



**MARIAN  
COLLEGE**

## SUSPENSION AND EXPULSION POLICY AND PROCEDURES

Marian College (the College), inspired by the Brigidine Sisters and Gospel teachings, fosters a nurturing environment focused on strength and kindness. Our Vision Statement guides us as an educational community, emphasising faith, love, service, achievement, and forward-thinking.

The College is owned by the Trustees of Kildare Ministries and is operated and governed by Kildare Education Ministries (KEM).

### Purpose

The purpose of this policy is to ensure that the College provides a safe and positive environment that is guided by Gospel values and honours the dignity of the individual, the family and community and responds appropriately when student behaviour compromises this in any way.

### Introduction

The College's approach to behaviour support is underpinned by the belief that all students should maintain a level of behaviour that respects their rights and the rights of others to:

- Be safe and feel safe.
- Learn to the best of their ability.
- Express themselves.
- Take responsibility for their choices.

To this end, the College commits to working in partnership with families, Parents & Guardians and is guided by values of justice, equity, integrity, respect and compassion.

All students and staff have the right to be treated fairly and with dignity in an environment that is safe and free from disruption, intimidation, harassment and discrimination.

The College's Student Behaviour Policy details related expectations and procedures for fulfilling the College's responsibilities in promoting positive student behaviour and responding to challenging student behaviour. Support processes for a student will be implemented prior to suspension and expulsion being considered. Suspension or expulsion may occur as a consequence of a serious breach of the College's rules or serious disobedience. It is our policy that our procedures for the suspension or expulsion of a student are based on the principles of procedural fairness. This process will be undertaken in full consultation with families/Parents & Guardians /relevant persons.

### Responsibilities

The College maintains a register of suspensions and expulsions. This is maintained by the Assistant Principal – Student Wellbeing.

### General Guidelines

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

The Student Behaviour Policy and Procedures sets the framework through which the College manages student discipline.

Suspension or expulsion may occur as a consequence of a serious breach of the College's rules or serious disobedience.

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

### **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 Management Policy and Procedures, such as withdrawal from activities, etc.

### **Suspensions and Expulsion**

A decision under this policy may result in the following consequences.

#### **Internal suspension**

The student is excluded from the standard instruction or educational opportunities being provided to other students, but can still undertake educational activities on the College premises for the period of the suspension in the form of:

- In-school suspension: This occurs when the student may be present at school but not participating in/attending scheduled classes or activities for a specified period.

Internal suspensions should focus on encouraging the student to exhibit more positive behaviours, to increase their level of participation and, where appropriate, to learn problem-solving and/or conflict resolution skills

#### **Short Suspension:**

A short suspension may be imposed as a consequence of things such as continued disobedience, aggressive behaviour or a breach of school rules, such as smoking/vaping or in digital space. This suspension could be either an internal suspension or an external suspension. The student may be suspended from attending school for a period of less than a week.

#### **Long Suspension:**

A long suspension may be imposed as a consequence of things such as physical violence, possession of a weapon, possession of a suspected illegal substance or serious criminal behaviour. The student may be suspended from attending school for a period beyond one school week.

#### **Expulsion:**

A student may be expelled from the College. This should be considered as a last resort. An expelled student who is unenrolled from the College will not be allowed to re-enrol without the permission of the Principal.

**A decision to expel a student may only be made after consultation with the Principal.**

### **Procedures**

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

#### **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 a member of the Executive Team who can make a reasonable and unbiased decision. In serious circumstances, a student may be summarily suspended, pending a final decision under this policy. In this case, a meeting with the student and the student's Parents & Guardians to review the suspension must be convened as soon as is practicable.

#### **Procedural Fairness – Procedures**

The 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 and Procedures.

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

- Write to the student, and the student's Parents & Guardians, stating:
  - The reasons that the student is under consideration for being suspended or expelled.
  - The relevant rules, policies, and standards of behaviour are alleged to be breached.
  - The relevant allegations are said to warrant suspension or expulsion.
- Allow the student and/or the student's Parents & Guardians to give a response, either in writing or verbally.



- Allow the student to have a support person of the student's choosing.
- Arrange a meeting with the student and the student's Parents & Guardians.
- Arrange for an interpreter, if one is required.
- Meet with the student and the student's Parents & Guardians or support person.
- Ensure that such a meeting is recorded in writing.

### Considerations

The Principal, after following the procedures set out in this Policy, will decide 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 students' acts.
- The response or remorse of the student, if applicable.
- The pastoral care and welfare of the student.
- The student's prospects for rehabilitation.

### Notification of Decision

The decision made under this Policy will be communicated in writing to the student and the student's Parents & Guardians. The Principal will also attempt to communicate this decision verbally.

The student and the student's Parents & Guardians must abide by the terms and conditions of the decision.

### Appeals

A student may seek a review of a decision made under this policy. All appeals must be made in writing, setting out the grounds of appeal.

An appeal from a decision to suspend a student must be made to the Principal.

An appeal from a decision to expel a student must be made to the

- Executive Officer – Kildare Education Ministries.

### Further Procedures to support this Policy

#### Case Management Support

When it is judged by the school that a student has engaged in wrongful behaviour of a serious nature within the school community, it is recommended that a Case Management Support Group be set up to:

- Consider the behaviour of the student and the implications for the student and the school community.
- Consider the personal and social needs of the student, and how they may best be responded to.
- Determine what behaviour management action within the school's stated processes is most appropriate.
- Identify strategies to assist the student, following successful behaviour management, to re-establish his/her place satisfactorily in the school community.
- Ensure that decisions of the Behaviour Management Support Group are implemented.
- Access any relevant agencies to provide support.

In arriving at decisions, the Case Management Support Group aims for consensus. Where this is not achievable, the Principal (or Principal's nominee) makes the decision, in accordance with school policies and directives. The decision of the Case Management Support Group is recorded in writing and filed in the school records under incident notes in the Learning Management System (LSM). Where it is in response to a series of issues/incidents or concerns, it should be recorded in the student notes on LSM. Confidentiality should be always honoured.

A suggested membership is:

- The Principal or his/her nominee as convenor and chairperson.
- The student, who may be accompanied by a support person (not acting for fee or reward) is nominated by the student.
- The Parents & Guardians of the student, who may be accompanied by a support person (not acting for fee or reward) nominated by the Parents & Guardians.
- The Wellbeing teacher/Wellbeing Leader is nominated as having responsibility for the student.
- A specialist person (as required) who may be of assistance, for example, a student counsellor.

In some instances, where the behaviour of a student is deemed to threaten immediate or ongoing harm, distress or danger to others, it may be necessary to withdraw or suspend the student temporarily from the student community, pending a meeting of the Case Management Support Group. Responsibility for such a decision rests with the Principal or the Principal's nominee.



In school or out of school, suspensions are recorded in LSM following the decision to suspend a student. These reports can be completed by Wellbeing Community Leaders or members of the leadership team as the Principal's nominee. A register of annual suspensions can be produced via a report from LSM.

### **Out-of-school Suspension**

If out-of-school suspension is judged appropriate by the school, it is recommended that it be for the shortest time necessary. The school will notify the students' Parents & Guardians where possible by verbal communication initially and by confirmation in writing. The communication ought to include the reason for the suspension, the purpose of the suspension, and the date(s) on which the suspension will occur.

It is also recommended that the Parents & Guardians be offered the opportunity to participate in a meeting (this may be via phone) to consider these and other related matters, including:

- The legal and pastoral responsibilities of the Parents & Guardians during the time of suspension.
- The school's responsibility is to provide learning materials during the time of suspension.
- The process of settling back into the school environment, and how this is to be facilitated.
- Arrangements for monitoring the student's progress following her return to school.

If an initial verbal contact with the Parents & Guardians is not possible, it may be necessary to ask the student to take the written notice home to them as their first notification. This decision rests with the school authority, taking into account the age of the student, legal requirements, duty of care, and other relevant circumstances.

**Kildare Education Ministries expects that suspensions for individual students should, where possible, be kept to a minimum.**

### **Negotiated Transfer**

Negotiated Transfer involves a change of school by a student either between Catholic schools, or to a school within another sector, or to an alternative educational setting. In the case of students who are of post-compulsory school age, a wider range of options might be considered, for example, a negotiated transfer, either temporary or permanent, to the workforce, or to a higher education or training institute.

Negotiated Transfer is an option in circumstances in which it is judged that the student's present school is not the right environment for the student, and that another setting would more suitably meet the student's current and future needs and be the most appropriate means of providing for the student's wellbeing. It may also be that, due to serious behavioural issues, a student's Negotiated Transfer is an appropriate means of providing for the well-being of the school community.

When a Negotiated Transfer is being offered, the Principal (or Principal's nominee) should provide comprehensive advice to the student and the student's Parents & Guardians about the benefits this option would provide, and seek their agreement for a Negotiated Transfer.

Responsibility for negotiating a transfer is with the Principal (or Principal's nominee) of the school from which the student is to transfer. The following matters need to be considered:

The environment that would best provide for the student's emotional, social and spiritual needs

- The school that would provide an educational program suitable to the student's needs, abilities and aspirations.
- The process by which the transfer is to be negotiated.
- The support required by the student and Parents & Guardians in making the transition.

These and other relevant matters should be included in the formal record of Negotiated Transfer. If a Negotiated Transfer is desired but cannot be arranged, the Executive Officer of Kildare Education Ministries is to be informed in writing, and assistance is to be requested. If a Negotiated Transfer is still unable to be achieved, the student is to remain enrolled at their current school, unless the circumstances are such as to require expulsion.

### **Expulsion**

It is an expectation that expulsion of a student from the College will not occur except in the most serious of circumstances and when the following conditions all apply:

- The student has engaged in wrongful behaviour of a serious nature (see definition above).
- The school's other processes for addressing such behaviours have been applied and not been successful.



- The welfare and safety of others in the school community, or the need to maintain order and protect the rights of others, make it necessary that the student no longer be present in that school community.

Only the Principal has the authority to expel a student. Prior to confirming an expulsion, the Principal will:

- Explain clearly to the student and the student’s Parents & Guardians the reason(s) for the intended expulsion and provide them with an opportunity to speak on behalf of the student.
- Provide the Executive Officer of Kildare Education Ministries as appropriate, formal written notification of the intended expulsion and the reasons for it and seek endorsement.

Should the decision to expel the student be confirmed, the Principal must ensure that the expulsion is formally recorded in the school’s files and provide to the Parents & Guardians of the expelled student a formal Notice of Expulsion. When possible, this notice is to be issued before or on the day the expulsion is to commence, and if that is not possible, then as soon after that as possible. This notice needs to include:

- The reason(s) for the expulsion.
- The commencement date of the expulsion.
- Details of the Review and/or Appeal processes available.

\*Natural justice must apply, and consequently, there should be available in every school a formally authorised process by which Parents & Guardians of an expelled student, and in some circumstances the expelled student herself, may have the expulsion decision reviewed and/or appealed.

### Implementation

This Policy is implemented by:

- Staff professional development opportunities in behaviour management.
- Communicating this Policy to the College community.
- Monitoring the effectiveness of the Policy.
- Review and evaluate this Policy annually.

### Definitions

For the purpose of this policy the following terms are defined as follows:

<b>Suspension</b>	A temporary removal of a student from all classes that a student would normally attend
<b>Expulsion</b>	The permanent removal of a student from a particular school
<b>Source of Obligation</b>	The ETR Act (s 4.3.1(6)) requires that our policies relating to the discipline of students are to be based on principles of procedural fairness and must not permit corporal punishment.

### Related Policies and Procedures

- Student Behaviour Management Policy and Procedures
- Bullying and Harassment Policy
- Enrolment Policy
- Child Safety and Wellbeing Policy
- Child Safety and Wellbeing Procedures
- Child Safety and Wellbeing Recordkeeping procedures
- ICT Policy
- Reportable Conduct Policy

### Document History

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