



Suspension and Expulsion Policy and Procedure

OakTree College ('the College') is an independent co-educational specialist senior secondary school providing education opportunities for young people of migrant backgrounds who are at risk of disengaging from education.

OakTree College ('the College') seeks to provide a safe and supportive environment where all students can safely participate in the educational experiences offered by the College.

The creation of such an environment will ensure that the College mission is upheld in providing a sustainable and deliberate learning community where the potential and aspirations of the students are harnessed and honed and where they are equipped with skills and knowledge for them to play their part in the wider Australian multicultural society.

The College's Student Behaviour Management Policy details expectations and procedures for fulfilling the College's approach to positive student behaviour and responding to challenging student behaviour.

The College acknowledges that there will, however, be cases of unacceptable behaviour where it will be in the best interests of the student and/or the College community for the student involved to be removed from the College for a period of time or to consider an expulsion of the student from the College.

Support processes for a student will be implemented before consideration of suspension or expulsion and this process will be undertaken in full consultation with parents, carers or guardians.

1. Purpose

This policy sets out the policy and procedures that will be applied when the suspension or expulsion of a student is being considered and to ensure actions are based on procedural fairness and confidentiality. This policy should be read in conjunction with the Student Behaviour Management Policy.

2. Scope

This policy applies to the College staff as well as to students and parents, carers and guardians.

3. Definitions

- Suspension** Means the temporary removal of a student from all classes and/or from the College community for a set period of time.
A suspension may be a minimum of 1 day to a maximum continuous suspension period of 10 school days.
- Expulsion** Means the cancelling of a student's enrolment resulting in the permanent removal of a student from the College.
Expulsion is the consequence of serious misconduct and is used as an action of last resort. It must be based on principle of procedural fairness.

The suspension or expulsion of a student will only happen after all other strategies have been implemented and exhausted, subject to the Assistant Principal and/or Executive Principal's approval (as appropriate) in consultation with the relevant staff members.

A student who is suspended is still enrolled at the College and the College considers that the period of suspension should be used as a positive learning experience. While on suspension a student will be supported and will be provided work to complete during suspension so that the student is not educationally disadvantaged.

4. Suspension

4.1 Grounds for suspension

The Executive Principal or Assistant Principal may suspend a student for misbehaviour if that behaviour relates to a College program or activity, or to attendance, which occurs:

- while on College grounds,
- during the lunch period, whether on or off the school grounds,
- while going to or coming from College,
- during online or remote school-related learning,
- during, going to, or coming from a College arranged offsite activity, excursion or while attending a course at a VET provider which forms part of the student's College program.

Suspensions should take into consideration the nature of the behavioural issue the student presents. Suspension may be considered necessary when the student demonstrates:

1. Repeated inappropriate or unacceptable behaviour either verbal or physical abuse;
2. Any breach of the College policies, Student Code of Conduct and/or the Student Behaviour Management Policy and/or an Individual Behaviour Plan;
3. Violent or aggressive behaviour towards other students or staff, or self-harming behaviours, including fighting with or assaulting another person;
4. Smoking or vaping on College premises despite earlier warnings;
5. They are intoxicated or under the effect of illicit drugs;
6. Failure to comply with any reasonable and clearly communicated instruction of the College staff;
7. Consistently behaves in a manner that negatively affects the wellbeing, safety or educational opportunities of themselves or any other person;
8. Repeated behaviour that vilifies, defames, degrades or humiliates another person based on age; gender or gender identity; physical or intellectual disability or

impairment; physical features; political belief or activity; race or ethnicity, religious belief or activity.

In deciding whether to suspend a student, and in determining the length of the suspension, the Executive Principal or Assistant Principal must take into consideration:

- a) the behaviour for which the student is being suspended,
- b) the age of the student,
- c) the educational needs of the student,
- d) any disability or additional learning needs the student may have,
- e) the personal and social circumstances of the student,
- f) any other medical or mitigation circumstances.

4.2 Procedures for immediate suspension

There may be instances where a student needs to be suspended immediately if the student behaves in such a way that would provide the basis for a suspension ordinarily, and their behaviour is such that they are putting the health, safety and wellbeing of themselves, staff or other students at significant risk.

As the College has a duty of care to ensure the student is safe from any reasonably foreseeable risk of injury, the Executive Principal or the Assistant Principal must provide supervision of the student until they can be collected from College by a parent, carer or guardian. If the student's parent, carer or guardian is unable to collect the student the Assistant Principal must obtain consent for the student to leave the College. Where consent is not given or cannot be obtained, the student must stay on College premises and be adequately supervised by a staff member until the end of the school day.

In implementing an immediate suspension, the Assistant Principal must:

1. give immediate verbal or written notification (preferable) to the student and their parent, carer or guardian,
2. notify the student's teachers of the suspension and obtain class work as necessary,
3. schedule a meeting with the teacher(s) and support staff and involve them in a return to school meeting with the student,
4. provide the parent, carer or guardian with written formal advice via email confirming the verbal notification of the suspension and outlining the reasons for the suspension, including notification of a return to College meeting.

4.3 Suspension periods

The maximum continuous period a student can be suspended at any one time is ten (10) school days. A student cannot be suspended for more than twenty (20) school days in any one school year without approval from the Executive Principal.

The College must provide appropriate and meaningful class work to the suspended student during the period of the suspension.

Any suspension must end at the end of the school term in which it was imposed and not continue into the following term. If a student is to be suspended for a period which is longer than the days left in a term the student may be suspended from attending College for the remainder of the term but must return to College on the first day of the following term.

4.4 Return to College meeting

Following a period of suspension the College will arrange 'return to college' meeting with the student, and their parents, carers or guardians, the classroom teacher/s and the Wellbeing Officer. The purpose of the meeting is to ensure the student understands that continuing enrolment at the College is dependent on positive changed behaviours and/or attitude. This will also be an opportunity for the College to discuss any ongoing support the student may need to make a successful return to College life and their learning program.

A record of the discussion outcomes and any agreed supports the College will provide the student should be made and a copy retained on the student's file.

4.5 Right to appeal suspension decision

A parent, carer or guardian has the right to appeal against any decision about the student's suspension to the Executive Principal. The Executive Principal will arrange a meeting with the parent, carer or guardian to allow them an opportunity to raise their concerns regarding the suspension of the student.

During the right to appeal process, a parent, carer or guardian may wish to discuss their concern directly with the Executive Principal. A formal appeal can be made in writing to in accordance with the College Complaint policy. All information must be provided to the parent, carer or guardian relating to the decision the College made about the suspension of the student.

5. Expulsion

5.1 Grounds for expulsion

The College considers the following actions by a student to constitute serious misconduct and grounds for expulsion, actions may include but are not limited to cases where the student:

1. Behaves in such a way as to threaten or constitute a danger to the health, safety or wellbeing of any person,
2. Commits an act of significant violence against a person,
3. Causes significant damage to or destruction of property,
4. Is knowingly involved in the theft of property,
5. Possesses, uses, or deliberately assists another person to use prohibited drugs or substances,
6. Brings weapons, such as knives or guns, to College,
7. Blatantly and persistently disregards College policies prohibiting smoking or vaping,
8. Commits any form of sexual misbehaviour including but not limited to
 - a) possessing pornographic material or showing these to or sharing these with other students,
 - b) sending sexually explicit material to other students or children by email, text or social media
 - c) taking photographs or videos of naked or partly naked children or of other students,
 - d) making sexual comments to other students or to children by phone, email, text or through social media,

- e) making sexual and/or unwanted advances to other students or staff at the College.

The Executive Principal is the only person authorised by the College Board to expel a student. Where the Executive Principal is not able to undertake this responsibility due an approved absence, the Assistant Principal will fulfil this role with the approval of the College Board.

Expulsion will only be considered as a last resort and after considering whether suspension is demonstrably inadequate to deal with the student's disobedience, misbehaviour, conduct or risk (e.g. student has sold a large quantity of illicit drugs at College or has seriously assaulted a staff member or fellow student).

Before a student is expelled from the College, the Executive Principal and the Assistant Principal will meet to confirm that:

- all strategies and approaches to student behaviour management and support measures have been implemented and exhausted;
- the student's behaviour has not improved despite the implementation of these strategies;
- the student's individual circumstances relating to age, behaviour, any disability or learning difficulty, residency and emotional and social needs have been fully considered;
- the student has not demonstrated a commitment to self-improvement or to changing their behaviour despite support from parents, carers or guardians, College staff or external professionals;
- expulsion is the appropriate and logical step necessary to ensure the safety and wellbeing of the student and/or other students or persons associated with the College.

Wherever possible, the Executive Principal or the Assistant Principal/Curriculum Leader will meet with the student and the parent, carer or guardian, before a decision to expel the student is finalised, to explain the reasons for the College's decision.

5.2 Procedural fairness

The student and the parent, carer or guardian have a right to procedural fairness in any decision made by the College. To ensure the College acts in a manner which upholds the principles of procedural fairness, the following steps will be taken:

1. Teachers or other relevant staff must complete a report detailing the nature of the misconduct and provide this to the Executive Principal or the Assistant Principal/Curriculum Leader (in the absence of the Executive Principal).
2. The Executive Principal will consider the seriousness of the alleged misconduct and determine whether it meets the criteria for expulsion. Wherever possible, the Assistant Principal will be consulted in this decision making process.
3. The Executive Principal and the Assistant Principal/Curriculum Leader will ensure sufficient consideration has been given to relevant factors, particularly they will consider:
 - the student's behaviours and the impact of these on other students and College members, especially in relation to overall safety and welfare,
 - the circumstances of the offence or indiscretion,
 - the social, emotional and welfare needs of the student,
 - any other medical or mitigation circumstances.

4. Before the Executive Principal makes a decision, the student will be provided a right to a fair hearing, and they can be accompanied by a support person including their parent, carer or guardian to the meeting with the Executive Principal.
5. After the hearing, the Executive Principal will provide the student and parent, carer or guardian with a written notification of expulsion (no later than five (5) school days after the hearing).
6. The Executive Principal will provide the student and parent, carer or guardian with at least five (5) school days after receiving the expulsion notice to appeal the decision.
7. Before a student who is aged under 18 is expelled the Executive Principal will ensure the parent, carer or guardian understands their obligations in relation to supervision of a minor and the requirement to ensure the student is enrolled in a registered school or appropriate education provider.

5.3 Actions following a final decision to expel a student

When the decision to expel a student has been made, the Executive Principal will take the following steps:

1. Advise the parent, carer or guardian of the decision by phone (in the first instance) and in writing via email (a formal notice of expulsion must be sent to the parent, carer or guardian).
2. Ensure the notice of expulsion details the reasons for the expulsion.
3. Provide information about alternative education options (if the student is under 18 years of age).
4. Request the student leave the College premises and return any College property.
5. Advise the student's classroom teacher and other staff of the decision (on a need to know basis).
6. Make the parent, carer or guardian aware of the College's complaints policy and procedures and the appeals processes (see below).

5.4 Right to appeal expulsion decision

The College upholds the right of a student or parent, carer or guardian to seek a review of a decision to expel a student. All appeals must be made in writing, to the College Chair, setting out the grounds of appeal.

The appeal must be submitted via email oaktreecolleges@gmail.com to the College within five (5) days of the expulsion taking effect. The College Chair will decide whether to uphold or overturn the decision based on the grounds of appeal given.

6. Procedure for Register of Suspensions and Expulsions

The College will maintain a Register of Suspensions and Expulsions in hard copy as well as on SIMON. The Executive Principal will ensure that the student's personal file is updated following a suspension or expulsion and that all information about the student's behaviour and events leading to decisions about suspension or expulsion, including any appeals, is held securely.

The Executive Principal and the Assistant Principal/Curriculum Leader are the only authorised College personnel who will have access to the Register.

7. Communication

The College will communicate this policy through:

- the College website
- staff induction
- Teachers' Handbook
- Staff Handbook
- Student & Parent/Guardian Handbook.

8. Related Policies

- Complaints Policy and Procedure
- Student Behaviour Management Policy

9. Approval and Review

Document Owner:	Executive Principal
Approved by:	College Board
Approval date:	15 June 2024
Next review date:	June 2025 (and every 12 months thereafter)



Appendix 1 – Register of suspension and expulsion

Student Name	Year level	Date of suspension or expulsion	Duration (in days)	Start date	End date	Summary of incident	Support provided to student