



Discipline (Suspension and Expulsion) Policy

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Discipline (Suspension and Expulsion) Policy

Policy Statement

Every student has the right to a learning environment free from bullying and intimidation and to feel safe and happy at school. They also have the right to be treated fairly and with dignity. Discipline is necessary to ensure the safety and welfare of all our students, teachers and staff and to provide a conducive learning environment. This Student Discipline Policy and its Procedures are part of the framework through which school manages student discipline.

This policy is based on principles of procedural fairness. As a consequence, the following procedures will be used for students who are alleged to have committed a serious offence, particularly one for which suspension or expulsion may be considered.

Heritage College Lake Macquarie (HCLM) internal procedures are directed by these guidelines. In some instances, student misdemeanours may need to be reported to relevant agencies, such as the police or the Department of Communities and Justice.

This Discipline (Suspension and Expulsion) Policy is available on the school's publicly accessible website, not behind a firewall or login, and will be provided to parents/guardians in hardcopy upon request.

1. Procedural Fairness

- 1.1. All students have the right to be treated fairly and with dignity in an environment that is free from harassment, intimidation, disruption and discrimination.
- 1.2. Procedural Fairness involves two key concepts:
 - 1) The hearing rule
 - 2) The right to an unbiased decision
- 1.3. The hearing rule is the right of the person who has had allegations made against them to:
 - a) Know the specific allegations and any other information which will be taken into account when considering the matter
 - b) Know the process for considering the matter
 - c) Respond to the allegations
 - d) Know how to seek a review of the decision made in response to the allegations
- 1.4. The right to an unbiased decision guarantees:
 - a) An impartial investigation and decision-making process
 - b) An unbiased decision maker
- 1.5. In implementing these procedures, the Principal will take into account the student's age, background, individual needs, developmental level and any disability. The Principal will also consider the safety, care and welfare of the student, staff and other students in the class and school.

2. Corporal Punishment

HCLM expressly prohibits corporal punishment, and does not explicitly or implicitly sanction corporal punishment by non-school persons (such as parents) to enforce discipline.

3. Definitions

3.1. Suspension – temporarily removing a student from all their normal classes.

3.2. Expulsion – permanently removing a student from the school.

4. General Principles

4.1. In most circumstances suspension will occur only after the school has:

- a) Ensured that appropriate in-school student discipline options have been implemented.
- b) 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.
- c) Provided a written communication detailing inappropriate behaviours as well as clear expectations of what is required of the student in future.
- d) Recorded all action taken.

4.2. In some circumstances the Deputy Principal may direct the student not to attend school while an investigation takes place. Parents and students should be aware that a student may be subject to the school's discipline in regard to inappropriate behaviour outside of school if the student can be identified as a student of HCLM and the behaviour could be considered to have harmed the school's reputation. Groups of HCLM students attending parties or other functions, whose behaviour may bring disrepute upon the school, may also be subject to the school's discipline.

5. Short Suspensions

A student may be suspended for up to five school days for any of the following reasons:

- a) Continued Disobedience. This includes, but is not limited to, breaches of the school discipline code. For example: refusal to obey staff instructions; defiance; disrupting other students; minor criminal behaviour related to the school (e.g. vandalism, theft); use of alcohol or tobacco at school.
- b) 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.
- c) Any other conduct considered by the Principal to warrant a short suspension.

6. Long Suspensions

The Principal may impose a suspension of up to 20 school days for any of the following behaviours:

- a) Physical violence.
- b) Possession of a prohibited weapon such as a firearm or knife.
- c) Use or possession of, a suspected illegal substance, or supply of a restricted substance.
- d) Use of an implement as a weapon or threatening to use a weapon.

- e) Serious criminal behaviour related to the school: including malicious damage to property (school or community), or against the property or person of a fellow student or staff member on, or outside of the school premises. If the incident occurred outside the school or outside school hours, there must be a clear and close relationship between the incident and the school.
- f) Persistent misbehaviour: including repeated refusal to follow the school 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.
- g) Any other conduct considered by the Principal to warrant a long suspension.

7. Expulsion

- 7.1. Expulsion is the cancellation of a student's enrolment so that the student is permanently removed from the school. This consequence may follow after two or more suspensions, or in the event of a serious act of misbehaviour, or for any reason that the Principal or School Council determines warrants expulsion. The parents may be given the opportunity to withdraw the student from the school.
- 7.2. "Serious acts of misbehaviour" include, but are not limited to:
 - a) Use of a weapon occasioning serious harm to a person at school.
 - b) An assault, or threatened assault, of a student or staff member.
 - c) An act of vandalism at school.
 - d) Possessing or selling illegal drugs at school.
 - e) Any matter deemed by the Principal to be a 'serious act of misbehaviour'.

8. Procedures to Ensure Procedural Fairness

- 8.1. Where a disciplinary issue arises which may result in suspension or expulsion the school will investigate the circumstances surrounding the issue. The Deputy Principal may direct the student not to attend school while the investigation takes place. An investigation will include the student being provided with information about the nature of the allegations and being given an opportunity to respond.
- 8.2. If after receiving the results of the investigation and hearing representations from the student, the Deputy Principal forms the view that the student should be suspended or expelled, the Deputy Principal will make a recommendation to that effect to the Principal and advise the student and parents/carer that this recommendation has been made.
- 8.3. The parents/carer or student may appeal against that recommendation to the Principal, setting out the reasons why the Principal should not act on the recommendation. Any appeal must be provided to the Principal no later than three days after the parents/carer have been advised of the recommendation.
- 8.4. If no appeal is made within the time specified, the Principal will decide whether to accept the recommendation and advise the student and parents/carer of the decision.
- 8.5. If the student or parents/carer have lodged an appeal, the Principal will consider the recommendations and the reasons provided by the student or parents/carer for not following the recommendation and will decide whether to accept the recommendation of the Deputy Principal. The Principal will then advise the student and parents/carer of the decision.
- 8.6. The decision made by the Principal will be final.

9. Record Keeping

The Deputy Principal will be responsible for making sure any records, such as notes of interviews, investigation, meetings, letters sent, will be added to the relevant student's file in the online management system.

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