

POLICY 1.B9.1D: DISCIPLINE

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NESA Manual:	B9.1		
Related Documents:	<i>Anti-bullying, harassment and violence</i> <i>Behaviour guidance and support handbook</i> <i>Behaviour flowchart</i> <i>Behaviour guidance suite</i>	<i>Cards system</i> <i>Procedural fairness policy</i> <i>Student code of conduct</i> <i>Student rights and responsibilities</i>	
Relevant Legislation:			

Policy

1. Any student believed to have committed a **breach of discipline** may be subject to actions under this policy and associated procedures.
2. The school believes in allowing students the opportunity to learn from their mistakes,
3. and in finding innovative and flexible ways of assisting our students make any appropriate changes in their behaviour or attitude, such as:
 - 3.1. use of our *Cards system*
 - 3.2. a restorative session
 - 3.3. community services on our grounds
 - 3.4. change in timetable
 - 3.5. exclusion from certain classes or activities
 - 3.6. mediation
 - 3.7. referral to support services
4. however, a young person who persists in breaching the guidelines of the school will progress through various levels before reaching **expulsion**.
5. Without a considerable breach of acceptable behaviour, a student cannot be expelled from the school unless they have been firstly **suspended**.
6. The school does not **exclude** students from other schools or practice **exclusion** as defined by the Education Act.
7. Our *Behaviour Guidance and Support Handbook*, *Behaviour Flowchart* and *Behaviour Guidance Suite* provide practical guidance for staff in responding to various student behaviours.

Procedural fairness

8. In all matters, but particularly those with potentially serious consequences, such as a long **suspension** or **expulsion**, it is essential that we uphold everyone's right to **procedural fairness**,
9. so we will always:

- 9.1. ensure this policy is accessible to students and parents/carers
- 9.2. provide students who are subject to allegations, and their parents/carers:
 - 9.2.1. details of any specific allegation(s) including details provided by witnesses
 - 9.2.2. copies of, or access to, the school's *Discipline Policy and procedures* relevant to the allegations
 - 9.2.3. an outline of the process of investigation and decision-making, including their rights, responsibilities
 - 9.2.4. keep them appropriately informed throughout the process, within the confines of privacy, safety and other considerations
 - 9.2.5. protecting the identity of witnesses if necessary
 - 9.2.6. the option to have a support person or observer at interviews and discussions relating to the allegations
 - 9.2.7. a written copy of key points of interviews including them, if requested
 - 9.2.8. access to any appropriate support services if needed or requested.
- 9.3. Where practicable, any investigation is to be conducted by a separate individual to the decision-maker.
10. For the purpose of clarity, while **procedural fairness** does require details of allegations to be provided, it does not entitle any person to complete copies of witness statements or other evidence collected during any investigation process.

Responding to a breach of discipline

11. Any member of **staff** who believes a student has committed a **breach of discipline** must report it to an executive member of staff as soon as practicable.
12. An executive member of **staff** may suspend a student from attendance:
 - 12.1. for the remainder of the day on which the alleged breach occurred
 - 12.2. until a decision can be made regarding the consequences of the breach.

Suspension

13. For any matter that may result in student **suspension**, the **staff** reporting the matter will be the investigator, and the Deputy Principal will be the decision-maker. The Principal will adjudicate **suspension** appeals.

Expulsion

14. For any matter that may result in student **expulsion**, the Deputy Principal will be the investigator, and the Principal will be the decision-maker. The Board will adjudicate or delegate **expulsion** appeals.

Corporal punishment

15. The school does not permit **corporal punishment** of students attending our school under any circumstances, and so:

- 15.1. no staff member is permitted to use **corporal punishment**, regardless of whether the parent or caregiver has requested or given permission to do so
 - 15.2. the school does not explicitly or implicitly sanction the use of **corporal punishment**, by any person, to reinforce any discipline actions implemented by the school, or any disciplinary decision by a parent or caregiver.
16. This is not to say that reasonable force cannot be used in self-defence, protection of another student, or in provision of protection against harm to a person who is acting violently.

Definitions

Breach of discipline

17. A breach of discipline involves:

17.1. conduct that impairs the reasonable freedom of any person to pursue their studies or work at the school, its premises or facilities

17.2. regardless of whether the conduct occurs on the school's premises or not

17.3. including, but not limited to:

17.3.1. assault

17.3.2. threatening to assault a person

17.3.3. unlawful activity

17.3.4. discussing past or planned unlawful activity during school hours

17.3.5. **offensive conduct**

17.3.6. removing, damaging or using any school property without staff permission

17.3.7. obstructing a member of staff in the performance of their duties

17.3.8. wilfully disobeying or disregarding an order or direction of a member of staff, including a direction regarding behaviour or safety

17.3.9. dishonest or unfair acts relating to academic assessment

17.3.10. **discrimination**

17.3.11. **vilification**

17.3.12. bullying and harassment, as per our *Anti-Bullying, Harassment and Violence Policy*

17.4. and including, but not limited to, an act that involves:

17.4.1. communication:

17.4.1.1. in person

17.4.1.2. in writing

17.4.1.3. by phone

17.4.1.4. by text or electronic messages

17.4.1.5. by any other electronic means

17.4.2. a transaction via electronic, digital, mobile, or any other media.

Corporal punishment

18. Corporal punishment includes the use of force, striking, or withdrawal of basic life needs, as a form of student punishment.

Discrimination

19. Discrimination includes conduct toward:

19.1. a person

19.2. a group of people

20. that treats them less favourably,

21. based on their:

21.1. age

21.2. ancestry

21.3. culture

21.4. religion

21.5. nationality

21.6. gender

21.7. gender identity

21.8. sexuality

21.9. pregnancy

21.10. marital status

21.11. disability

22. whether actual or perceived.

Exclusion

23. Exclusion is the act of preventing a student's admission to a number of schools.

Expulsion

24. Expulsion is the permanent removal of a student from the school.

Offensive conduct

25. Offensive conduct includes:

- 25.1. spitting
- 25.2. littering
- 25.3. offensive language or actions, such as:
 - 25.3.1. abusive, threatening, or vulgar language
 - 25.3.2. racial slurs or hate speech
 - 25.3.3. displaying obscene or racist signage
 - 25.3.4. mocking victims of attacks, accidents or crimes
 - 25.3.5. filming or sharing video of, victims of attacks, accidents or crimes
- 25.4. public indecency, such as:
 - 25.4.1. exposing private parts
 - 25.4.2. urinating or defecating in public
 - 25.4.3. changing clothes in front of others
- 25.5. public disorder, such as:
 - 25.5.1. fighting in a public place
 - 25.5.2. unruly behaviour that disturbs bystanders
- 25.6. public sexual activity, such as:
 - 25.6.1. sexual acts in public view
- 25.7. intoxication
- 25.8. being under the influence of alcohol
- 25.9. being under the influence of a drug other than medication prescribed by, and taken in accordance with the instructions of, a registered medical practitioner.

Procedural fairness

- 26. Procedural fairness is the right to:
 - 26.1. a hearing / the right to be heard, which:
 - 26.1.1. informs them of:
 - 26.1.1.1. their rights and responsibilities throughout the process
 - 26.1.1.2. the specific allegations and any other information to be considered
 - 26.1.1.3. the procedure that will be followed
 - 26.1.1.4. how to apply for a review of any decision made in response to the allegations
 - 26.1.2. allows them to respond to the allegations

26.2. an unbiased decision:

26.2.1. based on impartial investigation and decision-making processes

26.2.2. made by an unbiased decision-maker.

Suspension

27. A temporary debarment of a student from all classes they would normally attend at school.

Temporary expulsion

28. The temporary removal (for an indefinite period) of a student from the school, which could become permanent.

Vilification

29. Vilification includes conduct that incites:

29.1. hatred toward

29.2. serious contempt for

29.3. severe ridicule of

30. either:

30.1. a person

30.2. a group of people

31. based on their:

31.1. age

31.2. ancestry

31.3. culture

31.4. religion

31.5. nationality

31.6. gender

31.7. gender identity

31.8. sexuality

31.9. pregnancy

31.10. marital status

31.11. disability

32. whether actual or perceived.

Unlawful activity

33. Unlawful activity includes, but is not limited to:

33.1. using, possessing, or supplying any prohibited drug, substance, or weapon

33.2. theft.