

Section of Manual:	7. DISCIPLINE		
Document	7.1: STUDENT DISCIPLINE		
Review Panel	The Chief Executive Officer, Principal and Compliance Manager must be a part of the review of this Policy.		
Purpose:	To ensure the School has a disciplinary process in place for students that incorporate procedural fairness.		
Legislation	Education Act, 1990		
Scope:	Relates to teaching staff, students, parents & guardians, Principal.		
RANGS Manual:	3.7.1 Discipline		
Policy	Clarification of Terms:		
		NESA/The Act	The School
	Suspension	is a temporary removal of a student from all of the classes that a student would normally attend at a school for a set period of time	is a temporary removal of a student from all of the classes AND from the school for a set period of time with the expectation that when they return they will undertake a return to school meeting with the Principal and SWO. During a suspension, students are issued with learning activities from their teacher or via Google Classroom or the SRC Facebook page.
	Expulsion	is the permanent removal of a student from one particular school	is the permanent removal of a student from the school and will preclude them from re-applying at a later date
	Withdrawal of enrolment	NA	is the removal of a student from the school and cancellation of their enrolment. This may also include the parent or student deciding to withdraw their enrolment at SRC. If a student's enrolment is withdrawn, they can no longer attend SRC. They may however re-apply after 12 months or earlier upon application to the Principal if there are evidences that behaviours and circumstances

		<p>have changed. The student will be interviewed by the Principal and must explain how they will abide by the Code of Conduct of SRC. It is expected that when they return they will undertake a return to school meeting with the Principal and Student Wellbeing Officer.</p> <p>If a student is under 17 years of age, they will be legally required to enrol in another school or training opportunity or access 25 hours of paid work per week.</p>
<p>Any student who is believed to be in breach of the discipline policy or is displaying continual offensive behaviour or ongoing unsatisfactory attendance may be subject to actions under the discipline policy.</p> <p>1. A student commits a breach of discipline if the student does any of the following:</p> <p>(a) Engages in conduct that impairs the reasonable freedom of any person (whether or not a student) to pursue his or her studies or work with the Auspicing Body.</p> <p>(b) Assaults, or threatens to assault, another person.</p> <p>(c) Engages in any offensive conduct or any unlawful activity.</p> <p>(d) Removes/damages or inappropriately uses any property of the School or Auspicing Body without having permission from the organisation or a member of staff.</p> <p>(e) Obstructs a member of staff in the performance of the member's duties especially where this may raise safety concerns.</p> <p>(f) Repeatedly and wilfully disobeys or disregards and order or direction of a member of staff, including a direction regarding appropriate behaviour or safety, repeatedly behaves in a manner that threatens the psychological safety of others.</p> <p>(g) Repeatedly commits or engages in any dishonest or unfair act in relation to an examination or other form of academic assessment.</p> <p>(h) Repeatedly discriminates against a person on the grounds of the person's age, race, sex, homosexuality, transgender, marital status, physical or intellectual disability, or religion.</p> <p>(i) Incites hatred towards, serious contempt for, or severe ridicule of, a person or group of persons on the grounds of the age, race, sex, homosexuality, transgender, marital status, physical or intellectual disability, or religion of the person or members of the group.</p> <p>(j) Engages in unlawful activity</p>		

- (k) Engages in unwanted sexual advances
- (l) Carrying anything that could be construed as a weapon
- m) Repeatedly disrupts the learning environment of others
- n) Contravenes any responsibilities listed in the Student Code of Conduct
- o) Displays ongoing unsatisfactory attendance which has been addressed as per attendance policy and procedure (6.2.1)
- p) Any behaviour or attitude which is contrary to the School's values, mission or culture.

2. It is important to note that a single act or incident may be sufficient to trigger disciplinary action if it is deemed to be serious.

This may lead to immediate suspension, expulsion or withdrawal of enrolment. Should students conduct themselves in a manner that constitutes a serious breach of discipline they can be suspended, expelled or withdrawn immediately with parental notification occurring as soon as practical after the fact.

3. Conduct does not cease to be a breach of discipline merely because it takes place elsewhere than on the premises of the School or outside school hours.

4. A breach of discipline may be committed by an act that involves:

- (a) A communication in person or in writing or by telephone or other telephonic or electronic means which may include any and all forms of social media, or
- (b) A transaction using telephonic or electronic means which may include any and all forms of social media.

5. Offensive conduct includes any of the following:

- (a) Spitting,
- (b) Littering,
- (c) Using offensive language,
- (d) Being under the influence of alcohol,
- (e) Being under the influence of a drug (other than medication that has been prescribed by, and taken in accordance with the instructions of, a registered medical practitioner) and/or
- (f) Unwanted sexual advances or inappropriate sexual behaviour.

Unlawful activity includes any of the following:

	(a) Using, possessing or supplying any prohibited drug, substance or, (b) Stealing the property of another person.

	<p>6. A member of staff who believes that a student has committed a breach discipline:</p> <p>(a) Must, as soon as practicable, report the alleged breach to the Principal, or in their absence, the Executive Officer and</p> <p>(b) May exclude the student from participation in class for the remainder of the day on which the alleged breach occurred, or until a decision can be made regarding the consequences of the breach.</p> <p>7. Ensure the students right to a procedurally fair process:</p> <p>Procedural fairness is a basic right of all individuals. In cases where there is a perceived incongruence between an individual's actions and the School rules and expectations, the School will aim for a fair decision, reached by an objective decision-making process.</p> <p>Procedural fairness seeks to ensure that decisions affecting students are reached only after the individual student has been made aware of the allegations made against him or her. It also seeks to ensure that the student has had the opportunity to present his or her claims in relation to the issues and the proposed decisions affecting him or her.</p> <p>Procedural fairness also requires that the decision maker reaches a decision on the issue in an impartial manner. Care should be exercised to exclude real or perceived bias from the process.</p> <p>The School will follow the principles set out below in circumstances involving disciplinary matters, including dealings with students potentially facing suspension and withdrawal of enrolment.</p> <p>Providing an interpreter, where required:</p> <p>Any student or parent/guardian that requires an interpreter to participate in disciplinary discussions will be provided with one.</p> <p>Right to a support person:</p> <p>All students or parents participating in a disciplinary discussion will have the right to have a support person present during this conversation. Participants will be made aware of this right. Support people's role is to support- not to answer questions on behalf of a participant or to advocate for a participant. A parent/guardian is considered a participant, rather than a support person.</p> <p>Procedural fairness:</p> <p>Is generally recognised as having two essential elements.</p> <p>i) The right to be heard</p>
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This 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.

ii) The right of a person to an impartial decision,

Students have the right to impartiality in the investigation and decision-making phases.

The schools disciplinary process is not only based on procedural fairness but also on a strong belief in the importance of allowing students the opportunity to learn by their mistakes.

Although the school believes in allowing students the opportunity to learn by their mistakes within reasonable limits, it will not condone consistent and/or persistent breaches to occur. Should a student persist in breaching the guidelines of the School the following outlines the discipline process that can be progressed through.

Discipline Process

In the first instance of non-dangerous or minor inappropriate behaviour, all students are supported in conversations around reflection of their behaviour and given opportunity for behaviour modification. At the Principal's discretion, if there is no change, the following discipline policy will be implemented.

It is important to note that a single act or incident may be sufficient to trigger disciplinary action if it is deemed to be serious.

1. Student and Parent Communication

- Undertaken at the earliest possible time following breach of discipline policy.
- Communication in writing via email, text or letter or face to face with student and parent concerning inappropriate behaviour. All communication is to be recorded in Sentral. The School's unsatisfactory participation letter may be issued.
- Outline inappropriate behaviour and clarification of code of conduct and expectations.
- Suggestions for addressing said issue.
- Opportunity for the student/s to determine what they will do to address the incident/issue
- Encourage restorative justice - engagement, accountability and restoration.
- Outline action to be taken should issue continue.



2. Written Warning

Written Warning (or "Inappropriate/ Unacceptable Behaviour" letter) from the Principal outlining:

- The incident/issue to be addressed.
- Relevant dates/times and persons involved.
- Clarification of code of conduct and expectations.
- Suggestions for addressing said issue.
- Action to be taken should issue continue. Student may be advised that should behaviour continue their enrolment at SRC may be withdrawn
- Letter to be addressed to parent/caregiver or student but parent/caregiver is to receive a copy.
- Copy of letter to be located on students file.



3. Suspension- length of time to be negotiated- usually not more than 4 days

- A suspension is utilised if appropriate at the discretion of the Principal.
- When a student receives notification of the likelihood of suspension from the School, the Principal will contact the parents to offer inclusion of involvement in the increased support the student requires at this time
- A letter must be provided to the student and parents/ caregivers which:
 - outlines all of incident/issue to be addressed
 - details relevant dates/times and personas involved
 - clarifies code of conduct and expectations
- Upon return, the Principal and SWO will meet with the student for a return to school meeting focussing on what is mandatory for the student to comply with in re-integrating into school life and opportunity for the student/s to determine what they will do to address the incident/issue as well as action to be taken should issue continue. The return to school plan will be uploaded/documentated in Sentral.



4. Withdrawal of Enrolment at SRC

- Withdrawal of enrolment may occur when the student has had several disciplinary actions taken and the student continues to disregard the SRC Code of Conduct. Withdrawal in these instances will be on a case by case basis and is dependent on the student, their circumstances, their attitude towards their learning at SRC and the severity of the breaches.
- The parent or student may also choose to withdraw their enrolment.
- There may also be mutual agreement between the parents/ caregivers, student that SRC is not a suitable educational environment for the student to participate in.
- The student and parent will be notified in writing of their withdrawal.
- The Dept of Education will also be notified via the required channels that student has been withdrawn from SRC.
- In the event of withdrawal of enrolment, the appeals process may be followed.

Appeals Process

If a student's enrolment is withdrawn by SRC, the students and/or their parents/guardians have a right to appeal the decision. The following process can be used:

Formal Grievance Procedure

Stage One

Formal appeals should be submitted in writing and sent to the Chief Executive Officer at Kiama Community College, PO Box 52, Kiama NSW 2533.

The Chief Executive Officer will notify the person lodging the appeal of receipt of the appeal within 5 working days.

The Chief Executive Officer will then assess the appeal, conducting necessary consultations with the person lodging the appeal and other relevant persons and make a determination regarding the appeal. The Chief Executive Officer will advise the person lodging the appeal in writing of their decision, and reasons for the decision, within 20 working days. A copy of this written response will be kept in the secure student file in the SRC administration office.

The person lodging the appeal will be made aware of their options through the provision of a copy of this policy.

Stage Two

If the person lodging the appeal is not satisfied with the outcome of their appeal then an independent mediator will be sourced by the School through LEADR, the Association of Dispute Resolvers. The person lodging the appeal may request that their appeal is referred to the independent mediator by writing to the Chairperson of the Board of Management, Kiama Community College, PO Box 52, Kiama NSW 2533.



Costs of such mediation will be shared equally by Kiama Community College Inc. and the person lodging the appeal. As a guide mediator's costs would be \$385 for the first four hours (or part thereof). Subsequent hours would be \$137.50 per hour. It is common for most disputes to be resolved within the initial four hour allocation.

Stage Three

If the person lodging the appeal is not satisfied that Shoalhaven River College Discipline Policies & Procedures have been followed, then they may contact NESA. For contact details and information please see: <https://educationstandards.nsw.edu.au/wps/portal/nesa/about/who-we-are/contact-us>.

See flowchart of formal appeals process following:

Formal Grievance Procedure Flowchart

	<p>Please view this flowchart in conjunction with detailed explanation of each step</p>
	<p>Stage 1</p> <p>Submit a written appeal to the Chief Executive Officer.</p>
	
	<p>Stage 2</p> <p>If not satisfied with the outcome of their appeal, the person appealing can write to the Chairperson of the Board of Management to request an independent mediator.</p>
	
	<p>Stage 3</p> <p>If a Student believes that Shoalhaven River College disciplinary policy & procedure has not been followed, they may contact NESA.</p>
<p>Supporting Documentation</p>	

