1. **Preamble**

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:

- Life long 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 Principles**

2.1 St Charbel’s College makes every effort to ensure that education is a rewarding and relevant experience for all students.

2.2 It is the responsibility of the Head of School (HOS) to ensure that students, parents and staff are fully aware of the College’s Pastoral Care Policy and Discipline Code of the school.

2.3 The HOS will seek early and positive support from parents or caregivers in resolving discipline and behaviour problems. Suspension provides a period when all parties can seek a positive resolution to the problem.

2.4 It is essential that suspension (exclusion) and expulsion be seen as strategies within the pastoral care policy and discipline code of the College. These strategies are to be used only in serious cases of misbehaviour or non-compliance in accordance with these
guidelines. The HOS should use their available authority immediately if they believe that the safety of staff or students is at risk and notify the Principal.

2.5 When considering these strategies the HOS must ensure that no student is discriminated against in terms of gender, race, religious or cultural background, socio-economic status, physical or intellectual disability.

2.6 The motivation, work and safety of other students and staff should not be jeopardised.

2.7 The relevant College staff are to maintain records of suspension and expulsions. These records are to be stored in the student office files with all relevant documentation attached.

2.8 Only the Principal, HOS or designated representative can suspend a student. Only the Principal can expel a student.

2.9 Decisions to suspend or expel a student will be underpinned by the principles of procedural fairness (see sections 3.1 and 3.2). These principles require that individuals have the right to respond (the hearing rule) and the right to an unbiased hearing (the bias rule).

2.10 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:

2.11.1 seriously undermines the ethos of the Catholic school; or

2.11.2 consistently and deliberately fails to comply with any lawful order of a Principal or teacher; or

2.11.3 is offensive or dangerous to the physical or emotional health of any staff member, visitor or any student; or

2.11.4 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. (See Indicators for Procedural Fairness in Appendix C.)

3.1 Hearing Rule

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

7.1.1 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).

7.1.2 know the process by which the matter will be considered.

7.1.3 respond to the allegations in full, either verbally or in writing.

7.1.4 seek a review of the decision made in writing to the Principal.

7.1.5 have available, upon request, interpreter services for parents/caregivers and students.

7.1.6 be permitted to have a support person/observer present in the formal interview process.

7.1.7 request a written copy of the key points of the formal interview.

3.2 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:

<table>
<thead>
<tr>
<th>Duties to be free of bias and prejudice</th>
</tr>
</thead>
<tbody>
<tr>
<td>INVESTIGATOR</td>
</tr>
<tr>
<td>Classroom teacher</td>
</tr>
<tr>
<td>Year Coordinator</td>
</tr>
<tr>
<td>Assistant Principal</td>
</tr>
<tr>
<td>HOS</td>
</tr>
</tbody>
</table>
3.3 **Procedures for Appeal**

7.3.1 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.

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

4. **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 HOS or designated representative, where a student's conduct and behaviour are deemed to be in conflict with the expectations and values of the school community.

4.1 In determining whether a student's misbehaviour is serious enough to warrant suspension (ie exclusion from attending school), the HOS 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 HOS.

4.2 Suspension may be short (up to three days) or long (more than four days).

4.3 Appropriate records need to be maintained and consultation undertaken with parents or caregivers in accordance with the school's Pastoral Care Policy and Discipline Code.

4.4 In some circumstances the Principal or the HOS 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.

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

4.5.1 *Possession of a suspected illegal 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.

4.5.2 *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.
4.5.3 **Possession of a prohibited weapon** - Any student possessing a prohibited weapon or using or threatening to use any item or instrument as a weapon (refer to Appendix A) is to be suspended immediately. The matter must be reported to the police.

4.6 The Principal or the HOS may also suspend, consistent with these procedures, any student whose behaviour includes:

4.6.1 **Persistent disobedience** - Students who, in their relationships with staff, are persistently disobedient, insolent or engage in verbal harassment and abuse, may be suspended.

4.6.2 **Persistent disruption** - Students who persistently disrupt and prevent the learning and teaching of others may be suspended.

4.6.3 **Breach of school rules** - Students who breach the school’s published rules and regulations may be suspended.

4.7 In circumstances other than those outlined in section 4.4 and 4.5 above, suspension will usually occur after the Principal or the HOS has:

4.7.1 ensured that all appropriate and available student welfare strategies and discipline options have been applied and documented.

4.7.2 ensured that all appropriate support personnel available, within the school system and externally, have been involved.

4.7.3 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.

4.7.4 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. (See also Conditional Enrolment Procedures.)

4.7.5 recorded in appropriate school files all action taken.

4.8 Students who attend school premises without permission of the Principal or the HOS during periods of suspension or exclusion, 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.
5. Procedures for Suspension

5.1 The HOS should inform the student on what grounds the suspension is being considered. The student must be given the opportunity to respond.

5.2 The student’s response must be considered before a decision to suspend is made.

5.3 The decision to suspend must be made by the Principal, HOS or authorised delegate.

5.4 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.

5.5 Notification of suspension must be made to parents or caregivers in writing (see Sample Letter of Suspension in Appendix B).

5.6 In all cases, the notification must include:

5.6.1 Notice of the suspension and its length.

5.6.2 The reasons for the suspension.

5.6.3 The clear expectation that the student will continue with studies while suspended.

5.6.4 The importance of parental/caregiver assistance in resolving the matter.

5.6.5 A reminder that parents/caregivers are responsible for the care and safety of the student while under suspension.

5.7 Parents/caregivers should be referred to the school’s published Discipline Code.

5.8 At the earliest opportunity, the Principal, HOS or authorised 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.

5.9 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.

6. **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.

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

6.2 Expulsion is a sanction to be applied only as a last resort and after all other measures have failed.

6.3 It must be preceded by ongoing consultation with the parents or caregivers concerned, the appropriate staff including the College Counsellor.

6.4 Careful consideration must be given to the overall good of the individual student and the welfare of the College community.

6.5 No student is to be expelled from the College except by the authority of the Principal.

6.6 The Principal must inform the College Board of the action taken.

7. **Procedures for Expulsion**

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

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

7.1.2 College Counsellor with parental consent should be involved so that a multi-disciplinary approach to the student’s behaviour can be taken.

7.1.3 The HOS or Assistant Principal 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.
7.1.4 In keeping with our Catholic ethos, any decision to remove a student from the College must comply with the requirements of procedural fairness.

7.2 The Assistant Principal must provide to the HOS 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:

7.2.1 the student was not profiting from continued attendance; and/or

7.2.2 the student was affecting adversely the education of other students; and/or

7.2.3 the school’s resources, both material and personnel, were being wasted or abused by the student.

7.3 Parents are to be notified in writing (see Sample Letter for Expulsion in Appendix B) 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.

7.4 The Principal will make a decision and advise the student and the student’s parents of the decision including details of the appeal process outlined in section 3.3 of this policy.

7.5 If the student is excluded from the school, the HOS or Assistant Principal must give the Registrar written notice of the expulsion.
APPENDIX A

Weapons Prohibited in Schools

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

2. 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.

3. Weapons can include, but are not limited to, the items listed below. This list outlines the types of weapons that should be banned from school premises:
   3.1 firearms of any kind
   3.2 any imitation or replica of any firearm
   3.3 knives
   3.4 hunting slings, catapults or slingshots
   3.5 knuckle-dusters
   3.6 studded gloves or sap gloves
   3.7 blow guns or any other similar device capable of projecting a dart
   3.8 whips of any kind
   3.9 kung fu sticks or nunchaku
   3.10 batons of any type
   3.11 spear-guns
   3.12 mace
   3.13 defence or anti-personnel sprays that are capable of discharging irritants in liquid, gas or powder form.
APPENDIX B

SAMPLE LETTER OF SUSPENSION

[Date]

Mr and Mrs [Name]
[Address]

Dear Mr & Mrs [name]

This is to inform you that today I have suspended your [daughter/son] [student’s name] from St Charbel’s College, consistent with the College’s published discipline code [eg school diary].

[Student name] has been suspended for [specific reason/s and details of the incident/s].

Please contact the school office as soon as possible by phone [school phone number] to arrange a meeting to discuss this suspension. At this meeting we will discuss the behaviour that gave rise to the suspension and the likely length of the suspension.

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.

Again I impress upon you the importance of this matter and request that you contact [HOS/AP/Coordinator’s name] as soon as possible.

Yours sincerely,

Principal
SAMPLE LETTER:

SUSPENSION WITH POSSIBLE TERMINATION OF ENROLMENT

[Date]

Mr and Mrs [Name]
[Address]

Dear Mr & Mrs [name]

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 discipline code. 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 [school phone number] 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 Discipline Code. Again, I impress upon you the importance of this matter and request that you contact [HOS/AP/Coordinator's name] as soon as possible.

Yours sincerely,

Principal
SAMPLE LETTER: TERMINATION ENROLMENT (DECISION)

[Date]

Mr and Mrs [Name]
[Address]

Dear Mr & Mrs [name]

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 Discipline Code. The action that I have taken means that [student’s name] is no longer be 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 [discipline code] 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 C

### Indicators For Procedural Fairness

Internal Use Only

Student Name: _________________________________________________

<table>
<thead>
<tr>
<th>ACTION</th>
<th>DOCUMENTATION</th>
<th>DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. The College has held a formal interview with the student and notified the parent / carer prior to any suspension from school.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. The College has provided all relevant policy and procedure documents to the student and parents/carers.</td>
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<tr>
<td>3. The school has organised a program of study for the student (where appropriate) while suspended from the College.</td>
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<tr>
<td>4. 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.</td>
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<tr>
<td>5. Information has been collected from others (students, teachers, witnesses, etc):</td>
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<td></td>
</tr>
<tr>
<td>• individually and</td>
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<td></td>
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<tr>
<td>• with the use of non-leading questions and</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• with no assumption of guilt on the part of the accused student.</td>
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<tr>
<td>6. The College counsellor has worked with the student and prepared a report in relation to the alleged behaviours (where appropriate).</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7. The College has reviewed all in school and beyond school strategies that have been or could be exercised in relation to the student.</td>
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<td></td>
</tr>
</tbody>
</table>
8. 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.

9. The College has held at least one formal meeting with the student and parents/carers to allow them to give a full and proper response to any prejudicial information that has been collected in the matter.

10. The College has acted upon any reasonable requests to collect further information in the matter on behalf of the accused student.

11. A decision has been made in the matter after carefully weighing up the information put before the school.

Signature: ___________________________     Date: ________________

Principal (or delegate)