

Stand-Down, Suspension, Exclusion and Expulsion Policy

Rationale

There will be occasions when a student's ongoing unacceptable behaviour or instances of gross misconduct require the College to consider whether the student should be stood down, suspended, or excluded from attending the College.

UP International College New Zealand must balance the interests of the student against the rights of others to a safe, pleasant working and learning environment as well as the ability of the College to manage and engage with the student in a way that ensures the rights of others are not compromised or put at risk.

Aims

1. To ensure that the learning environment is always orderly and safe for all students.
2. To ensure that student behaviour or activities are not likely to harm themselves or constitute a harmful or dangerous example to others.
3. To acknowledge the interest and rights of the student whose behaviour or conduct is under review.

Guidelines

General

- Students involved in the same "offence" may not receive the same punishment. The Executive Principal will consider all the evidence and all the circumstances. It may be fair to treat students differently.
- The Executive Principal has, under the principles of natural justice, an obligation to act fairly and reasonably in the circumstances. Under natural justice, the student's rights are to:
 - have the stand-down/suspension procedures consistently applied.
 - be given notice of possible outcomes (as this could help determine the nature of representation).
 - know the reason for the stand-down/suspension (know the case or charge).
 - know the information (evidence) on which the decision is based. ○ be able to comment on/challenge that information (be heard).
 - be able to correct adverse or biased material and challenge irrelevant material (defend oneself).
 - have time to prepare a response to the information.
 - be represented at any meeting about the stand-down or suspension.
- The Student Disciplinary Committee must also:
 - act fairly, be flexible and consider all options before a decision is made.
 - receive the Executive Principal's report, which may contain a recommendation.
 - hear with an open mind what the student/parents/agent have to say.
 - rule on whether specific information or material presented by either party is relevant in considering the suspension.

- make its decision without the vote of the Executive Principal.
- declare any personal association with the student or circumstances, at the outset.
- record all information where appropriate, with evidence to explain why the decision/s were made.

Definitions

Stand-down | The formal removal of a student from school by the Executive Principal for a specified number of days. Stand-downs of a particular student can total no more than five school days in a term or ten school days in a year.

Suspension | The formal removal of a student from the school until the Disciplinary Committee decides the outcome at a disciplinary meeting.

Exclusion | The formal removal of a student under 16, from the College. The College would withdraw the Offer of Place and terminate the Contract of Enrolment.

Expulsion | The formal removal of a student aged over 16, from the College. The College would withdraw the Offer of Place and terminate the Contract of Enrolment.

Investigation

An investigation is required to occur before a stand down or suspension is considered.

Consideration needs to occur as to what happened, how serious it was and what needs to be done about it.

The investigation is required to be:

- Fair and involve natural justice.
- Involve the student.
 - The person investigating should put the facts as they understand them to the student and record the response. The student should be invited to comment on all the facts.
- Resolve major disputes and uncertainties.
- Ideally at least one of these questions with a “yes” before a decision to stand-down or suspension is considered:
 - Was the student caught in the act? ○ Was the incident seen by someone you think is credible?
 - Was the student implicated by other significant circumstantial evidence? ○ Did the student freely admit involvement or responsibility?

Stand-Down

The formal removal of a student from school by the Executive Principal for a specified period, which can total no more than five school days in a term or ten school days in a year.

Only the Executive Principal (or delegated authority) can order a stand-down. A stand-down is a legal option for managing student behaviour.

Stand-downs are used where the offence is not deemed sufficient to warrant suspension, but where a consequence greater than a formal warning, is required. Where:

(i) the student's behaviour is a harmful example to other students, or the student's continual disobedience is a harmful example to other students. (ii) there is a significant breach of the Code of Conduct.

The Executive Principal cannot stand down a student automatically because they have breached the College Code of Conduct or behaved badly. The circumstances of each situation must be considered, and the Executive Principal must be satisfied that a standdown is warranted.

After the stand down has been decided the Executive Principal must calculate the period of stand down, noting it can total no more than five school days in a term or ten school days in a year. Noting:

- The stand down starts on the day after the stand down decision has been made.
- In calculating the period of a stand-down, the day on which it was actioned and any days which are non-school days will not be counted.
- The Executive Principal may lift or shorten the stand-down before it expires.
- From the next school day, the student may only attend if the Executive Principal agrees.
- Discretion maybe exercised by the Executive Principal if it's in the best educational interests of the student to attend the College to sit examinations or undertake assessments.

Stand-Down Reporting

The Executive Principal must notify the student, parents/agent and/or representative all necessary stand down information, noting that all students have given permission by signing the UPICNZ Student Declaration that all staff at UPICNZ are permitted to share personal information about their progress and wellbeing, and/or contact their parent(s), caregivers(s), or guardian(s), emergency contact(s) or agent(s) in case of illness, accident, emergency, welfare concerns, administration needs or any other unforeseen circumstances.

The below process outlines the reporting process of a standdown:

1. The Operations Director informs ISST, relevant HOCs, the Attendance Officer and subject teachers of the standdown period.
2. ISST to make contract in Artena ES.
3. The Attendance Officer uses the code S in Artena for the duration of the suspension. For onshore students: ISST will notify the Ministry of Education by submitting the [relevant form](#) and provide evidence of the total suspension period, including dates with a written statement of the reasons for the student's standdown via email to Sharon.beare-Shore@education.govt.nz and upload to Artena with a note entered in Student Support – Discipline. For offshore students: ISST will enter a note in Artena in Student Support – Discipline.
4. The Operations Director informs ISST, HOC, the Attendance Officer and subject teachers when the stand down period has ended. Subject teachers to begin to mark attendance again.
5. ISST to update CRM status to Confirmed, and Artena to EA.
6. ISST to notify MOE that the stand down period has been lifted.

Suspension/Exclusion/Expulsion

The Executive Principal may suspend a student if satisfied on reasonable grounds that the student's gross misconduct or continual disobedience is a harmful or dangerous example to other students at the College.

1. Where the Executive Principal elects to suspend a student with a recommendation for a hearing by the Student Disciplinary Committee in accordance with the Student Discipline Policy, then the following shall occur:
 - The CEO shall be notified by the Executive Principal as soon as reasonably practicable.
 - If the student is onshore, the Executive Principal must notify ISST of the suspension period. ISST will notify the Ministry of Education by submitting the relevant form in ENROL.
 - The CEO shall then convene a Student Disciplinary Committee.
 - The Student Disciplinary Committee must be convened within ten days of the suspension.
 - The Student Disciplinary Committee must follow the procedure set out in the Procedure for Student Disciplinary Committee hearing attached to this Policy.
 - The Executive Principal shall notify the student's parents/agent as soon as practicable following the imposition of a suspension and the Executive Principal shall advise the parents/agent of the reasons for the suspension.
2. The Student Disciplinary Committee shall consist of not less than two and not more than five persons drawn from the following: CEO University Pathways, Director of Operations, Heads of College from Pathways Colleges not associated with the student(s) concerned, Members of the Senior Leadership Team not associated with the student(s) concerned.
3. The Executive Principal shall prepare a report following the suspension and referral to the Student Disciplinary Committee, which should include the following:
 - The reason for the suspension together with any statements/evidence that influenced the Executive Principal's decision to suspend the student.
 - The student's records and notes in the student's file relating to behavioural and/or disciplinary matters.
 - All correspondence, including staff reports, logged incidents, home contacts and any repeat/related infringements.
 - Such other material that may assist the Student Disciplinary Committee in its decision-making process.
4. The Executive Principal shall ensure that the report (with attached relevant information) is forwarded to the Student Disciplinary Committee and parents/agent of the student at least two working days prior to the hearing.
5. The Executive Principal shall ensure that advice and guidance is available for the student and family throughout the process.
6. The Executive Principal shall ensure that all delegations to other/s as "Acting Executive Principal" shall appear as such on any correspondence relating to suspension/s at the same time the delegation is in place. The Executive Principal shall also ensure that the delegated "Acting Executive Principal" understands and accepts this.
7. It is acknowledged that the following principles shall apply during any suspension leading to a referral to the Student Disciplinary Committee:

- The fair treatment of students involved in any suspension or investigation. ○ Minimising disruption to student learning and in the case of a suspended student, minimising the disruption from their non-attendance.
 - Advising the parents/agent of matters affecting the student and the process to be followed by the Student Disciplinary Committee. ○ The parents/agent of a student who is to appear before the Student Disciplinary Committee is entitled to seek advice and to arrange representation at the Student Disciplinary Committee.
8. The options open to the Student Disciplinary Committee following a hearing and having considered any representations made by the student and on his or her behalf, are as follows:
- Lift the suspension and return the student to College without conditions. ○ Lift the suspension and return the student to College with conditions. ○ Extend the suspension for a reasonable period with conditions. ○
 - Exclude/Expel the student. The College would withdraw the Offer of Place and terminate the Contract of Enrolment. ○
 - If the Student Disciplinary Committee decides to lift or extend the suspension and return the student to College with or without conditions, the Executive Principal and Senior Leaders will liaise with the parents/agent or representative of the student in order to give effect to this direction, minimise disruption to the student's attendance and facilitate the student's return to the College.
9. If for any reason the Student Disciplinary Committee has not convened within ten days of the suspension or does not make a decision at any meeting, then the student's suspension shall be lifted. The student will be entitled to return to the College without conditions unless the Student Disciplinary Committee has met within the timeframe and resolved to schedule a further meeting in order to obtain more information or explore the feasibility of conditions of any return. In this situation in the suspension may continue for a further period not exceeding ten days.

Please note UPIC NZ may consider future applications from students that have been expelled on a case-by-case basis, with a right to impose additional enrolment conditions if applicable.

Procedures for Disciplinary Committee Hearing

Procedures for this hearing will seek to ensure that the principles of natural justice are applied fairly and consistently in all matters relating to the student before the committee.

The Student Disciplinary Committee will be convened to consider matters of gross misconduct or continued disobedience by students that, in the view of the Executive Principal, constitute a harmful or dangerous example to other students at the school/college.

The Student Disciplinary Committee shall arrange a hearing of a suspended student where the Executive Principal has made a referral to the Student Disciplinary Committee and the following shall apply:

1. The parents/agent of the student shall be advised in writing of the hearing and notified that the student, parents/agent and/or representative may attend the hearing and make submissions to the Student Disciplinary Committee. Parents/agents will be asked to

notify UP International College New Zealand two working days in advance of the hearing of any support people or legal advisers they intend bringing to the hearing.

2. The Executive Principal shall provide the Student Disciplinary Committee and student's parents/caregiver with a report that sets out the relevant events which have led to the Executive Principal's decision. This report shall contain the material referred to in the suspension of student's policy and shall be provided at least two working days prior to the hearing.
3. The Student Disciplinary Committee shall convene the hearing as soon as possible and within ten days of the student's suspension, considering the availability of committee members and others who are entitled, or may be required, to attend the hearing.
4. The hearing procedure shall be determined by the Chairperson of the Disciplinary Committee subject to the following:
 - a) the Executive Principal shall talk to the report and shall be available to respond to any questions or issues that may arise during the hearing. No significant new material that is not specifically mentioned in the report may be introduced at this stage without the student and/or parents/agent and/or their representative having the opportunity to review the information. This may require the Student Disciplinary Committee to adjourn to allow this to occur.
 - b) the student, parents/agent and/or representative shall be provided with the opportunity to speak on behalf of the student and respond to any issues or questions that may be directed from the Committee.
5. At the conclusion of the hearing the Student Disciplinary Committee shall consider its decision without either the Executive Principal of the College, the student, the parents/agent, or representative being present.
6. The decision of the Student Disciplinary Committee following the hearing shall be final and may include one of the following outcomes:
 - Lifting the suspension and returning the student to school/college without conditions.
 - Lifting the suspension and returning the student to College with conditions. The conditions must be agreed by the student before they return to the College.
 - Extend the suspension for a reasonable period with conditions.
 - Exclusion/ expulsion. The College would withdraw the Offer of Place and terminate the Contract of Enrolment.
 - In the event that conditions of a return are not agreed by the student and the parents/agent, or are breached by the student, the Executive Principal may refer the matter back to the Student Disciplinary Committee for reconsideration. The Student Disciplinary Committee will follow the same procedures as the initial Disciplinary Committee Hearing.

Suspension/Exclusion/Expulsion Reporting

The Executive Principal must notify the student, parents/agent and/or representative all necessary stand down information, noting that all students have given permission by signing the UPICNZ Student Declaration that all staff at UPICNZ are permitted to share personal information about their progress and wellbeing, and/or contact their parent(s), caregivers(s), or guardian(s), emergency contact(s) or agent(s) in case of illness, accident, emergency, welfare concerns, administration needs or any other unforeseen circumstances.

The below process outlines the reporting process of a suspension, exclusion or expulsion:

1. The Operations Director informs ISST, relevant HOCs, the Attendance Officer and subject teachers of the suspension period, exclusion, or expulsion.
2. ISST to make contract in Artena EW.
 For onshore students: ISST will notify the Ministry of Education by submitting the relevant form for [suspension](#) or [expulsion](#) notifying the day on which the student was suspended or expelled or, if the student was first suspended and later expelled, the days on which the student was suspended and expelled, and the length of the suspension and a written statement of the reasons for the student's suspension or expulsion via email to Sharon.beare-Shore@education.govt.nz and upload to Artena with a note entered in Student Support – Discipline.
 For offshore students: ISST will enter a note in Artena in Student Support – Discipline.
3. ISST to notify Immigration New Zealand if:
 - a The suspension or standdown exceeds the 10 school days until the Disciplinary Committee decision is made.
 - b The student is expelled.

Requirements


This Policy should be read in conjunction with:

- Student Discipline Policy
- UP Anti-Bullying, Harassment and Discrimination Policy
- The MOE guidelines for stand-downs, suspensions, exclusions, and expulsions <https://assets.education.govt.nz/public/Documents/School/Managing-and-supporting-students/Stand-downs-suspensions-exclusions-and-expulsionsguidelines/17-5-18-SuspensionLegalGuideWEB-1.pdf>
- Stand down, Suspensions, Exclusions or Expulsions - ENROL Ministry of Education Forms https://www.education.govt.nz/school/managing-and-supportingstudents/enrolling-students/guide-to-using-enrol/stand-downs-and-suspensions/#cd_1381_lifting-a-stand-down_Education\ComplexDocuments\Model\ComplexDocumentAccordionSection
- UP Education relevant Group Policies: <https://myacg.sharepoint.com/sites/PeopleAndCulture/PoliciesAndProcedures/Forms/AllItems.aspx?viewid=8244a435%2Def63%2D4dfc%2Db1f9%2Da1e6066cace8>
- The International student Policy <https://myacg.sharepoint.com/sites/PeopleAndCulture/PoliciesAndProcedures/Forms>
- Contract of Enrolment <https://www.up.education/content/uploads/2020/05/UPIC-Contract-of-Enrolment-May-2020.pdf>
- Student Code of Conduct
- [MOE Forms – Private School Advise of Suspension or Expulsion.](#)

Review

The Senior Leadership Team will have the responsibility for reviewing this Policy annually unless a change in legislation requires an earlier review. In the absence of a review, this Policy will remain current in its present format.

Ratification/Review Chart

Title	UP International College New Zealand Stand-down, Suspension, Exclusion, Expulsion Policy
Authorised by (signature):	
Authorised by (name):	Craig Monaghan Executive Principal
Date Authorised:	4 th October 2021
Next Review Date:	4 th October 2022