



004-PP-MGS Student Discipline and Misconduct Policy & Procedure

1.0 Purpose

- 1.1 The purpose of the Student Discipline & Misconduct Policy is to provide a fair, equitable and confidential framework and procedure for the investigation and resolution of alleged cases of student misconduct. This policy and procedure applies:
- 1.1.1 to all students enrolled in a program of study offered by Macquarie Grammar School Limited
 - 1.1.2 to all educational circumstances that relate to the enrolment of a student, including classroom and on campus situations as well as to school related excursions and other off-campus activities.

2.0 Responsibility

- 2.1 The PEO/Headmaster / Director of Welfare and Operations / Director of Curriculum and Compliance:
- 2.1.1 is responsible for the implementation of this policy/procedure in relation to investigating cases of alleged misconduct.
 - 2.1.2 will assess cases for Temporary Suspension or Cancellation of Enrolment abiding by the requirements of the National Code 2007 as per Standard 13 Deferring, Suspending or Cancelling a Student's Enrolment

3.0 Requirements

This policy is underpinned by the following principles:

- 3.1 This policy is aligned with, and reflects the values that underpin MGS's teaching and learning practices and reciprocal rights and responsibilities of students and staff
- 3.2 MGS will at all times act in accordance with due process and duty of care responsibilities
- 3.3 This policy applies to all domestic and international students enrolled in all courses offered by MGS
- 3.4 The investigation process is based on principles of confidentiality, fairness, consistency, consultation and mediation
- 3.5 Any student who is the subject of an allegation of an act of misconduct is entitled to be regarded as not having committed the act until they admit to the misconduct or a fair and proper investigation leads to reasonable determination that they committed an act of misconduct.
- 3.6 MGS may cancel the enrolment of a student if the student;
 - i) fails to meet visa class conditions to be financial and pay course fees;
 - ii) fails to maintain approved welfare and accommodation arrangements (visa condition 8532, Std5); or
 - iii) displays serious misconduct
- 3.7 International students are warned during orientation, through newsletters, school assemblies, school app, class announcements and through notices on noticeboards that disciplinary actions such as suspension or expulsion may have consequences for the continuation of their student visas. Other than this, there will be no difference in the treatment of local and international students.
- 3.8 Any staff member may, in an acute situation, take whatever reasonable action is deemed necessary as a safety precaution. If necessary the staff member may arrange for Security to be contacted.
- 3.9 Where necessary the PEO/Headmaster may expel a student:
 - 3.9.1 whose actions are of extreme danger to other students and/or staff and warrant police investigation.
 - 3.9.2 who consistently refuses to cooperate with school requirements despite repeated warnings and opportunities to make appropriate behavioural / attitudinal changes
- 3.10 When the student is under the age of 18 years, the student's parents or guardian will be contacted by the Director of Welfare and Operations or the Director of Curriculum and Compliance in line with Duty of Care guidelines as outlined under Std. 5 of ESOS requirements.

- 3.11 International students who are suspended or cancelled in accordance with this procedure are in danger of having the student visa revoked.

4.0 Procedure for Investigating Alleged Cases of Student Misconduct

The staff member will, in order to make an allegation of student misconduct:

- 4.1 record the incident using a **218-FM-MGS Report of Alleged Act of Misconduct Incident Report Form** within two days of the incident
- 4.2 lodge the form with the PEO/Headmaster or the Director of Welfare and Operations or the Director of Curriculum and Compliance

The PEO/Headmaster or the Director of Welfare and Operations or the Director of Curriculum and Compliance will:

- 4.3 undertake an initial investigation with all parties and record:
 - 4.3.1 the facts as stated by each interviewee (student statement and witness statements)
 - 4.3.2 the type of alleged act of misconduct and the seriousness of the allegations made
 - 4.3.3 any other documentation that may serve as evidence.
- 4.4 based on this investigation, recommend actions to be taken as an outcome of the investigation, which could include:
 - 4.4.1 no action due to lack of evidence
 - 4.4.2 an official warning to the student
 - 4.4.3 temporary suspension from class (up to 28 days)
 - 4.4.4 cancellation of enrolment
- 4.5 meet with the student to explain the outcomes of the investigation, the obligations the student may have in order to maintain enrolment, and to warn again that any change to enrolment may lead to cancellation of the student's visa – e.g. if expelled, the student has 28 days to enrol in another course, or their visa may be cancelled.
- 4.6 provide the student with a Notification Letter explaining the outcomes of the investigation, along with the right to lodge an appeal or to access external advice
- 4.7 provide a copy of this Notification Letter, along with any other documentation, to Student Services for placement in the Student File.

5.0 Appeals Process

- 5.1 If a student wishes to appeal against the PEO/Headmaster or the Director of Welfare and Operations or the Director of Curriculum and Compliance's determination, s/he must lodge a written **355-FM-MGS Student Appeal Form** within 20 working days commencing three days from the receipt of the Notification Letter.
- 5.2 The **355-FM-MGS Student Appeal Form** must then be lodged directly with Student Services Officer and **must** meet the Grounds for Appeal as outlined in the **003-PP-MGS Student Complaints and Appeals Policy**.
- 5.3 The Appeals will be conducted by a Discipline Review Panel appointed by the PEO/Headmaster.

6.0 Discipline Review Panel

The Discipline Review Panel (the Panel) will:

- 6.1 be chaired by the PEO/Headmaster or the Director of Welfare and Operations or the Director of Curriculum and Compliance
- 6.2 be composed of at least three members who have no direct involvement in the case
- 6.3 send the student a confirmation of meeting notice including details of the meeting and advising the student that they may be accompanied by a support person
- 6.4 reach a consensus decision based on the documentation provided by the Appellant

- 6.5 send to student a letter outlining the Panel's final decision
- 6.6 inform AGDoE and DIBP of the outcomes of the decision.

7.0 Penalties for Proven Misconduct (academic or non-academic) May Include but Not Be Limited to:

- 7.1 a formal caution or reprimand
- 7.2 placement onto a **217-FM-MGS Progress Improvement Plan**
- 7.3 requiring the student to pay compensation which is limited to the cost of restoring the item to the school
- 7.4 imposing a probationary enrolment, provisional on the student's good behaviour
- 7.5 suspending the student from classes (short or long-term suspension), eg for failure to attend a 'Friday Reflection'
- 7.6 withholding of results during the course of investigation of misconduct allegations
- 7.7 expulsion of student and the cancelling the student's enrolment, eg for failure to complete set work from each teacher during the suspension period

Note 1: In deciding on the appropriate penalty, MGS must have regard to what is just in all the circumstances. Any form of corporal punishment is prohibited. MGS does not sanction the use of corporal punishment by non-school persons, including parents, as a form of discipline.

Note 2: During any period of suspension of an international student for whom a CAAW has been issued – that is, where MGS is responsible for the student's accommodation and general welfare, this duty of care will continue. The Student Services Officer will call the host family and the student at least twice per week to check on the student's welfare. See also 080-Younger Overseas Students.

8.0 External Appeals Process

If the student believes there has been procedural irregularity in dealing with the misconduct case, they may exercise their right by way of an Appeal as per the External Appeals Process. Refer to the 003-PP-MGSMGS Student Complaints and Appeals Policy

9.0 Definitions

Term	Definition
Academic Misconduct	Academic misconduct includes, but is not limited to: <ul style="list-style-type: none"> o Collusion and plagiarism - where any work submitted as an assessable item is deemed by a staff member to be the same or substantially the same, this will be prima facie evidence of copying by those students o Any attempt by a student to submit assessable work that is not their own o Plagiarism not attributed to the original source or process o Any form of collusion between students to submit assessable work that is not their own
Confirmation of Receipt of Meeting notice	A Letter sent to Student advising them that having reviewed their appeal they have been granted a meeting with the Review Panel. In order to accept the student must return the <i>Confirm receipt of notice of Meeting</i>
Determination of the Outcome of the Panel Meeting Letter Misconduct Outcome Letter	Letter to the student advising them of the Panel's decision. The letter will outline the reasons and decisions for the penalty or decisions. (Failure to confirm attendance/non at minimum two days prior to the meeting date will result in a decision ruling at the discretion of the Panel).
Expulsion	Expulsion is permanent removal of a student from a school as the result of a most serious incident.
Expulsion from a Particular School for Misbehaviour	Expulsion of a student of any age from a particular school only for reasons of misbehaviour.
Expulsion from a Particular School for Unsatisfactory	Expulsion of a student over 17 years of age from a particular school only. This will generally be where a student has failed to apply themselves with diligence and sustained effort to set tasks and experiences and the lack of application is impacting

Term	Definition
Participation	on the good order of the school and learning of other students. Any re-enrolment in the school at a later date is at the discretion of the PEO/Headmaster.
Fail	A result of "fail" means the student is "Not Yet Competent"
File notes	For the purposes of tracking, management, audit and report of cases of student misconduct, written notes of outcomes, agreements and actions are to be kept at all stages of the student misconduct process by the Student Services
Long suspension	Long suspension is temporary removal of a student from a school following a decision by the school PEO/Headmaster or relieving PEO/Headmaster for a period not exceeding 20 school days. Long suspensions are only imposed for serious or sustained instances of misbehaviour.
Misconduct	<p>Non-academic misconduct is any action or conduct by a student relating to people or property which is contrary to MGS stated documented codes, student handbook, policies and standards. Non-academic Misconduct includes but is not limited to a student who, without reasonable cause:</p> <ul style="list-style-type: none"> ○ contravenes or fails to comply with any Policy or Rule or lawful order of a MGS employee; ○ does an act or omission which may endanger the safety or health of any person; ○ unlawfully assaults or attempts to assault any person, or causes any person to hold reasonable fear for his or her safety or physical or psychological well-being; ○ impairs the ability of any person to participate in any legitimate MGS activity, or does any act or omission which disrupts or tends to disrupt the peace or good order of MGS; ○ divulges confidential information relating to any MGS matter; ○ damages or wrongfully deals with, or interferes with, or causes damage or loss to any property in or on MGS lands or property belonging to a third party where the damage, wrongful dealing or interference occurs during a course of study by the student; ○ fails to comply with any direction, order or penalty made or imposed pursuant to this Policy; ○ makes a false representation regarding a matter affecting him or her as a student of the School; ○ breaches any MGS policy including, but not limited to, those concerning sexual harassment, intellectual property, work health and safety, or the use of computers, computer facilities, information technology and information technology facilities; ○ breaches any provision contained in an Act of the Commonwealth or of the State of New South Wales to which MGS is subject, while in or on MGS land or using MGS services or facilities; ○ assumes or uses in connection with any trade, business or profession, or any club, association or person, and without the written permission of the PEO/Headmaster, the MGS logo or name or Common Seal or any logo, symbol or name or common seal so nearly resembling the MGS logo or name or Common Seal as to be likely to deceive; ○ publishes or distributes to any person or causes to be printed, published or distributed to any person any written or printed matter whatsoever in or upon which appears without the written permission of the PEO/Headmaster or Director of Welfare and Operations or Director of Curriculum and Compliance the MGS logo or name or Common Seal or any symbol or name or common seal so nearly resembling the MGS logo or name or Common Seal as to be likely to deceive; or ○ reproduces or represents by any means whatsoever on any vehicle, article or material whatsoever, and without the written permission of the PEO/Headmaster or Director of Welfare and Operations or Director of Curriculum and Compliance, the MGS logo or name or Common Seal or any symbol or name or common seal so nearly resembling the MGS logo or name or Common Seal as to be likely to deceive.
Misconduct outcome Notification Letter	A Notification Letter outlining the reasons for the decision and penalty or decision. Included as attachment to the letter will be the details on the right of appeal process and a Notice of Appeal form
Notice of Appeal Relating to Misconduct	If a student wishes to appeal against the PEO/Headmaster or Director of Welfare and Operations or Director of Curriculum and Compliance's determination they must

Term	Definition
	lodge a written Notice of Appeal form within 20 working days commencing three days from the receipt of the Notification Letter
Pass grade only	'Pass grade only' means the achievement of basic competence [i.e. the lowest Grade of Pass]
Progress Improvement Plan	A contract outlining stated and expected behaviours as part of student conduct in enforcement of penalties
Prohibited Weapon	Weapons that are listed on Schedule One of <i>the Weapons Prohibition Act (1998)</i> .
Recommendation to Cancel Form	Form to be developed to advise Admissions Officer when to Cancel in PRISMS
Record of Contact for Students not in Class	A tracking/monitoring tool to be developed and implemented to ensure accommodation and welfare clauses are met and maintained
Report of Alleged Misconduct Incident Report Form	Misconduct Incident Reporting form
Restricted Substance	Any substance specified in Schedule Four of the Poisons List. These are substances which in the public interest should be supplied only upon the written prescription of a medical practitioner, nurse practitioner, dentist or veterinary surgeon.
Serious misbehaviour	Serious misbehaviour is that which warrants immediate suspension and includes: <ul style="list-style-type: none"> o physical violence resulting in injury or behaviour that seriously interferes with the safety and well being of others o possession of a firearm or knife (as defined by Schedule One of the Weapons Prohibition Act) without reasonable cause. The matter must be reported to the NSW Police force) o use of, supplying or being in the possession of a suspected illegal substance or supplying a restricted substance.
Short suspensions	Short suspension is temporary removal of a student from a school following a decision by the school PEO/Headmaster or relieving PEO/Headmaster for a period not exceeding four school days.
Suspension	Suspension is removal of a student from a school for a period of time determined by the PEO/Headmaster. Suspensions are imposed in cases of unacceptable behaviour in the interest of the student and/or the school community. Parents are responsible for the supervision, care and wellbeing of students while they are suspended.

10.0 References

- 10.1 Education Services for Overseas Students Act (ESOS) Std 5, Std 13
- 10.2 003-PP-MGSMGS Student Complaints and Appeals Policy
- 10.3 355-FM-MGS Student Appeal Form
- 10.4 014-PP-MGS Deferring Suspending or Cancelling Student Enrolment Policy Procedure
- 10.5 217-FM-MGS Progress Improvement Plan

11.0 Revision History

Revision	Date	Description of modifications
1	22 May 2010	Original Policy Draft
2	27 July 2012	"Fail" and "Pass grade only" defined; Removal of term "exclusion" as a disciplinary measure; Inclusion of "short suspension" and "long suspension". Review of section 7.0 on penalties for misbehaviour.
3	15 April 2014	Replaced DIAC with DIBP
3.1	6 Nov 2015	Additional clauses and notes relating to international students; some typo corrections
3.2	27 March 2016	Roles and Procedures