



Mernda Hills Christian College

Suspension and Expulsion Policy

Document Control

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Gilson College – Mernda					
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Mernda Hills Christian College					
0	May 2023	Jan 2024	Major Revisions	Business Manager	Exec Leaders
1	Feb 2025	Mar 2025	Update to support and communication	Principal	Exec Leaders

Rationale

At Mernda Hills Christian College (“the College”) our vision is to be a highly effective learning community. We believe in redemptive Positive Behaviour for Learning. (PB4L). We attempt to develop a teaching and learning collegiality in recognition of life that is to be lived wholly in response to God. The College seeks to employ the principles, practises and values of a Christian theology and tradition to underpin and develop or restore all relationships and learning.

Source of Obligation

The Education and Training Reform Act (Vic) (the Act) (s 4.3.1(6)) and the Standards for Registration of a College as regulated by the VRQA, requires that our policies relating to the discipline of students are based on principles of procedural fairness and must not permit corporal punishment.

Behaviour Management Policy

Every student has the right to a learning environment free from bullying and intimidation and to feel safe and happy at College. They also have the right to be treated fairly and with dignity.

The *Student Behaviour Management Policy* sets the framework through which Mernda Hills Christian College manages student discipline.

It is our policy that corporal punishment is prohibited.

Suspension and Expulsion Defined

Suspension or expulsion may occur as a consequence of a serious breach of College rules, or serious disobedience.

A suspension is a temporary removal of a student from all classes that a student would normally attend at College for an appropriate period of time.

Expulsion is the permanent removal of a student from the College.

It is our policy that our procedures for the suspension or expulsion of a student are based on the principles of procedural fairness.

This policy sets out the procedures to be followed when making a decision about the suspension or expulsion of a student.

Detailed procedures relating to the College’s respectful behaviour program under the PB4L process are available via the Student Handbook.

The PB4L/Discipline Committee

This committee, with the Principal or nominated delegate as chairperson, is appointed at the beginning of each year and its duty is to consider serious (PB4L Tier 3) breaches of the Student Behaviour Policy and procedures, and the Student Code of Conduct. It will usually include the Head of School, the homeroom or classroom teacher, the College Captains (for secondary school only, as

appropriate), Chaplain and Wellbeing Officer or House Coordinator (secondary only). The College may include other relevant staff members to this Committee without notice.

Who May Make a Decision to Suspend or Expel a Student?

Where any teacher or staff member decides that an act or the behaviour of a student may warrant suspension or expulsion the teacher or staff member must refer the matter to the Principal, or delegate, who, after consideration, will refer the matter to the PB4L/Discipline Committee. The PB4L/Discipline Committee will review the behaviour of the student, with respect to procedural fairness, and will make a reasonable and unbiased recommendation to the Principal or delegate.

In serious circumstances, the Principal, at his/her discretion, or her/his delegate, may summarily suspend a student pending a final recommendation by the PB4L/Discipline Committee. In this case, a meeting with the student and the student's parents/carers to review the suspension must be convened as soon as is practicable.

Procedural Fairness - Procedures

Mernda Hills Christian College is committed to ensuring procedural fairness when disciplining a student. All decisions about the discipline of a student will be conducted in accordance with our Student Behaviour Policy.

Where a decision is being considered to suspend or expel a student, the Principal or her/his delegate, will:

- Write to the student, and the student's parents/carers stating:
 - The reasons that the student is under consideration for being suspended or expelled
 - The relevant rules, policies, standards of behaviour alleged to be breached
 - The relevant allegations said to warrant suspension or expulsion
- Allow the student and/or the student's parents/carers to give a response, either in writing or verbally
- Allow the student to have a support person of the student's choosing as deemed appropriate by the Principal
- Arrange a meeting with the student, and the student's parents/carers
- Arrange for an interpreter if one is required
- Meet with the student and the student's parents/carers and/or support person
- Ensure that such a meeting is recorded in writing.

These findings will be shared with the PB4L/Discipline Committee for consideration and recommendation, following the PB4L/Discipline Committee Procedures. Where possible, all members of the Committee should be present. However, for the Committee to make a valid recommendation, the following members must be present: Principal or delegate, Head of School, Homeroom/Classroom teacher and one member of Wellbeing or Chaplaincy. In circumstances when the Principal is not contactable, both Heads of School must be present, and any recommendation made by the Committee must be approved by the Principal as soon as practicable.

Grounds for Suspension or Expulsion

A principal may suspend or expel a student from the school if, whilst attending school, travelling to and from school or engaging in any school related activity away from school (including when travelling to or from that activity), the student:

1. Behaves in such a way as to pose a danger, whether actual, perceived or threatened, to the health, safety or wellbeing of any person
2. Causes significant damage to or destruction of property
3. Commits or attempts to commit or is knowingly involved in the theft of property
4. Possesses, uses or sells or deliberately assists another person to possess, use or sell illicit substances or weapons
5. Fails to comply with any clear and reasonable instruction of a staff member so as to pose a danger, whether actual, perceived or threatened, to the health, safety or wellbeing of any person
6. Consistently engages in behaviour that vilifies, defames, degrades or humiliates another person based on age, breastfeeding, gender, identity, impairment, industrial activity, lawful sexual activity, marital status, parent or carer status or status as a carer, physical features, political belief or activity, pregnancy, race, religious belief or activity, sex, sexual orientation, personal association (whether as a relative or otherwise) with a person who is identified by reference to any of the above attributes
7. Consistently behaves in an unproductive manner that interferes with the wellbeing, safety or educational opportunities of any other student

OR the student's behaviour is determined to be of such magnitude that, having regard to the need of the student to receive an education compared to the need to maintain the health, safety and wellbeing of other students and staff at the school and the need to maintain the effectiveness of the school's educational programs, suspension or expulsion are the only available mechanisms.

Suspension and Expulsion - Consideration

The Principal, after following the procedures set out in this policy and with reference to the PB4L/Discipline Committee findings, will make a decision about the facts of the allegations against the student. The Principal will then decide whether to suspend or expel a student based on the following considerations:

- The safety of all students, staff, and visitors
- The seriousness of the student's acts
- The response or remorse of the student, if applicable
- The pastoral care and welfare of the student
- The student's prospects for rehabilitation
- The student's gross misconduct or continual disobedience interferes with the learning of classmates and/or is a harmful, dangerous example to other students
- The student's behaviour may lead to serious harm
- All avenues of the Student Behaviour Policy procedures have been exhausted

If the Principal or delegate determines that expulsion is warranted, the Principal will, as soon as practicable, convene a special meeting of the College Advisory Council for ratification.

Alternatives to Suspension or Expulsion

Despite the fact that a student has been referred for suspension or expulsion, other consequences may be imposed. These are outlined in the Student Behaviour Policy.

Student Support

The College recognises that all students impacted by inappropriate behaviour at a Tier 3 level may require additional support to reintegrate back into the learning environment. These considerations are discussed as part of the Discipline Committee and in consultation with the student or parents as appropriate. Support may include, but is not limited to wellbeing check-ins and formal counselling from the College Counsellor, which may form part of a specific Support Plan for the student.

Suspension and Expulsion - Consequences

Suspension

There are two types of suspension:

1. Suspension for a specified period
2. Suspension for an unspecified period of time

The Principal, after receiving a recommendation from the College PB4L/Discipline Committee, may suspend any student for either a specified period of time or for an unspecified period of time.

Suspension for a Specified Period

Incidents of the type listed above are initially dealt with by the Principal, after receiving a recommendation from the College PB4L/Discipline Committee. The Principal or delegate may choose to suspend a student for a specified period of time. No student may incur more than one suspension of this type in any calendar year. Subsequent offences are automatically referred to the Principal who may reconvene the PB4L/Discipline Committee.

Options available to the Principal include in-College or out-of-College suspension. With an in-College suspension, the student is required to attend the College but completes other set work instead of attending scheduled classes. A student may not attend the College during the period of an out-of-College suspension. The College may support the student while off campus with set curriculum tasks relevant to the student's year level of study.

A student may be required to complete certain specified tasks before re-entry into classes at the end of a suspension. These may include, but are not limited to the following:

- a written apology to a staff member of student
- a written contract with a commitment towards improving behaviour
- a commitment to ongoing counselling or seeking professional support
- meeting with a Wellbeing Officer to equip the student with coping strategies.

Suspension for an unspecified period

The Principal or delegate may decide that a specific length of suspension cannot be determined initially. This may be because:

1. The Principal is waiting for a professional assessment to assist in the decision of whether or not the student is ready to return to school
2. To allow time to investigate the incident

In the event of an unspecified period of suspension, the Principal or delegate may refer the issue to the College Advisory Council for a recommendation. The College Advisory Council Chairperson will convene a meeting as soon as practicable, but no longer than 5 working days after the referral. The Principal or delegate will present a full written report to the College Council for consideration and recommendation. The recommendation to the Principal will be provided within 24 hours of the special meeting.

Possible recommendations include:

1. Setting a suspension end date
2. Lifting the suspension
3. Extending the suspension
4. Expelling the student

The College will make all reasonable efforts to provide a fixed term of suspension to the student to ensure procedural fairness.

Expulsion

A student may be expelled from Mernda Hills Christian College. This would be considered as a last resort.

An expelled student will be unenrolled from the College and will not be allowed to re-enrol without the permission of the Principal.

A decision to expel a student may only be made by the Principal or delegate, after the Principal or delegate has received a recommendation from the PB4L/Discipline Committee and the College Council.

The final decision is made by the Principal and will be minuted and ratified by the College Council.

All outstanding student fees, levies and charges owing to the date of expulsion will be payable by the signatories to the enrolment agreement within 7 days of the expulsion date.

All fees paid in advance will be refunded, less any outstanding amounts, on a pro rata basis from the date of expulsion.

Notification of Decision

The decision made under this policy will be communicated in writing to the student and the student's parents/carers. The Principal will also attempt to communicate this decision verbally.

The student, and the student's parents/carers must abide by the terms and conditions of the decision.

Confidentiality

In accordance with confidentiality requirements, the process and outcome of the Discipline Committee's decision will be disclosed solely to the student and their immediate family for whom the decision pertains.

Communication to other students affected by the inappropriate behaviour will remain general in nature and disclosed as appropriate for the situation.

Staff will be notified in a discreet manner as is appropriate to support the ongoing academic and wellbeing needs of the students involved.

Appeals

A suspended or expelled student, or their parent/caregiver, may seek a review of a decision made under this policy. All appeals must be made in writing within 10 business days of the decision, setting out the grounds of appeal. Only the suspended or expelled student, or their parent/caregiver, may lodge an appeal. Appeals cannot be lodged regarding the consequences imposed on another individual.

An appeal from a decision to suspend a student must be made to the Principal. The appeal will be considered by the PB4L/Discipline Committee and a final decision made.

An appeal from a decision to expel a student must be made to the Seventh-day Adventist Schools Victoria (ASV) Chief Executive Officer at office@asv.vic.edu.au.

Record Keeping

The College will maintain a register of all suspensions and expulsions. This register will remain confidential.

Maintenance of the register shall be the responsibility of the Principal's PA who will oversee the update of the register when any action to suspend or expel a student is approved in writing by the Principal.

Implementation

This policy is implemented by:

- Staff training and professional development opportunities in behaviour management
- Communicating this policy to the College community
- Monitoring the effectiveness of the policy
- Reviewing and evaluating the policy every three years

Related Policies

- Student Behaviour Management Policy
- Anti-Bullying and Harassment Policy
- Student Code of Conduct
- Student Handbook

- Enrolment Policy
- Enrolment Terms and Conditions
- Community Complaints and Appeals Policy

Relevant Legislation Policies

- Commission for Children and Young People Act 2012
- Child Wellbeing and Safety Act 2005
- Crimes Act 1958 (VIC)
- Education and Training Reform Act 2006
- The Charter of Human Rights and Responsibilities Act 2006
- The Children, Youth and Families Act 2005 (as amended in 2011)
- The Crimes Amendment (Grooming) Act 2014
- Victorian Institute of Teaching Act 2001
- Worker Screening Act 2020