St Gregory’s College Campbelltown

Exclusion Policy 2011

(Jointly agreed by representatives of the Trustees of the Marist Brothers, the Parents and Friends Association of St Gregory’s College and the staff of St Gregory’s College)

Confirmed March 2010
Reviewed December 2011
St Gregory’s College Campbelltown
EXCLUSION POLICY

The management of student behaviour at St Gregory’s College is founded on the notion of respect for the dignity of each individual within the community and is intimately linked with the College’s pastoral care initiatives. “As contemporary Marist educators, we share and continue Marcellin’s dream of transforming the lives of young people, particularly the least favoured, through offering them an integral education, both human and spiritual based on a personal love for each one” (In the Footsteps of Marcellin Champagnat p.23) Student management protocols reflect a commitment to nurture in each boy:
• a profound respect for himself as a young man created in the image of Jesus
• a profound respect for each member of the St Gregory’s community
• a robust self discipline
• a strong sense of justice, tolerance and compassion

These imperatives manifest themselves in the daily management of student behaviour that acknowledge the progress each boy makes in his personal journey to maturity and that challenge and encourage obvious areas for growth. Notwithstanding these efforts, there will be times when student behaviour is so recalcitrant that it compromises the safety and security of other members of the school community and/or is so disruptive as to fragment the teaching/learning process. Such behaviour demonstrates complete disregard for school rules and codes of conduct established for the safety and benefit of the whole community. In this context, the pastoral care program at St Gregory’s College aims to ensure that disciplinary measures and sanctions are approached not merely as punitive actions but as concerted attempts to foster responsibility for actions, and to both change and heal destructive behaviours and breaches of order. This policy aims to address ways of responding to serious offences and breaches of discipline, while respecting the integrity of the underlying philosophy of the College’s student management protocols and Champagnat’s commitment to the “least favoured of young people”.

RESPONDING TO SERIOUS OFFENCES
A serious offence by a student challenges the school to demonstrate a commitment to the welfare, rights and well being of all its members, and at the same time to be responsive to the welfare rights and special needs of the perpetrator.
The school’s response should always reflect a consideration of:
• the priority to act with justice, compassion and forgiveness
• a student’s previous pattern of behaviour
• the extent to which the behaviour may have been preventable by policies and practises implemented by the school
• the welfare and security of the other members of the school community (staff and students)
• the schools legal and legislative obligations
• the particular circumstances of life the student is currently experiencing
• the potential for contributing to the personal growth and maturity of the student by excluding him from the school

In the investigation of serious offences and the subsequent imposition of sanctions, St Gregory’s College firmly commits to the principle of procedural fairness. These principles underpin any matter that involves consideration of exclusion. In particular there are two key elements:
• the right to respond (the hearing rule)
• the right to an unbiased hearing (the bias rule)
Definition of a serious offence

Serious offences are defined as an activity or behaviour by a student which:

• seriously undermine the ethos of the College; or
• consistently and deliberately fails to comply with any lawful order of a Headmaster or teacher; or
• is offensive, or dangerous, to the physical or emotional health of any staff member or any student/member of the College community; or
• consistently and deliberately interferes with the educational opportunities and endeavours of other students

Note: Some serious offences are by their nature criminal offences, and schools are obliged to observe certain legal requirements.

SUSPENSION (External)

1. In determining whether a student’s misbehaviour is serious enough to warrant suspension (ie exclusion from attending school), the Headmaster will consider the safety and welfare of the student, staff and other students in the class or school.
2. The full range of school student welfare and discipline strategies will have been implemented, in most cases, before a suspension is imposed (refer student diary and Staff Handbook).
3. In some circumstances the Headmaster may determine that a student should be suspended immediately. This will usually be due to reasons such as the safety of students or staff; because of violence, threats of violence, the presence of weapons or illegal drugs
4. The Headmaster will suspend immediately and consistently with these procedures, any student who:
   • Is in possession of a suspected illegal drug
   St Gregory’s College firmly believes that our school must be a place free of illegal drugs. Suspension is to occur immediately if the substance is being represented by the student as an illegal drug, or on confirmation that the substance is, in fact, illegal.
   • Is violent or threatens serious physical violence
   Any student intentionally causing injury or threatening serious physical violence against another student or teacher is to be suspended immediately.
   • Is in possession of a prohibited weapon
   Any student in possession of a prohibited weapon (eg knife), or using, or threatening to use, any item or instrument as a weapon, is to be suspended immediately. The matter may be reported to the Police.
5. The Headmaster may also suspend, consistent with these procedures and (2) above, any student who, among other things:
   • Is persistently disobedient
   Students who, in their relationships with staff, are persistently disobedient, insolent or engage in verbal harassment and abuse, may be suspended.
   • Is persistently disruptive
   Students who persistently disrupt and prevent the learning and teaching of others may also be suspended.
   • Is in breach of school rules and regulations as published by the school
6. In circumstances other than those outlined in (3) and (4) above, suspension usually will occur after the Headmaster 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 have been involved.
• Taken reasonable steps to ensure that discussion appropriate to the circumstances has occurred with the student and/or parent/caregiver regarding specific misbehaviour which the school considers unacceptable and which may lead to suspension.
• Provided to the student and/or caregiver, by mail or otherwise, a formal written caution detailing these behaviours as well as clear expectations of what is required of the student in future, and
• Recorded in appropriate school files all action taken.

DECIDING ON, NOTIFYING AND RESOLVING A SUSPENSION

Decision
1. The Headmaster should inform the student of the precise grounds on which suspension is being considered. The student must be given the opportunity to respond.
2. The student’s response must be considered before a decision to suspend is made.
3. The decision to suspend must be taken by the Headmaster or authorised delegate.

Notification to Parents
1. A student will not be sent out of the 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 child from school.
2. Notification of suspension must be made to parents or caregivers in writing
3. In all cases, the notification must include:
   • Notice of the suspension
   • The reasons for the suspension
   • The clear expectation that the student will continue with studies while suspended
   • The importance of parental assistance in resolving the matter
   • Parental responsibility for the care and safety of the student while under suspension
4. Parent’s and caregivers should be referred to the school’s published discipline code (Student diary).
If consideration is being given to exclusion, the notification of suspension must make this intention plain.

Notification to Others
1. Where deemed appropriate, the Director of Marist Ministries for the Trustees of the Marist Brothers would be advised of the decision to suspend by the Headmaster.

Resolution
1. At the earliest opportunity, the Headmaster or authorised delegate must convene a suspension resolution meeting with the student and the parent(s) to discuss the basis on which the suspension will be resolved.
2. If despite the school’s requests, parents or caregivers are unable or unwilling to attend a suspension resolution meeting, the Headmaster should consider the individual merits of the case and may recommend to parent(s) or caregivers that the case go to appeal.

TERMINATION OF ENROLMENT

In extreme circumstances, the Headmaster may decide the termination of a student's enrolment from St Gregory’s College. A decision to terminate a student's enrolment from St Gregory’s College can only be made by the Headmaster or, in the absence of the Headmaster, the Acting Headmaster.
1. In cases where consideration is being given to recommending a termination of enrolment from St. Gregory's College the gravity of the circumstances requires that particular emphasis be given to all aspects of procedural fairness.
2. When recommending a termination of enrolment from St. Gregory's College, the
Headmaster must:
• Place the student on suspension pending the outcome of the decision making process. This action should be taken irrespective of any action by another agency, including the NSW Police Service.
• notify the student and the parents or caregiver in writing by post or otherwise, that if a termination from St. Gregory's College is being considered, giving reasons for the possible action and allowing seven school days for the student, parents or caregiver to respond.
• provide the parents or caregiver with a copy of all the documentation on which the recommendation to expel is based (taking account of the need to protect the anonymity or personal information about/from complainants and/or witnesses)
• consider any response from the student and parents or caregiver before proceeding further
• provide with reasonable notice the student and parents or caregiver the opportunity to attend a formal interview with the Headmaster
• provide the parents or caregiver with information on the implications of this action, their rights to an appeal and the appropriate procedures for submitting an appeal
3. If having completed the action outlined above, the Headmaster decides to recommend exclusion from St. Gregory's College, the Headmaster must notify the Director of Marist Ministries (Sydney Province) detailing the reasons, the action taken to moderate the students behaviour (where appropriate), a copy of all required documentation, and any response from the student, parents or caregiver.

TERMINATION OF ENROLMENT- UNSATISFACTORY PARTICIPATION
• This means that the student of post compulsory age has his enrolment terminated, on the basis of unsatisfactory participation in learning, eg: a documented pattern of non-satisfactory completion, non-serious attempts to meet course objectives, and/or non-compliance with Board of Studies requirements for the award of a School Certificate or Higher School Certificate
• Prior to making a decision to terminate the enrolment on these grounds the student must receive at least one formal written warning that such action is being contemplated. The student must also be provided with a reasonable period in which to demonstrate an improvement in his participation

TERMINATION OF ENROLMENT - APPEALS PROCESS
1. Students and parents or caregivers who consider that correct procedures have not been followed, or that an unconscionable decision has been made, may appeal.
2. Appeals must be in writing, stating the grounds on which the appeal is being made.
3. Appeals are made to:
   (i) the Director of Marist Ministries, Sydney Province, Marist Brothers.
4. The Director of Marist Ministries (Sydney Province) will:
• appoint a suitable person or persons to review the Headmaster's recommendation. That person will:
  - deal with the appeal within 4 school weeks of its lodgement
  - ensure that communication lines are maintained with the person or persons making the appeal and that they are kept aware of the progress of the appeal
  - review all relevant material
  - ensure that appropriate material has been made available to the student and his or her parents or caregivers
  - discuss relevant issues with the person or persons making the appeal and any other parties, as appropriate
• advise in writing all the parties of the decision and the specific reasons for reaching the decision
5. Where an appeal against an expulsion is upheld, the Director Marist Ministries (Sydney Province) will decide what further action is to be taken
6. The fact that an appeal has been lodged does not put on hold the Headmaster's decision to suspend prior to the recommendation to terminate a student's enrolment.

SAMPLE LETTER OF SUSPENSION
(Date)
Mr & Mrs (Name)
(Address)
Dear Mr & Mrs (Name)
This is to inform you that today I have suspended your son (students name) from St Gregory's College, consistent with the school's published discipline code located in the diary of each boy. (Students name) has been suspended for (length of time and details of the incident/s). Please contact my office as soon as possible by phone 0246 294224 to arrange a meeting to discuss this suspension.
You are responsible for the care and safety of your son while he is on suspension. The school expects that (student's name) will continue with his studies while suspended. I impress upon you the importance of this matter and request that you contact me as soon as possible.
Yours sincerely
Damien Millar
Headmaster

SAMPLE LETTER: SUSPENSION WITH POSSIBLE TERMINATION OF ENROLMENT
(Date)
Mr & Mrs (Name)
(Address)
Dear Mr & Mrs (Name)
This is to inform you that today I have placed your son (student's name) on suspension and that I am considering terminating his enrolment from St Gregory's College. This is consistent with this school's published discipline code located in the diary of each student. The action that I am considering would mean that (student's name) would no longer be able to attend this 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 school pending the final decision making process.
Please contact my office as soon as possible by phone 0246294224 to arrange a meeting to discuss this matter. At this meeting I will explain the implications of terminating enrolment at St. Gregory's College.
You are responsible for the care and safety of your son while he is on suspension. The school expects that (student's name) will continue with his studies while suspended. I attach for your information a copy of the school's discipline code.
Again I impress upon you the importance of this matter and request that you contact me as soon as possible.
Yours sincerely
Damien Millar
Headmaster

SAMPLE LETTER RE: TERMINATING ENROLMENT DECISION

(Date)
Mr & Mrs (Name)
(Address)
Dear Mr & Mrs (Name)
This is to inform you that today I have decided to terminate the enrolment of your son (student's name) from St. Gregory's College. This decision has been taken, consistent with this school's discipline code. The action that I have taken means that (student's name) is no longer able to attend St. Gregory's College.
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 son pending the arrangement of an alternative educational setting. The school expects that (student's name) will continue with his studies during this time.
I have previously provided you with a copy of this school's discipline code for your reference.
If you consider that correct procedure has not been followed in the handling of this matter, or that an unconscionable decision has been made, you may appeal to the Director of Marist Ministries (Sydney Province) of the Marist Brothers. His contact details are:
I do 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 school has exhausted every strategy available and could come to no other conclusion. I do wish (student's name) well in his future endeavours and I hope that a fresh beginning in a new educational setting will be a positive experience for him.
Yours sincerely
Damien Millar
Headmaster

ENSURING PROCEDURAL FAIRNESS IN SCHOOL INVESTIGATIONS

These principles underpin the basic rights of all individuals when dealing with authorities. Relevant stakeholders have a legitimate expectation that St. Gregory's College will follow these principles when dealing with any matter that may involve the exclusion of a student. Exclusion includes suspension and expulsion from St. Gregory's College.

PROCEDURAL FAIRNESS is:
• the right to be heard and
• the right to a fair and unbiased hearing
This means that those investigating a matter within a school will act fairly, in good faith, without bias, and exercise discerning judgement.
Each party should have an opportunity to state their case adequately; correcting or contradicting any relevant statement prejudicial to their case.
PROCEDURAL FAIRNESS is NOT:
• about only hearing one side of a case or
• about being a judge in one's own cause
A person accused must have notice of what has been alleged against him.

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 that will be taken into account
  - the right of the person against whom the allegations have been made to respond to the allegations and
  - the right to an appeal
• The right to an impartial decision which includes:
  - the right to impartiality in the investigation and the decision making phases
  - the right to an absence of bias in the decision maker
(*) This right does not necessarily imply a right to access personal information about complainants and witnesses. In some circumstances it may be necessary to maintain the anonymity of complainants and witnesses.

INDICATORS FOR ENSURING PROCEDURAL FAIRNESS HAS BEEN AFFORDED TO A STUDENT

Internal Use Only
Student Name ____________________________________________________
ACTION DOCUMENTATION DATE
1. The school has held a formal interview with the student and notified the parent/carer prior to any suspension from school
2. The school has provided all relevant policy and procedure documents to the student and parents/carers
3. The school has organised a program of study for the student (where appropriate) while suspended from the school
4. The school 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
5. Information has been collected from others (students, teachers, witnesses etc)
  - individually and
  - with the use of non-leading questions and
  - with no assumption of guilt on the part of the accused student
6. The school counsellor has worked with the student and prepared a report in relation to the alleged behaviours (where appropriate)
7. The school has reviewed all in school and beyond school strategies that have been or could be exercized in relation to the student
8. The school 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 school 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 prejudice information that has been collected in the matter
10. The school 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
12. Any decision (and attached paperwork) to transfer or terminate the enrolment of a student has been forwarded to the Director of Marist Ministries (Sydney Province)
Signature: _________________________ _________________
Headmaster (or delegate) Date

APPEAL AGAINST THE DECISION TO TERMINATE THE ENROLMENT OF A STUDENT
(To be lodged within 7 days of the decision)
Student Name: ..............................................................
School Attended: ...........................................................
Year or Grade: .............................................................
Person making appeal:....................................................
Relationship to Student:...................................................
Address: ........................................................................
Telephone Number:(work)..........................(home)..............

PLEASE ATTACH A COPY OF THE LETTER FROM THE SCHOOL NOTIFYING YOU OF THE TERMINATION OF ENROLMENT
This appeal is on the grounds that (please tick the appropriate box)
a. correct procedures have not been followed
b. an unconscionable (or unfair) decision has been made

MAJOR REASON FOR APPEALING (summary only)
___________________________________________________________________________
___________________________________________________________________________
___________________________________________________________________________
___________________________________________________________________________
___________________________________________________________________________

(You may attach supporting documentation to this form. It is important that all matters which you wish considered in the appeal are mentioned).
Signature of the person making the appeal: _____________________ Date: _____________

Checklist:
• Have you attached a copy of the letter of notification from the Headmaster?
• Have you attached additional information?

PLEASE RETURN THIS FORM, TOGETHER WITH THE ATTACHED INFORMATION TO THE
DIRECTOR OF MARIST MINISTRIES (SYDNEY PROVINCE)
PO Box 138, Drummoyne NSW 1470

Student Contract
I, ______________________________, understand that my position at St. Gregory's College will be determined by my ability to abide by all school rules and regulations. My behaviour and presentation must be exemplary and I must apply myself to my studies and to other extracurricular activities.

In particular I will ensure that the following will be adhered to:
1. treat all staff with respect and appreciate the work they do for the College;
2. respect my peers and all members of the College;
3. behave in an exemplary manner at all times, including travelling to and from school;
4. make sound progress in all activities especially my schoolwork, homework, and study;
5. make a positive contribution to the good name of St. Gregory's College;
6. wear appropriate uniform correctly and completely at all times;
7. abide by all the requirements of the College regulations as set out in the student diary
8. _______________________________________________________________________
_________________________________________________________________________
_________________________________________________________________________

I understand that I have been given a final chance to complete my studies at St. Gregory's College and wish to graduate from the College with a good name and a good reputation after having made some very positive contributions.

It is clearly understood that failing to comply with any of these conditions will result in the immediate termination of my enrolment.

Signed:
Student: ____________________________ Date: ____________________
Parent: ____________________________ Date: ____________________
Year Co-ordinator: _______________________ Date: ____________________
Deputy Headmaster: _______________________ Date: ____________________