

Belvedere College SJ



<p>Name of Policy/Document:</p>	<p>SUSPENSION AND EXPULSION POLICY</p>											
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1. Background

1. Belvedere College, S.J., is a community in which the values of integrity and respect for others are reflected in interpersonal relations and where the principles of natural justice inform College procedures.
2. In formulating this policy, the College aims to respect the rights of all members of the Belvedere community – students, staff, parents and management.
3. This policy should be read in conjunction with the College Code of Behaviour. This is informed by pastoral considerations and is articulated in fair and positive terms.
4. College rules serve to support students in their compliance with the Code of Behaviour. Rules are intended to have a positive and formative influence upon the personal development of those who are subject to them. They are necessary for the efficient management of large numbers of students.

2. Scope

1. This policy is concerned with principles and procedures pertaining to the suspension and/or the expulsion of a student from Belvedere College, S.J.
2. Whilst this policy addresses issues relevant to suspension and expulsion, the College is committed, primarily, to the formation of students who take responsibility for their actions and who impose self-discipline as a matter of personal accountability.

3. Policy Statement

1. It is the policy of Belvedere College, S.J., that all students shall comply with the College Code of Behaviour. It reflects the ethos and core values of the College community.
2. In becoming members of the Belvedere College community, students accept that, at all times, they represent and are ambassadors for the College. Consequently, they shall strive to ensure that they always respect and uphold its good name and high reputation.
3. The College acknowledges that, on occasion, a student may fail to meet the standard of behavior expected of him as a member of the Belvedere community. Where this occurs, it is the policy of the College to support a student in managing, modifying and learning from unacceptable behavior, where possible.
4. Suspension and expulsion are sanctions of last resort. Where these sanctions are deemed necessary, the principles of fair procedures, due

process and natural justice shall be observed.

4. Policy Objectives

The objectives of this Policy are:

1. to contribute towards the cultivation of an environment in which all members of the Belvedere community can study and/or work, safely, and in which their welfare and wellbeing are respected and promoted;
2. to confirm the identity of those who may exercise authority in respect of decisions concerning the suspension or expulsion of a student from the College;
3. to outline the circumstances wherein a student may be at risk of suspension or expulsion;
4. to distinguish between the consequences of suspension and expulsion;
5. to specify the relevant time period(s) applicable to an order of suspension;
6. to set out the relevant procedures in the event of a student's conduct giving rise to the possibility of suspension or expulsion; and
7. to recall the rights of students and their parents/guardians in the event that procedures leading to a possible suspension and/or expulsion are instigated against a student.

5. Distinguishing Suspension from Expulsion

1. Suspension entails the prohibition of a student, temporarily, from attending Belvedere College and from participating in the College community for a specific and limited period of time as stipulated in the order of suspension.
2. Expulsion entails the permanent prohibition of a student from attending Belvedere College and from participating in the College community.

6. Authority to Suspend

1. The Board of Management has delegated to the Headmaster, formally, and, in writing, the authority to suspend a student from the College.

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2. In the absence of the Headmaster, the Deputy Principal may exercise such authority.
 3. Subject to sub-paragraph (4), the decision to suspend a student shall be made in accordance with the procedures set out herein.
 4. In exceptional circumstances, the Headmaster may consider that the conduct of a student is such that it warrants immediate and automatic suspension from the College.
 5. Except in cases when an automatic suspension is deemed necessary, consultation with a student's Year Head shall take place prior to the imposition of a period of suspension.

7. Grounds for Suspension

A student may be suspended from Belvedere College, S.J., upon one or more of the following grounds:

1. a serious breach of the College Code of Behaviour;
2. a serious failure to comply with College Rules;
3. a single incident of serious misconduct;
4. conduct which has a significant and/or detrimental effect upon the education and/or welfare of other students;
5. conduct which constitutes a threat to the safety of others;
6. conduct which causes significant damage to property; and
7. conduct comprising of repeated minor offences notwithstanding the issuing of warnings and/or directives from a Year Head and/or from a member of the Senior Management Team.

8. Procedure for Suspension

1. Where an allegation of conduct falling within paragraph 7 above is made, the Headmaster shall initiate an investigation of such allegation.
2. Where the Headmaster is of the view that the sanction of suspension may be warranted, he shall inform the student and his parents/guardian of the alleged misconduct and he shall afford them an opportunity to respond thereto before any formal decision to suspend is made.
3. Where the Headmaster decides that suspension is warranted, he shall inform the student forthwith. The student shall then report the fact of his suspension to his Year Head.

9. Period(s) of Suspension

1. In principle, an order of suspension from the College shall apply for up to three days.
2. In exceptional circumstances, the Headmaster may consider it necessary to suspend a student for a period longer than three but not exceeding five days.
3. Where such exceptional circumstances so arise, the Headmaster shall apprise the Board of Management, accordingly, and its prior approval shall be sought prior to the imposition of any period of suspension exceeding three days.
4. If a prompt and formal meeting of the Board cannot be arranged, then its approval or otherwise may be communicated to the Headmaster by its Chairperson following his consultation with members of the Board.

10. Notification of Suspension

1. Once a decision to suspend a student has been made, the parents/guardian of that student shall be notified immediately of the fact of his suspension and shall be requested to attend the College forthwith for the purpose of taking charge of the student.
2. Following the decision to suspend a student, all relevant member(s) of staff shall be notified, promptly.
3. Notice of a student's suspension from College shall be posted on the Notice Board in the College Staff Room with a brief outline of the reason for and duration of the order of suspension.
4. Following a decision to suspend a student or students, the Headmaster shall inform the Board of Management of such decision at the next meeting of the Board.

11. Follow-up to a Suspension Order

1. Where a student has been suspended from College, a record of the fact of his suspension shall be entered into that student's file.
2. Where a student has been suspended from College, a record of the fact of his suspension shall also be entered into the Túsla returns.
3. Where a student has been suspended from College, he shall take responsibility for upkeep with his academic work.
4. Upon the expiry of a period of suspension, a student may return to the College and upon such return shall present himself to his Year Head.

12. Appeal of Suspension Order

1. A student who is the subject of a decision of the Headmaster ordering his suspension, may appeal that decision to the Board of Management.
2. If, under paragraph 9(3) above, the Board has approved a suspension for a period longer than 3, then a student who is the subject of such a decision may appeal that suspension to the Patron who shall nominate a person or body to hear that appeal.
3. The Board (or nominated body as the case may be) shall afford a student who has been suspended and his parents/guardians an opportunity to make submissions, in writing, and within a specified time period, prior to making its decision upon the appeal.

13. Cumulative Suspensions Exceeding Twenty Days

Where a decision to suspend a student brings the total number of days for which that student has been suspended within a school year to twenty (20) or more, then his parents/guardians or the student himself if he has reached the age of majority, may appeal that decision to the Secretary General of the Department of Education and Science, pursuant to section 29 of the *Education Act, 1998*, as amended.

14. Revocation of a Decision to Suspend

1. Where a student or his parents/guardians appeals, successfully, a decision ordering his suspension or where a student is later found to have been suspended, unfairly, then all references to and records of the fact of his suspension shall be removed forthwith from the student's file.
2. In such circumstances, a notice of the fact that an order suspending a student has been revoked shall be posted on the Notice Board in the College Staff Room.
3. Notice of the fact that an order suspending a student has been revoked shall also be transmitted to Túsla.

15. Expulsion

1. The Board of Management reserves to itself the right to exclude, permanently, a student from attending Belvedere College, S.J.
2. A decision to expel a student from the College shall not be taken unless the Board is satisfied that all reasonable efforts have been made to address and resolve serious misconduct on the part of a student.

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3. A decision to expel a student shall follow the formal procedures specified herein.

16. Grounds for Expulsion

1. In addition to the grounds specified in Section 7 herein, a student may be expelled from Belvedere College, S.J., for misconduct that is deemed to be of an extreme or an exceptionally serious nature.
2. Misconduct that is deemed to be of an extreme or an exceptionally serious nature may include but is not limited to:
 - a) a serious threat of violence or an attempted assault against another person;
 - b) an actual assault upon another person;
 - c) violent or abusive behavior, whether, physical or verbal in nature;
 - d) actual or attempted threatening, bullying or intimidating behavior;
 - e) the use and/or supply of any dangerous substance to another person, including, but not limited to drugs and/or alcohol;
 - f) an attempted or actual sexual assault or the threat of sexual assault upon another person; and
 - g) repeated and persistent disruptive and unruly behavior in breach of College rules.
3. The Board of Management reserves the right to expel a student on the first occasion of misconduct that is deemed to be of an extreme or an exceptionally serious nature.
4. In determining whether an expulsion as distinct from a suspension is warranted, the Board shall have regard to all the prevailing circumstances, including, but not limited to the degree, severity and persistence of a student's misconduct and its impact and effect upon other persons.

17. Procedures for Expulsion

1. Where an allegation of misconduct falling within paragraph 16 is made, the Headmaster shall initiate an investigation of such allegation. He may be assisted in this regard by the Year Head and the Deputy Principal.
2. The Headmaster shall inform the student and his parents/guardian, in writing, of the allegation of serious misconduct and he shall afford them an opportunity to respond thereto before any further steps are taken.
3. The Headmaster shall consider all representations made by or on behalf of a student before determining whether to recommend to the Board of Management that student's expulsion from the College;

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4. Where, having conducted an investigation, the Headmaster concludes that a student's misconduct is of such a serious nature that expulsion is warranted, he shall inform the Board of Management, accordingly, and he shall recommend to the Board that the student be expelled.

18. Appeals to the Board

1. The parents/guardians of a student or the student himself if he has reached the age of majority, may lodge an appeal with the Board of Management against the Headmaster's decision to recommend expulsion.
2. The Board of Management reserves the right to suspend a student from the College during the course of his or his parents' or guardian's appeal of the Headmaster's recommendation in respect of expulsion.
3. The Board of Management may establish a sub-committee to hear the appeal against the Headmaster's recommendation.
4. Within time limits prescribed by the Board, a student and his parents/guardians shall be entitled to lodge written submissions or representations.
5. Before the Board determines whether or not to accept the recommendation of the Headmaster, it shall hold a hearing to which the student and his parents/guardian shall be invited and in which they are entitled to participate.
6. The Board of Management shall deliberate upon the Headmaster's recommendation and upon any submissions made by or on behalf of the student and by or on behalf of his parents/guardian before coming to a determination of the appeal.

19. Decision of the Board

1. Where, having followed the aforesaid procedures, the Board of Management decides not to accept the Headmaster's recommendation it may indicate that an alternative to expulsion, such as, a period of suspension, be imposed upon the student by the Headmaster.
2. Where the Board of Management is of the opinion that a student should be expelled from the College, it shall, before so expelling the student, notify, in writing, the Educational Welfare Officer of its opinion and its reasons therefor.
3. A student will not be expelled from the College until after the passing of 20 days following the Educational Welfare Officer's receipt of the Board's notification.
4. Where, having followed the aforesaid procedures, the Board of Management decides to accept the Headmaster's recommendation it

shall record, in writing, its decision to expel the student in question and shall notify the student and his parents/guardian, accordingly.

20 . Appeals to the Department of Education and Science

1. A parent or guardian of a student who has been expelled by the Board of Management, or any student aged over eighteen years who has been expelled, may appeal the Board's decision to the Secretary General of the Department of Education and Science, pursuant to Section 29 of the *Education Act 1998*, as amended.