being effectively excluded, without recourse to the full range of management options and procedures outlined in the policy. St Charbel's College recognises that Constructive Exclusion is not procedurally fair.
- Suspension and expulsion are to be considered as responses to serious offences. A serious offence is defined as an activity or behaviour by a student which:
  - seriously undermines the ethos of the College; or
  - consistently and deliberately fails to comply with any reasonable directive of Principal or teaching staff; or
  - is offensive or dangerous to the physical or emotional health of any staff member, visitor or any student; or
  - consistently and deliberately interferes with the educational opportunities of other students.

### **3. PROCEDURAL FAIRNESS**

Procedural fairness involves:

- Provision of relevant policies and procedures to involved parties
- Provision to these parties of the details of any allegations
- Provision to these parties of the right to respond to allegations and, if appropriate, to appeal any decision, and
- The right to an impartial decision.

The NSW treatment in relation to procedural fairness of this matter should be followed in all situations.

### **4. HEARING RULE**

Under the hearing rule, the person against whom an allegation is made has the right to:

- Know the allegation(s) relating to a specific matter, and any other information which will be taken into account in considering the matter (subject to witness protection).
- Know the process by which the matter will be considered.

- Respond to the allegations in full, either verbally or in writing.
- Seek a review of the decision made in writing to the Principal.
- Have available, upon request, interpreter services for parents/caregivers and students.
- Be permitted to have a support person/observer present in the formal interview process.
- Request a written copy of the key points of the formal interview.

## 5. UNBIASED RULE

Under the unbiased rule, the person against whom an allegation is made has a right to impartiality in an investigation and decision-making. Where possible, the roles of investigator and adjudicator shall be separated as follows:

| <b>Investigator</b>                              | <b>Adjudicator</b>                               |
|--|--|
| Classroom Teacher                                | Stage or Year Coordinator                        |
| Stage or Year Coordinator                        | Director of Pastoral Care or Director of Primary |
| Director of Pastoral Care or Director of Primary | Assistant Principal                              |
| Assistant Principal                              | Principal  |

A duty exists for investigators and adjudicators to be free of bias and prejudice.

## 6. PROCEDURES FOR APPEAL

If a parent or student wishes to question the decision to expel, an appeal against the decision may be lodged (in writing) to the College Board within seven (7) days of the notification.

The result of the appeal will be conveyed in writing to the parents.

## 7. SUSPENSION

Suspension means temporary withdrawal of a student's rights to attendance at the school. It is a disciplinary measure which may be invoked by the Principal or Delegate, when a student's conduct and behaviour are deemed to be in conflict with the expectations and values of the school community.

In determining whether a student's misbehaviour is serious enough to warrant suspension (ie exclusion from attending school), the Principal or Delegate will consider factors including the safety and welfare of the student, staff and other students in the class or College.

The length of suspension, which will vary depending on the nature of the student's behaviour, is at the discretion of the Principal or Delegate.

- Suspension may be short (up to three days) or long (more than four days).
- Appropriate records need to be maintained and consultation undertaken with parents or caregivers in accordance with the school's Pastoral Care and Behaviour Management and Discipline Policies.
- In some circumstances the Principal or Delegate may determine that a student should be suspended immediately. This will usually be due to a concern for the safety of students or staff because of violence, threats of violence, or the presence of weapons or illegal drugs.

The Principal or Delegate will suspend immediately and consistent with these procedures, any student whose behaviour includes the following:

- Possession of a suspected illegal and/or prohibited drug - Suspension is to occur immediately if the substance is being represented by the student as an illegal drug or on confirmation the substance is, in fact, illegal.
- Violence or threat of serious physical violence - Any student intentionally causing injury or threatening serious physical violence against another student or teacher is to be suspended immediately.
- Possession of a prohibited weapon - Any student possessing a prohibited weapon or using or threatening to use any item or instrument as a weapon is to be suspended immediately. The matter must be reported to the police.
- Sexual harassment and misconduct - sexual harassment behaviours through social media, nonverbal actions, innuendoes or verbalised may be unlawful and will not be tolerated. St Charbel's College is an environment that is free from sexual harassment and where all members are treated with courtesy, dignity and respect.
- The Principal or Delegate may also suspend, consistent with these procedures, any student whose behaviour includes:
  - Persistent disobedience - Students who, in their relationships with staff, are persistently disobedient, insolent or engage in verbal harassment and abuse, may be suspended.
  - Persistent disruption - Students who persistently disrupt and prevent the learning and teaching of others may be suspended.
  - Breach of school rules - Students who breach the school's published rules and regulations may be suspended.

In circumstances other than those outlined above, suspension will usually occur after the Principal or Delegate has:

- Ensured that all appropriate and available student welfare strategies and discipline options have been applied and documented.

- Ensured that all appropriate support personnel available, within the school and externally, have been involved.
- Taken reasonable steps to ensure that discussion appropriate to the circumstances has occurred with the student and/or parent/caregivers regarding specific misbehaviour which the school considers unacceptable and which may lead to suspension.
- Provided to the student and/or parent/caregivers a formal written caution detailing these behaviours, as well as clear expectations of what is required in future
- Recorded in appropriate school files all action taken.

Students who attend school premises without permission of the Principal during periods of suspension or if they have been expelled, can be asked to leave the premises by the Principal or person then in charge of the site. If they refuse to leave, the police should be called.

## 8. PROCEDURE FOR SUPENSION

The Director of Pastoral Care and/Director of primary should inform the student on what grounds the suspension is being considered. The student must be given the opportunity to respond. The student's response must be considered before a decision to suspend is made.

- The decision to suspend must be made by the Principal or Delegate.
- A student will not be sent out of school before the end of the school day without notification being made to a parent/caregiver and, if necessary, agreement reached about arrangements for the collection of the student from school.
- Notification of suspension must be made to parents or caregivers in writing (see Sample Letter of Suspension following).
- In all cases, the notification must include:
  - Notice of the suspension and its length.
  - The reasons for the suspension.
  - The clear expectation that the student will continue with studies while suspended.
  - The importance of parental/caregiver assistance in resolving the matter.
  - A reminder that parents/caregivers are responsible for the care and safety of the student while under suspension.
- Parents/caregivers should be referred to relevant Discipline Policy.
- At the earliest opportunity, the Principal or Delegate must convene a suspension resolution meeting with the student and the parents/caregivers to discuss the basis on which the suspension will be resolved.
- If, despite the school's requests, parents or caregivers are unable or unwilling to attend a suspension resolution meeting, the Principal should consider the individual merits of the case.

Alternative steps may then need to be taken to resolve the suspension and facilitate the student's return to school.

## **9. EXPULSION**

Expulsion means total withdrawal of a student's rights to attendance at the school. It is an extreme disciplinary step reserved for cases of gross misconduct, serious breaches of school rules or behaviour that is persistently disruptive.

Expulsion is generally preceded by a history of previous suspension(s).

- Expulsion is a sanction to be applied only as a last resort and after all other measures have failed.
- It must be preceded by ongoing consultation with the parents or caregivers concerned, the appropriate staff including the College Counsellor. However, depending on the severity of the incident, the Principal may decide upon immediate expulsion.
- Careful consideration must be given to the overall good of the individual student and the welfare of the College community.
- No student is to be expelled from the College except by the authority of the Principal.
- The Principal must inform the College Board of the action taken.

In determining whether a student's action, misbehaviour or choice is serious enough to warrant expulsion the Principal will consider factors including the learning, safety and welfare of the student, staff and other students in the class or school. Expulsion of a student is at the discretion of the Principal. If a student is expelled, re-enrolment would be at the discretion of the principal.

## **10. EXPULSION – UNSATISFACTORY PARTICIPATION**

The College reserves the right to expel students in cases of continual unsatisfactory participation

- This form of expulsion occurs on the basis of unsatisfactory participation in learning. This could consist of a documented pattern of non-satisfactory completion, failure to make a serious effort to meet course objectives, and/or non-compliance with NESAs requirements for the award of a Record of School Achievement (RoSA) or Higher School Certificate (HSC).
- Before a decision is made to expel on this basis, the student must be given at least one formal written warning that such action is being contemplated. The student must also be allowed a reasonable period in which to demonstrate a satisfactory improvement in his or her participation

## **11. PROCEDURES FOR EXPULSION**

The following procedures are to be followed prior to expulsion being considered an option:

- The student should be counselled by senior staff members (homeroom teacher, Stage or Year Coordinator, School Counsellor, etc). The Principal or Delegate should maintain records of all interviews, reports of incidents and complaints.

- College Counsellor with parental consent should be involved so that a multi- disciplinary approach to the student's behaviour can be taken.
- The Director of Pastoral care and/or Director of Primary should contact parents to inform them of the student's misconduct and to seek their assistance. It should be clearly explained to them that the serious nature of the misconduct could warrant expulsion if the student persists in undermining the welfare of other students and the school.
- In keeping with our Catholic ethos, any decision to remove a student from the College must comply with the requirements of procedural fairness.
- The Director of Pastoral Care and/or Director of Primary must provide to the Principal all the facts of the situation including an outline of all measures taken prior to the decision to recommend expulsion. Such cases would necessarily involve clearly documented evidence over a period of time that:
  - the student was not profiting from continued attendance; and/or
  - the student was affecting adversely the education of other students; and/or
  - the school's resources, both material and personnel, were being wasted or abused by the student.
- Parents are to be notified in writing (see Sample Letter for Expulsion following) that a recommendation to expel the student is to be made to the Principal. Parents have the opportunity to withdraw their child from the school.
- The Principal will make a decision and advise the student and the student's parents of the decision including details of the appeal process. If the student is expelled from the school Principal must give the Registrar written notice of the expulsion.

## **12. WEAPONS PROHIBITED IN SCHOOLS**

Possession of certain weapons is a criminal offence under the provisions of the Summary Offences Act 1988.

If a Principal becomes aware that a student or any other person on school premises or at a College activity is in possession of a weapon or weapons, he or she should contact the police. The student should be suspended immediately.

## **13. FURTHER INFORMATION**

Further information about the processes outlined in this document can be sought from the Principal or Assistant Principal

## **14. RELATED DOCUMENTS**

- Child Protection Policy
- Enrolment Procedures
- Excursion Policy

- Student Data Transfer, Collection and Enrolment Procedures
- Privacy Policy
- Discipline Policy

## 15. APPENDIX LIST

- Appendix 1: Letter of Suspension Template
- Appendix 2: Letter of Suspension with Possible Termination of Enrolment Template
- Appendix 3: Letter of Termination of Enrolment Template
- Appendix 4: Indicators of Procedure Fairness (*Internal Use only*)

### APPENDIX 1: LETTER OF EXTERNAL SUSPENSION TEMPLATE

Name of Parent]  
[Address]

Dear

This is to inform you that today, I have [internally/externally] suspended your son/daughter

\_\_\_\_\_ from St Charbel's College, for a period of \_\_\_\_\_ day, \_\_\_\_\_to  
\_\_\_\_\_. This suspension is consistent with the school's published Behaviour Management and Discipline Policy published on the College website.

[Child's Name] has been suspended for:

- *Specific reason/s and details of the incident*

You are responsible for the care and safety of your [daughter/son] while [he/she] is on suspension. The College expects that [student's name], will continue with [his/her] studies while suspended.

Please contact the College on 9740 0999 if you wish to discuss further [student's name] suspension. Please fill in the slip below to acknowledge that you have read this letter and return it to the Year Coordinator, [Coordinators Name] immediately.

May God bless you and your family.

Principal or Delegate





I acknowledge receipt of your letter [date of letter] in regards to my [son/daughter]'s, [student's name] [internal/external] suspension on [date].

Parent's/Guardian's Name: \_\_\_\_\_

*(Please Print Name)*

Parent's/Guardian's Signature: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

**APPENDIX 2: LETTER OF SUSPENSION WITH POSSIBLE TERMINATION OF ENROLMENT TEMPLATE**

[Name of Parent] [Address]

Dear

This is to inform you that today I have placed your [daughter/son], [student's name] on a suspension from St Charbel's College, and that I am considering terminating [his/her] enrolment from this College. This is consistent with this College's published Behaviour Management and Discipline Policy. The action that I am considering would mean that [student's name] would no longer be able to attend this College, but would be assisted with a transfer to another appropriate school.

I have decided to consider this action in light of the following [specific reason/s and details of the incident/s].

[Student's name] will not be able to return to the College pending the final decision making process.

Please contact my office as soon as possible by phone 9740 0999 to arrange a meeting to discuss this matter. At this meeting I will explain the implications of any future decision to terminate enrolment at the College.

You are responsible for the care and safety of your [daughter/son] while [he/she] is on suspension. The College expects that [student's name] will continue with [his/her], studies while suspended.

I attach for your information a copy of this College's Behaviour Management and Discipline Policy.

Again I impress upon you the importance of this matter and request that you contact the [Insert Position] as soon as possible.

Yours sincerely,

Principal

**APPENDIX 3: LETTER OF TERMINATION OF ENROLMENT TEMPLATE**

[Name of Parent] [Address]

Dear

This is to inform you that today I have decided to terminate the enrolment of your [daughter/son] [student’s name] from this College. This decision has been taken, consistent with this College’s Behaviour Management and Discipline Policy and Suspension and Expulsion Policy. The action that I have taken means that [student’s name] is no longer able to attend this College, but will be assisted with a transfer to another appropriate school.

The decision to terminate [student’s name] enrolment has been made after detailed consideration of the information provided to you in my letter of [date of issue of the advice letter], the documentation provided to you and your response to me.

You are responsible for the care and safety of your [daughter/son] pending the arrangement of an alternative educational setting. The College expects that [student’s name] will continue with [his/her] studies during this time.

I have previously provided you with a copy of this College’s Behaviour Management and Discipline Policy for your reference.

If you consider that correct procedure has not been followed in the handling of this matter, you may appeal to the College Board.

I understand how very difficult this has been for [student’s name] and your family, but I assure you that in dealing with this matter the College has exhausted every strategy available and could come to no other reasonable conclusion. I wish [student’s name] well in [his/her] future endeavours and I hope that a fresh beginning in a new educational setting will be a positive experience for [him/her].

Yours sincerely,

Principal

**APPENDIX 4: INDICATORS FOR PROCEDURAL FAIRNESS (INTERNAL USE ONLY)**

|                      |  |
|----------------------|--|
| <b>Student Name:</b> |  |
| <b>Class:</b>        |  |
| <b>Teacher:</b>      |  |

|               |                      |             |
|---------------|----------------------|-------------|
| <b>Action</b> | <b>Documentation</b> | <b>Date</b> |
|---------------|----------------------|-------------|

|  |  |  |
|--|--|--|
| <p>The College has held a formal interview with the student and notified the parent/caregiver prior to any suspension from school.</p>   |  |  |
| <p>The College has provided all relevant policy and procedure documents to the student and parents/caregiver.</p>  |  |  |
| <p>The school has organised a program of study for the student (where appropriate) while suspended from the College.</p>   |  |  |
| <p>The College has considered the possibility of separating the roles of the investigator and the decision maker, to avoid any perceived or actual bias in the matter.</p>   |  |  |
| <p>Information has been collected from others (students, teachers, witnesses, etc):</p> <ul style="list-style-type: none"> <li>• individually and</li> <li>• with the use of non-leading questions and</li> <li>• with no assumption of guilt on the part of the accused student.</li> </ul> |  |  |
| <p>The College counsellor has worked with the student and prepared a report in relation to the alleged behaviours (where appropriate).</p>   |  |  |
| <p>The College has reviewed all in school and beyond school strategies that have been or could be exercised in relation to the student.</p>  |  |  |

|   |  |  |
|---|--|--|
| <p>The College has held at least one formal meeting with the student and parents/carers to allow for the full particulars of any prejudicial information in the matter to be tabled. This does not mean that the names of witnesses or others must be divulged, but all other information must be included.</p> |  |  |
| <p>The College has held at least one formal meeting with the student and parents/caregivers to allow them to give a full and proper response to any prejudicial information that has been collected in the matter.</p>  |  |  |
| <p>The College has acted upon any reasonable requests to collect further information in the matter on behalf of the accused student.</p>  |  |  |
| <p>A decision has been made in the matter after carefully weighing up the information put before the school.</p>  |  |  |

|   |  |
|---|--|
| <p><b>Signature of Principal or Delegate:</b></p> |  |
| <p><b>Name of Principal or Delegate:</b></p>      |  |
| <p><b>Position:</b></p>                           |  |
| <p><b>Date:</b></p>                               |  |