



Catholic
Education
Commission
Tasmania

RESPONSE TO UNACCEPTABLE STUDENT BEHAVIOUR POLICY

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1 AUTHORITY AND APPLICATION

Date of approval	30 June 2022
Source of approval	Catholic Education Commission Tasmania
Start date	8 July 2022
Date of review	June 2025
Date of amendments	N/A
Previous policies replaced by this Policy	N/A

SIGNED:



Chair of the CECT

DATE:

07.07.2022

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2 RELATED DOCUMENTS

This Policy should be considered in conjunction with the following related documents:

Applicable Laws	All laws in connection with the carrying out of work or the Workplace including: <ul style="list-style-type: none">• <i>Anti-Discrimination Act 1998 (Tas)</i>• <i>Education Act 2016 (Tas)</i>• <i>Privacy Act 1998 (Cth)</i>
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3 PURPOSE

The aim of this policy is to provide parameters around the types of disciplinary action that can be taken by a Catholic School in Tasmania, in response to unacceptable student behaviour that is unacceptable and has a negative impact on other students and/or staff. Everyone has the right to a learning environment free from bullying, intimidation and physical danger and has the fundamental right to feel safe, secure, and happy at the Catholic School of their choice. This includes being protected from behaviour deemed unacceptable by an individual student. All students have the right to be treated fairly, with respect and dignity when dealing with all circumstances that may arise during their education. This policy acknowledges that a Catholic School needs to consider the safety and duty of care it has to all the students and staff in its care.

The disciplinary action taken by Catholic Schools covered by this policy include:

- Negotiated transfer of a Student enrolment to another school.
- Internal suspension of a Student.
- External suspension of a Student.
- Expulsion of a Student.

4 DEFINITIONS

For the purposes of this Policy:

- **Archdiocesan Schools** – the thirty-five Catholic schools and colleges owned by the Roman Catholic Church Corporation of the Archdiocese of Hobart.
- **Catholic Education Tasmania** - means Catholic Education Commission Tasmania

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(CECT) controlled workplaces including the Tasmanian Catholic Education Office (TCEO), Archdiocesan Schools and adjunct business undertakings such as childcare operations, as well as Dominic College Glenorchy Limited Schools and Ministerial Public Juridic Person (MPJP) Schools operating in Tasmania.

- **Catholic Schools** – means Archdiocesan Schools, MPJP Schools and Dominic College Glenorchy Limited Schools operating in the Archdiocese of Hobart.
- **CECT** – means the Catholic Education Commission Tasmania.
- **Dominic College Glenorchy Limited** – own and operate Dominic College within the Archdiocese of Hobart.
- **Enrolment** – the enrolment of the Student in the school in accordance with the Terms of Enrolment that form part of the Enrolment Form.
- **Enrolment Form** – the form recording the Student’s application for enrolment in the school.
- **External Suspension** – when a school asks the Student to leave for a short period of time up to a maximum of ten school days.
- **Expulsion** – when a school removes a Student permanently from the school and terminates the Student’s enrolment. Expulsion, depending upon the circumstances, may mean that the Student is also prohibited from enrolling in any other CET school.
- **Internal Suspension** – when a school removes a Student from class and the Student remains on campus under supervision.
- **Ministerial Public Juridic Person (MPJP)** – A Ministerial Public Juridic Person is an entity that has been established by a Catholic Religious Institute or Congregation. Edmund Rice Education Australia (EREA) has been established as a MPJP by the Congregation of Christian Brothers to carry out their mission. MPJP Schools are St Francis Flexible Learning Centre and St Virgil’s College, which are owned and operated by EREA within the Archdiocese of Hobart.
- **Parents** – means the parent/s of a child/student and/or the legal guardian as identified by appropriate documentation.
- **Regional Principal Leader** – The Regional Principal Leader: North/South employed by the Tasmanian Catholic Education Office to oversee the Archdiocesan Schools located

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in the North or South of the state.

- **Student** – any child enrolled in a Catholic School from Kindergarten to Year 12.
- **TCEO** – means the Tasmanian Catholic Education Office.
- **Transfer** – when a school transfers a Student to another school.

5 COVERAGE

This policy covers and applies to all Catholic Schools and adjunct business undertakings operating in the Archdiocese of Hobart.

6 GENERAL PRINCIPLES

a) The CECT notes the definition of unacceptable behaviour from the *Secretary's Instructions No 3 for Unacceptable Behaviour of Students and Volunteers at, and Visitors to State Schools or School Activities*, to ensure consistency between the education sectors. The following behaviour is examples of unacceptable behaviour of a Student and can have serious implications including suspension and expulsion:

- Refusal to participate in the education program.
- Non-compliance with instructions which regulate the conduct of Students.
- Contravening school rules and policies.
- Behaviour that is likely to significantly impede the learning of the other Students at that school.
- Behaviour that is detrimental to the health, safety or welfare of the staff or other Students at that school.
- Behaviour or actions that cause, or are likely to cause, injury to persons or damage to property.
- Behaviour that is likely to bring the school into disrepute.
- Behaviour that is likely to put a person at risk of harm.
- Harassment or stalking.
- Threatening behaviour.
- Discrimination.

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- Bullying or cyberbullying.
 - Illegal behaviour including drug use and/or trafficking.
 - Unsociable behaviour (e.g. offensive language).
 - Sexualised behaviour.
 - Occupational violence.
 - Any other behaviour that a Principal determines to be unacceptable.
- b) CET makes every effort to resolve Student behaviour issues before considering termination of enrolment. One possible solution is a possible transfer of enrolment to another school.
- c) If the action of the Student is considered to be a breach of the criminal law, the matter will be referred to Tasmania Police.
- d) If the Principal believes that there is no option but to expel a Student for unacceptable behaviour, the Principal must discuss the expulsion of a Student with the Regional Principal Leader North or South. The recommendation to expel a Student is forwarded by the Regional Principal Leader North or South to the Executive Director who gives final approval to the termination of a Student's enrolment in every case.
- e) Any decision made under this policy to externally suspend, negotiate a transfer, or expel a Student will be communicated to the Student and/or Student's parent(s)/guardian(s). The Principal will communicate this decision verbally and follow this up in writing.
- f) A Student and/or the Student's parent(s)/guardian(s) have the right to seek a review of a decision made under this policy. In doing so, this request must be submitted in writing and provide the grounds for seeking the review. This request must be submitted to the Executive Director or Deputy Executive Director/s of Catholic Education Tasmania within 14 days of the date of the decision by the Principal. The authority to re-instate a Student's enrolment at a Catholic School, lies solely with the Executive Director or Deputy Executive Director/s of Catholic Education Tasmania.
- g) The expulsion of a Student should only be used as a last resort when all other avenues have been exhausted, or there is a serious risk to the safety of Students and staff in the school's care. For this reason the Student will not be allowed to re-enrol at the school without the permission of the Executive Director or Deputy Executive Director/s of Catholic Education Tasmania, upon receiving the appropriate advice from the Regional

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Principal Leader North or South and School Principal.

7 OBLIGATIONS AND ACCOUNTABILITIES

- a) Families are expected to abide by the policies of a Catholic School and the Catholic education system as part of their enrolment in a Catholic School.
- b) A Catholic School may, after full consultation with all affected parties, at its discretion, take action where the Student behaves in a way contrary with Catholic School policies, Catholic education system policies, and/or impacts on the safety and wellbeing of others.
- c) At all times, Catholic Schools are advised to engage with the support services provided at the TCEO for students and staff, before taking steps toward internal or external suspension.
- d) It is an expectation that all Catholic Schools will provide pastoral care and counselling services to any Student, family or staff member requiring support and assistance.
- e) In the instance where a Catholic School internally suspends a Student for unacceptable behaviour, the Principal is required to inform the Regional Principal Leader North or South of the action taken.
- f) In the instance where a Catholic School externally suspends a Student for unacceptable behaviour, the Principal is required to refer this matter to the Regional Principal Leader North or South for deliberation. Any situation that requires the Principal to immediately externally suspend a Student to protect the health and safety of others in the school, will be reported to the Regional Principal Leader North or South within 24 hours.
- g) If a decision is made to externally suspend a Student for unacceptable behaviour, the initial period of suspension will be up to a maximum of 10 school days. Periods of suspension are not to be allocated consecutively.
- h) An external suspension longer than 10 school days will require further deliberation between the Principal and Regional Principal Leader North or South and detailed discussions with the Student, parent(s)/guardian(s), and relevant school staff members. Any final period of external suspension that will be longer than 10 school days is to be forwarded to the Regional Principal Leader North or South for approval.
- i) In the instance where a Catholic School identifies that the most appropriate course of action is to expel a Student for unacceptable behaviour, the Principal is required to refer this matter to the Regional Principal Leader North or South for deliberation.

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- j) Any recommendation for a decision to expel a Student from a Catholic School needs to be referred to the Executive Director or Deputy Executive Director/s of Catholic Education Tasmania for approval.
- k) The Executive Director or Deputy Executive Director/s of Catholic Education Tasmania will advise the Regional Principal Leader North or South and Principal of the school of his/her decision.
- l) The Principal will record all action taken in response to a Student's behaviour to ensure the school has a complete record of issues and actions. Action taken to externally suspend or expel a Student must also be recorded using the relevant CETKP form.

8 REFERENCES

Department of Education, *Secretary's Instruction No. 3 For Unacceptable Behaviour of Students and Volunteers at, and Visitors to, State Schools or School Activities*, July 2017, <https://publicdocumentcentre.education.tas.gov.au/policies>

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