



ST STANISLAUS' COLLEGE

BATHURST

Procedures for Managing Possible Student Misbehaviour



Introduction

St Stanislaus' College seeks to be a place where each member of the College community can "live a life to the full" (John 10:10). We exist for the holistic education and welfare of our students. As such, any behaviour that negatively impacts health, wellbeing and safety, or adversely impacts the relationships between students, between students and staff, or compromises learning outcomes is a serious concern for the College community.

Our College is premised on living our values of humility, honour, faith, compassion, service and leadership. Our values are encompassed in the widely shared exhortation, "A Stannies man is an honourable man". To be honourable at St Stanislaus' means:



To not act with honour is to be seen as an egregious affront to our College community.

Jurisdiction

The College has a very clear Duty of Care to implement appropriate procedures and take action in response to poor behaviour occurring whilst on-campus or at College sanctioned events. The expectation to respond to off-campus issues is greatest when:

- Two or more St Stanislaus' College students may be involved
- The College knows (or ought to know) that a risk exists
- The identified issue plays out (or may play out) at the College
- The reported concern is contrary to our community values and expectations and has the potential to negatively impact the reputation of the College.

The support and acceptance of the College philosophy, values, policies and procedures, including the consequences imposed for any breach of these, is an explicit term of enrolment.

Procedure

This procedure has been developed to safeguard the wellbeing of students and the community and to provide procedural fairness when managing complaints or concerns of student misbehaviour. It may be employed along a continuum depending on the nature of the concern raised. Low-level behaviours may be dealt with informally and within a reasonably concise timeline through a number of conversations and a file note; whereas more serious allegations, including those where suspension or termination of enrolment may be an appropriate outcome, require a more formal process and documentation, extending over a longer period of time.

1. Receiving a complaint or concern

As outlined above, the College takes allegations of poor behaviour that negatively impacts health, wellbeing and safety, or adversely impacts the relationships between students, between students and staff, or compromises learning outcomes most seriously. A staff member receiving a report of student misbehaviour will acknowledge the allegation and affirm our expectations and procedures. They may seek clarification of what is alleged.

2. Interim Measures

In working through this procedure, the College may need to implement interim measures to meet our Child Safety and Duty of Care obligations and to ensure natural justice and procedural fairness for all involved.

Our need to implement interim measures will be greatest when:

- Allegations of criminality are involved
- Allegations may, if substantiated, otherwise warrant termination of enrolment
- An investigation may otherwise be compromised.

Potential interim measures that may be considered include:

- A period of learning from home
- Separation of students, including class allocations and timetabling
- Clear directions to students regarding confidentiality, victimisation or harassment. Students may be directed not to have contact with others in person, via electronic communication services or through third parties.
- Practical and counselling support.

3. Gathering information and evidence

Having determined the nature of the alleged misbehaviour, information and evidence are gathered to determine if the allegation can be substantiated. Information may be gathered from documents, including electronic communications records and statements from those alleged to be involved or potential witnesses.

When interviewing students, the principles of procedural fairness are paramount. The College reserves the right to speak with students about any matter without parents being present during information and evidence gathering. Notwithstanding, more formality is required when:

- Speaking to a student who may be vulnerable, including due to additional needs
- The allegations involve criminal conduct or may warrant termination of enrolment.

Where it is alleged that a student has behaved inappropriately, they will be provided with an opportunity to respond to the information and evidence gathered. Where the allegations involve criminal conduct or may warrant termination of enrolment, the allegations will be presented in writing and parents /guardians invited to be present in person or via video conference.

4. Making Findings

Once all information has been gathered and the student has been offered the opportunity to respond, the relevant staff member will decide whether the allegation can be substantiated. They will identify events that are admitted or are uncontroversial and resolve remaining issues "on the balance of probabilities". This means that, based on the evidence available, something is more likely to have occurred than not. This standard allows a decision-maker to prefer one version of events over another if that is where the evidence leads. The credibility of the person offering the information is of prime importance. A finding may be reasonably made if suggested by credible evidence, even when a student may deny an allegation.

5. Deciding outcomes

Having made findings, the staff member implements consequences that reflect those findings. They will consider if there has been a breach of College values, expectations, policy and procedures and, if so, how serious was the breach. Relevant considerations in determining outcomes include:

- Previous behaviour
- Mitigating factors such as disability, mental health concerns, the behaviour of others, noting provocation does not absolve one of responsibility for their behaviour
- Any precedent for dealing with similar circumstances
- Demonstration of any insight, accountability, contrition and remorse on behalf of the student
- The message the consequences convey within the College community
- The risk the College is willing to accept should the student remain a member of its community.

Outcomes may range from informal counselling to termination of enrolment. In cases where it is proposed that suspension or termination of enrolment are appropriate consequences, the relevant policy will be applicable.

Findings of Coercion

Coercing another person to commit a breach of law or College value clearly demonstrates a lack of honour. Any student found to have exerted power, bullied or harassed another to get that student to behave poorly places their continued membership in the College community at risk.

Bystander Behaviour

Every member of the College community has a responsibility to support and strengthen a culture based on our values. Our College expects students will actively support the health, safety and wellbeing of each other. Whilst not responsible for the actions of others, bystanders have enormous potential to influence the severity and frequency of poor behaviour. Some bystanders, referred to as assistants, take side with the perpetrator, by helping actively, while some others support the perpetrator indirectly by laughing or smiling when poor behaviour occurs or is about to occur. These bystanders reinforce others through their behaviours. Other bystanders, referred to as passive bystanders, avoid any involvement but aid and abet poor behaviours by simply being present.

To act as an “assistant” or passive bystander when poor behaviour occurs, or is about to occur, lacks honour and is a breach of our community values. Students who are “assistants” or passive bystanders should expect to have consequences applied that reflect their role in breaching our values and standards.

Communication

Clear, timely and compassionate communication with all parties is critical in managing possible student misbehaviour. Staff should communicate authentically whilst preserving confidentiality and procedural fairness.

Record Keeping

It is essential that appropriate records are kept at each stage of this procedure. The records should reflect the seriousness of the concern and become increasingly formal as the gravity of an alleged breach of our values, expectations and policies and possible consequences increases.



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